

Minutes of a meeting of the Council of Engineers Geoscientists Manitoba held on Thursday, May 16, 2019 in the Association premises at 870 Pembina Hwy, Winnipeg, Manitoba, R3M 2M7.

PRESENT: Ruth Eden, presiding; Vaibhav Banthia; Doug Bell; Jonathan Epp; Carolyn Geddert; Neil Klassen; Florence Lee; Andrew MacSkimming; Jason Mann; Christina McDonald; Jitendra Paliwal; Ian Smallwood; Efreem Teklemariam

ALSO PRESENT: Grant Koropatnick; Fiona Hillier; Annette Bergeron; Adam Chrobak; Ganpat Lodha; Dawn Nedohin-Macek; JoAnne Reinsch

REGRETS: John Guenther

OBSERVERS: Mike Gregoire; Angela Moore; Sharon Sankar; Scott Sarna; Lisa Stepnuk; Ian Wiebe; Dave Ennis; David Grant

19.04.1 CALL TO ORDER

President Eden called the meeting to order at 12:30 p.m.

19.04.2 TRADITIONAL TERRITORIES ACKNOWLEDGEMENT

President Eden read the statement acknowledging the traditional lands on which Engineers Geoscientists Manitoba sits and to recognize Engineers Geoscientists Manitoba's commitment to Indigenous peoples and communities.

19.04.3 INTRODUCTIONS

President Eden welcomed everyone to the meeting and introduced; Annette Bergeron, President of Engineers Canada, Adam Chrobak and Joanne Reinsch, lay members from the Investigation Committee, and Manitoba Directors Dawn Nedohin-Macek and Ganpat Lodha.

19.04.4 ADOPTION OF AGENDA

President Eden asked if there were any additions or changes to the agenda. Hearing none, the agenda was approved as circulated.

19.04.5 CONFLICT OF INTEREST DECLARATION

President Eden asked Council if anyone had a conflict of interest to declare. Hearing none, Council was reminded that a conflict of interest could be declared at any time, for any item, on the agenda.

President Eden declared a conflict of interest with MLA Reception taking place after the Council meeting and noted that she would not be attending.

19.04.6 MINUTES OF THE COUNCIL MEETING MARCH 14, 2019

President Eden asked if there were any corrections to the minutes of the meeting of March 14, 2019. Hearing none, the minutes were adopted as circulated.

19.04.7 MINUTES OF THE COUNCIL VOTE MARCH 28, 2019

President Eden asked if there were any corrections to the minutes of the email vote of March 28, 2019.

It was noted that a name had been misspelled; Sarah should be Saba.

Hearing no further corrections, the minutes were adopted as amended.

OWNERSHIP LINKAGE

President Eden noted that time allocated for the Ownership Linkage presentation would be given to the presenters for agenda item B4.

19.04.8 B4. INVESTIGATION COMMITTEE – LAY MEMBERS PRESENTATION

Past President Epp provided background to the presentation, noting that the primary reason for the request was to fulfill the Act, Section 30(b) which asks that the lay persons on the Investigation Committee “report to council on the practice and procedures followed by the committee.”

JoAnne Reinsch and Adam Chrobak presented their report to Council. In their report they noted that the Investigation Committee was strongly aware of their important role and that the public interest was well served by the practices and procedures which they follow. They also observed that the committee members held themselves to a high standard regarding managing conflict of interest (real or perceived) and that the staff supporting the committee were well-versed in their roles.

Council was informed that issues on timeliness were due to the increase in the number of complaints. They further commented that due to the volunteer nature of the committee, time devoted to files was limited. However, the recent addition of a staff investigator had resulted in a noticeable improvement over the past few months.

While they agreed that refreshing the committee membership was important, they strongly urged Council to allow the committee extended term limits in order to maintain expertise in the different engineering disciplines. Council was also assured that no behaviour or actions were evident to suggest the committee was “protecting their own.”

President Eden invited questions. Discussion regarding the recent changes made to the committee’s Terms of Reference and concerns about increasing the lay members on the committee took place.

President Eden thanked JoAnne and Adam for their presentation.

REPORTS TO COUNCIL

- 19.04.9 B1. CHAIR'S REPORT - PRESIDENT RUTH EDEN, P.ENG.**
President Eden noted that she had been very busy dealing with the flood response in March and April and thanked Vice President Paliwal and the rest of Council for their participation in the April Member Engagement session. She highlighted the ENGAP and ACEC-MB dinners and thanked Councillor Lee for representing Council at the Arab Members Chapter annual meeting.
- 19.04.10 B2. ENGINEERS CANADA ANNUAL REPORT**
In reviewing the Engineers Canada by-law proposals, a question was asked: Why was the requirement of appointed officers to be a member in good standing removed? It was stated that their definition of "good standing" meant the applicant had to be a registered Professional Engineer and that removing this requirement would broaden the pool of applicants to select from. A second question was asked: Why was the Industry Minister's rights to appoint a director to the Engineers Canada Board removed? Dawn answered that this appointment had never been used and after legal review it was determined that it could be removed.
- 19.04.11 B3. GEOSCIENTISTS CANADA DIRECTOR'S REPORT**
Ganapt Lodha announced that his term as the Manitoba director for Geoscientists Canada will end next month. Council thanked Ganpat for his years of service.
- 19.04.12 B5. BY-LAW REVIEW COMMITTEE – PROGRESS UPDATE**
President Eden invited Jonathan Epp to provide an update to Council. Jonathan asked Council to read the update and the list of principles and noted that there was still time to provide the committee with feedback. A draft of the by-law proposals should be available at the June Council meeting.
- 19.04.13 B6. LEGAL INTERPRETATION ABOUT NON-PRACTISING STATUS**
President Eden invited Mike Gregoire to speak to Council on the legal interpretation regarding non-practising status categories. Mike provided background information on the legal interpretation from Newfoundland which indicated that the engineering regulator should not have a non-practising category of membership. The analysis and similarities in our Association's own legislation were discussed along with possible next steps and outcomes.

President Eden acknowledged Council's receipt of the reports and thanked the authors for their efforts.

CONSENT AGENDA

19.04.14 Council approved the Consent Agenda items with the adoption of the agenda.

C1. APPLICATIONS APPROVED BY THE REGISTRATION COMMITTEE

Council received a list of applications approved by the Registration Committee between March 1, 2019 and April 30, 2019.

COUNCIL EDUCATION

19.04.15 D1. EVALUATION OF THE PREVIOUS COUNCIL MEETING

President Eden remarked that Council was mostly agreed in their evaluation of the last meeting and that she would try to manage time better for this meeting.

President Eden asked Council to read the printed article provided on Ethics and Conflict of Interest from the University of British Columbia.

ENDS

19.04.16 E1. END REFINEMENT RELATED MOTION

Council referred to a Decision Background memo from Jonathan Epp dated May 16, 2019

It was MOVED by Jonathan Epp and SECONDED by Doug Bell that Council adds an additional clause, 4.1.1, to E-4 which reads: "4.1.1 The employers of practitioners value and encourage participation in a self-regulating profession."

Council had a roundtable discussion on the intent of the new clause. While they agreed that the overall intent was clear, there was disagreement on whether it could be realistically achieved and if it was necessary to add another level of detail.

President Eden called the question and Council voted.

CARRIED

GOVERNANCE

19.04.17 G1. FINANCE COMMITTEE UPDATE

Council referred to an Update to Council memo from the Finance Committee dated May 16, 2019.

Councillor Mann, Chair of the Finance Committee spoke to the update and reminded Council that the two main cost centers over-and-above the basic

operating expenses were legal fees (that were trending upward), and the operationalization of Engineering Changes Lives. He noted that in order for Council to see a balanced budget in June, the membership dues would have to be increased. A detailed budget proposal will be presented at the June Council meeting.

19.04.18 G2. REGULATION OF COMPUTER PROGRAMMERS

Council referred to a Decision Background memo from Grant Koropatnick dated May 16, 2019.

It was MOVED by Jonathan Epp and SECONDED by Neil Klassen that Council asks the CEO to engage the Manitoba government on the topic of regulating computer programmers as part of Engineers Geoscientists Manitoba's regulatory mandate.

Friendly Amendment to remove "as part of Engineers Geoscientists Manitoba's regulatory mandate" was accepted by the mover and seconder.

President Eden called the question of the amended motion and Council voted.

CARRIED

19.04.19 G3. GP-16 POLICY MONITORING SCHEDULE

Council referred to a Decision Background memo from President Eden dated May 16, 2019.

It was MOVED by Jonathan Epp and SECONDED by Jitendra Paliwal that Council approves the monitoring schedule in GP-16 updated December 20, 2018.

CARRIED

19.04.20 G4. REVIEW OF OUTSTANDING ACTION ITEMS LIST

Council considered a memo from Grant Koropatnick dated May 16, 2019 and the cumulative outstanding action list from Council meetings after March 14, 2019.

- 17.19 Appeal Panel – to be re-populated
- By-law Task Group – in progress
- Ownership Linkage Committee – in progress
- IC/DC Procedures Manual Task Group – in progress
- Audit of the Electronic Voting System Policy Task Group – in progress
- 16.03 Appeal Panel – to be populated
- Investigation Committee's list of attributes for candidates – assigned to Ruth
- Council appointees under GP-15 provide annual reports to Council – assigned to Staff

19.04.21 G5. PLANNING AGENDA FOR THE NEXT MEETING

Council considered a memo from Ruth Eden dated May 16, 2019 and the proposed agenda for the next Council meeting on June 13, 2019.

Monitoring reports will be prepared for:

GP-8.1	Nominating Committee	Epp
GP-8.9	Registration Committee	Guenther
GP-8.10	Continuing Competency Committee	Paliwal
GP-8.11	Audit Committee	Paliwal
GP-8.13	Finance Committee	Mann
E-1	Individuals who are practicing engineering and geoscience are registered and licensed	Koropatnick
EL-3	Financial Planning & Budgeting	Koropatnick
EL-3.1	Financial Condition	Koropatnick

The following monitoring reports were deferred to the June meeting;

- GP-8.2 Past Presidents Committee (Eden)
- GP-8.7 Ownership Linkage Committee (MacSkimming)
- GP-9 Council and Committee Expenses (Audit Committee)

President Eden moved that the meeting go in camera for the purposes of discussing private and confidential matters about an individual, labour relations, investigations, discipline, appeals, litigation or potential litigation.

At 2:30 p.m. Council went In Camera

At 3:10 p.m. Council came out of Camera and took a break

At 3:19 p.m. Council returned from break.

EXECUTIVE LIMITATIONS AND ENDS

19.04.24 M1. EL-2 TREATMENT OF STAFF - KOROPATNICK

Review of Monitoring Report by Grant Koropatnick dated May 16, 2019

It was MOVED by Jonathan Epp and SECONDED by Doug Bell that Council accepts the reasonable interpretation of the policy statements and approves this report.

CARRIED

19.04.25 M2. EL-5 INTERACTIONS WITH MEMBERS - KOROPATNICK
Review of Monitoring Report by Grant Koropatnick dated May 16, 2019.

It was MOVED by Jonathan Epp and SECONDED by Doug Bell that Council accepts the reasonable interpretation of the policy statements and approves this report.

Opposed (J. Epp)
CARRIED

19.04.26 M3. E-3 UNQUALIFIED PERSONS DO NOT PRACTICE – KOROPATNICK
Review of Monitoring Report by Grant Koropatnick dated May 16, 2019.

It was MOVED by Christina McDonald and SECONDED by Neil Klassen that Council accepts the reasonable interpretation of the policy statements and approves this report.

CARRIED

COUNCIL PERFORMANCE

19.04.27 P1. GP-3 COUNCIL ROLE AND JOB DESCRIPTION - EPP
Monitoring Report by Past President Epp dated May 16, 2019
Hearing no objections, Council approved the report by unanimous consent.

19.04.28 P2. GP-6 COUNCILLOR ROLE AND JOB DESCRIPTION - BELL
Monitoring Report by Councillor Bell dated May 16, 2019
Hearing no objections, Council approved the report by unanimous consent.

19.04.29 P4. GP-8.4 DISCIPLINE COMMITTEE - BELL
Monitoring Report by Councillor Bell dated May 16, 2019
Hearing no objections, Council approved the report by unanimous consent.

It was MOVED by Doug Bell and SECONDED by Carolyn Geddert that Council form a task group to review the term of office in the Discipline Committee's Terms of Reference.

CARRIED

19.04.30 P5. GP-8.5 INVESTIGATION COMMITTEE - EPP
Monitoring Report by Past President Epp dated May 16, 2019
Hearing no objections, Council approved the report by unanimous consent.
It was MOVED by Jonathan Epp and SECONDED by Christina McDonald that Council change GP-8.5 Clause 1.4

from: Timely options for Council consideration to be delegated to the CEO, on matters that arise at Investigation Committee that may affect the regulation of the profession.

To: Timely options for Council consideration on matters that arise at Investigation Committee that may affect the regulation of the profession.

CARRIED

It was MOVED by Jonathan Epp and SECONDED by Ian Smallwood that Council change GP-8.5 Clause 3.2

from: The committee shall have 15 members.

To: The committee shall have at least 15 members.

CARRIED

It was MOVED by Jonathan Epp and SECONDED by Vaibhav Banthia that Council change GP-8.5 Clause 3.3

from: Committee members shall be selected to ensure balanced representation and broad expertise.

To: Committee members shall be selected to ensure balanced representation and broad expertise utilizing input from the committee as to skill sets required.

CARRIED

It was MOVED by Jonathan Epp and SECONDED by Florence Lee that Council change GP-8.5 Clause 3.4 c)

from: Five lay persons, who shall report annually on the practices and procedures of the committee to Council in accordance with the Act (Clause 30(b)).

To: Five lay persons, by 2021, who shall report annually on the practices and procedures of the committee to Council in accordance with the Act (Clause 30(b))

CARRIED

19.04.31

P8. GP-12 COST OF GOVERNANCE - MANN

Monitoring Report by Councillor Mann dated May 16, 2019

Hearing no objections, Council approved this report by unanimous consent.

EXECUTIVE LIMITATIONS

19.04.32 S1. EL REVISION RELATED MOTIONS

Council referred to a Policy Decision Item memo from Past President Epp dated May 16, 2019.

It was MOVED by Jonathan Epp and SECONDED by Vaibhav Banthia that Council removes clause 10, "Acquire, encumber or dispose of real estate.", from EL-3.1

CARRIED

It was MOVED by Jonathan Epp and SECONDED by Efrem Teklemariam that Council adds an additional clause, 15, to EL-4 which reads: "15. Fail to have a business continuity plan."

CARRIED

It was MOVED by Neil Klassen and SECONDED by Doug Bell that Council changes Clause 4 of EL-5

from: "15. Fail to establish with members a clear understanding of what may be expected and what may not be expected from the service offered."

To: "15. Fail to clearly describe to members what may be expected and what may not be expected from the service offered."

CARRIED

It was MOVED by Jonathan Epp and SECONDED by Efrem Teklemariam that Council removes clause 6, "Omit from Council's Consent Agenda appointees for the Registration, Investigation, and Discipline Committees who meet the requirements of the Act" from EL-6.

CARRIED

COUNCIL-CEO RELATIONSHIP

None

INFORMATION ITEMS

19.04.36 COUNCIL RECEIVED THE FOLLOWING INFORMATION ITEMS:

N2. Financial Statement as at April 30, 2019

N3. Member Engagement Session

- History of the Spring Member Meeting
- Practicing Due – Member Comment
- April 16, 2019 Member Engagement Session-Draft Notes
- April 16, 2019 Member Engagement Session Presentation Slides

N4. Regulating Computer Programmers

- AI And Ethics of Programmers and Engineers

- N5. PEO Raises all Fees 20%
- N6. The Council One Pager April 2019
- N7. The Council One Pager May 2019
- N8. Volunteer Appreciation Invite
- N9. Making Links Engineering Classic
- N10. Young Women Seeking Tech Careers
- N11. Act Amendments – Comments and Feedback

SELF-EVALUATION

- 19.04.37** President Eden asked councillors to evaluate today's meeting. There was general consensus that the meeting went "very well" and was "good." Round-table comments were briefly made due to the time pressure of the upcoming reception.

FYI 'NICE TO KNOW' INFORMATION

- 19.04.38** F1. YOUSSEF MOUZAHEM, EIT – NEW CANADIAN
F2. WINNIPEG HARVEST THANK YOU LETTER

ADJOURNMENT

- 19.04.39** The meeting adjourned at 4:11 p.m.

The next meeting of Council will be held at 12:30 p.m., Thursday, June 13, 2019.

Ruth Eden, P.Eng.
President

Grant Koropatnick, P.Eng. FEC
CEO & Registrar