

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Wednesday, September 7, 2022
9:00 AM – 1:00 PM
Zoom Conference Call

Chair:

| | | |
|----------------|-------------------------|----------------|
| Andy Shelp | President | Ottawa |
| David Kovacs | Vice-President | Thunder Bay |
| Gavin Lawrence | Past President | Newmarket |
| Simon Kasprzak | Senior Councillor | Barry's Bay |
| Amar Loai | Senior Councillor | Toronto |
| Saša Krcmar | Intermediate Councillor | Toronto |
| Ron Berg | Intermediate Councillor | St. Catharines |
| Sophie Côté | Junior Councillor | Dartmouth |
| Natalie Vibert | Junior Councillor | Thunder Bay |
| James Hunt | Lay Councillor | Port Hope |
| Bruce Clark | Surveyor General (SG) | Peterborough |

Staff:

| | | |
|---------------|-------------------------|----------------|
| Brian Maloney | Executive Director (ED) | North Kawartha |
| Penny Connors | Registrar | Vaughan |
| David Whitton | Recorder | Toronto |

Regrets:

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| Peter Meerveld | Lay Councillor | Kitchener |
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1. Call to Order; Reminder of Conflicts of Interest and Confidentiality

The meeting was called to order at 9:03 AM.

The President provided a Land Acknowledgement prior to the start of the meeting.

Council was reminded to declare conflicts of interest and maintain the confidentiality of this meeting.

2. Review Agenda

The agenda was distributed prior to the Council meeting; a motion was called to approve the agenda.

Motion 22.34 MOVED: Gavin Lawrence SECONDED: David Kovacs

BE IT RESOLVED THAT Council approves the agenda as circulated.

DATE: September 7, 2022

Chair: Andy Shelp

Carried: (Unanimous)

The motion was carried.

3. Approval of Previous Minutes/Review of Action Items

A motion to approve the minutes of the previous meeting was called.

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| Motion 22.35 | MOVED: Natalie Vibert | SECONDED: Gavin Lawrence |
| BE IT RESOLVED THAT Council approves the minutes from the meeting of July 14, 2022. | | |
| DATE: September 7, 2022 | Chair: Andy Shelp | Carried: (Unanimous) |

Implementation of the Discipline Committee recommendations is moving forward.

The I & IT Strategy is in progress. We now have the final database construct. Brian met with Glacier Digital last week; they are moving forward with the views and reports. The database will likely go live in a couple of weeks with some generic reports that can be exported to Excel.

The SRD Committee is considering questions related to the use of stickers and will provide recommendations to Council.

Brian is still waiting to receive the mailing list from AMO.

Brian has agreed to an extension with MPAC for maintenance of the Provincial Survey Records Index (PSRI).

Council's endorsement of notes on plans regarding confidentiality has been circulated to the membership.

Consultations on changes to the Surveyors Act are ongoing. Brian met with Elgin Farewell, CEO of Teranet; Alex Miller; a group under the ADM Chief Engineer at the Ministry of Transportation (MTO); the ADM of the Ministry of Natural Resources and Forestry (MNR); and the GM of Conservation Ontario. Their feedback was discussed at the Legislation and Regulations Committee and some minor amendments to wording was recommended. A common concern was expressed about the shortage of surveyors and any legislative changes that would make it harder to become a surveyor or would expand the AOLS mandate. There are more meetings scheduled for this month.

4. President's Remarks

President Andy Shelp updated Council on recent developments.

Andy will be meeting with Association of Manitoba Land Surveyors followed by the Ordre des arpenteurs-géomètres du Québec. He will deliver a report on these meetings.

Andy and Brian have requested a meeting with the Minister of MNR.

5. Staff Reports

- **Executive Director**

Brian Maloney shared his report with Council.

The Fair Fees for Field Notes Task Force held a meeting but did not come to any conclusions. It will meet again in a couple of weeks. There is optimism that the Task Force will have recommendations that can be brought to the next Council meeting.

A report was received from iLookabout on a survey of members regarding costs. The numbers indicate that \$150 is not unreasonable. Also, it appears that members are not taking advantage of appropriate technology to lower costs. The other item of note is the differentiation between a search for a single survey versus a comprehensive search. The Committee will likely recommend separating those fees rather than charging the current single fee.

- **Registrar**

Penny Connors shared her report with Council.

In July, there were meetings for AERC and the Complaints Committee. Staff and volunteers have been very helpful in orienting the new Registrar.

Penny and Brian will be meeting soon with the Registrar and CEO of OACETT.

Staff is preparing for the professional lecture course at the end of the month.

The results of the May exam revealed several questions with a 25% gap between the two markers; when this happens, another AERC member reviews and scores the exam independently. There are a few exam questions that the Committee should review and discuss when it meets in October. The Committee will be revising EAKs and looking to build more content for the exam.

There are still some recommendations outstanding from the psychometric analysis that was performed on AERC, a lot that are tied to the registration project. The Office of the Fairness Commissioner wants to meet with AOLS. It is likely that we will undergo quarterly reviews with the OFC. A manual for articling surveyors will address the some of the remaining recommendations.

The first phase of the registration project is a review of the EAKs against the CBEPS syllabus. We will also look at what can be done through international experience versus domestic experience. The next phase will be developing an exam blueprint that maps all our requirements from the EAKs to an appropriate testing regime. Then we will develop a mechanism for determining the types and number of questions and the weighing of the questions. We will have a fully documented process to determine what questions are valid.

If everyone taking an exam is getting a question wrong, that question should not be active in your bank; however, if you have a decent pass rate, the question is defensible, and it should match up to the competency standard of your EAK. This should help clarify for the OFC that we have a valid, independently assessed exam.

6. Surveyor General's Report

Surveyor General Bruce Clark presented his report to Council.

OPS continues with a hybrid workplace. A meeting with the Secretary of Cabinet last week did not reveal any changes to this in the future. Any changes would require Cabinet approval in September or October.

We have confirmed with the new government that lay councillors for AOLS will be solicited.

The Algonquin Park lease project, which would extend the leases to cottages in the park until 2038, comes to an end on December 31 of this year. The SG is working with OLSs and OLS firms to ensure cottagers' requirements are met. However, a number of complaints to Ontario Parks and the OSG have been raised by cottagers about a lack of contact with OLSs, unfinished projects, and additional bills.

Directors and managers at MTO, MPBSD, and MNR met with the Ministry of Colleges and Universities to discuss what was being done to address a) the lack of geomatics courses in Ontario to train tech staff and b) the fact that there is no Ontario education option leading directly to a professional licence. They also discussed the backlog in survey projects and the projected need for OLSs in the future. MCU confirmed that they are aware of the issue, but don't set the curriculum for colleges and universities. As the Ontario government has committed to many housing, road, and infrastructure projects that will require OLSs and engineers, a government initiative will be needed to address this issue. AOLS should send a representative to future meetings so that it can be aware of discussions at the government level.

Brian and Andy have requested a meeting with the Minister of Natural Resources and Forestry and might at that time ask for a government program that would subsidize the employment of students by surveyors. A recent poll of new surveyors indicated that a majority of them worked in the industry before deciding to become OLSs, therefore an increase in students could result in an increase in surveyors. In the meantime, AOLS should continue to work with colleges and universities.

7. Financial Reports – Budget Review

Executive Director Brian Maloney presented his report to Council.

Saša and Brian have started work on the budget for 2023. It should be ready for the next meeting. AOLS is on budget for this year. There are some areas where we are over budget, but this won't cause any problems.

The investment side is struggling given the state of the markets, however the report is an understatement of our position given that almost half of investments are in bonds that have yet to mature. We will not see a loss in those. Last year was much stronger. Although we are not making a lot, we are also not losing a lot.

8. Risk Summary/Strategy Update/Dashboard Review

Brian Maloney updated Council.

The dashboard reflects the items that came out of the summer strategic-planning session. We are making progress on most items, although it has been slower given the summer schedule.

In terms of professional liability insurance, AOLS had a couple of large claims in the last month. These claims exceed the coverage that the claimant firm had on a single and combined basis. This could have a major impact on our insurance program. The Insurance Advisory Committee will be meeting soon and will discuss these and other claims. AOLS might need to change its policy and remove certain activities to avoid large premium increases for members in future years.

At its next meeting, the Insurance Advisory Committee will consider a draft document that deals with R. Steinecke's recommendation that AOLS discontinue its insurance program. The Committee will then send recommendations back to Council. This is part of a broader review of the services that AOLS offers to members. The Committee will discuss whether the insurance program is a member benefit or, ultimately, a public benefit given that it saves the public money. The program also offers unique coverage that would be difficult for individual members to replicate.

There has been an increase in volume of public inquiries, but staff has been handling it well.

There is some concern about PSRI statistics around record loading. There has been a decline over the summer. There is always an uptick in loading when reminders are sent, followed by a drop. Searches are continuing an upward trend. As some C of A holders do not conduct surveys, the dashboard graph is not entirely indicative of activity.

9. Policy Discussion on Openness of Council Meetings

Brian Maloney updated Council.

In his report, one of R. Steinecke's recommendations was that AOLS improve transparency of Association activities, from posting meeting minutes and briefing material to the website, to opening Council meetings to the public. Some other regulators do this already, although there is a range of compliance.

The options for AOLS include keeping the status quo; improving access for members to Council materials; posting all materials and minutes to the public website; and opening Council meetings to the public. None of this should have a great impact on members.

Brian recommended that, if Council decides to increase transparency, AOLS should start posting minutes to the public website once they are approved, as well as briefing materials, although not necessarily in advance of the meeting. There could be some logistical challenges. If we try this for a year, depending on public impact, we could open up Council meetings. By making minutes and meeting material available, people can understand our deliberations and the level of policy analysis we are undertaking to protect the public.

Website analytics would allow us to count page views and gauge the level of interest in Council materials.

If the minutes are made public, certain sections, such as disciplinary actions, will be redacted or held in camera to maintain privacy of the parties involved.

No member of the public, that we are aware of, has requested meeting materials, and interest is likely to be minimal.

After Council discussion, amendments were made to the language of Motion 22.36 (below), including the removal of a provision that would make past Council minutes publicly available. It was decided that the need to redact certain elements of the minutes not be made explicit in the motion.

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| Motion 22.36 | MOVED: Saša Krcmar | SECONDED: Ron Berg |
| WHEREAS: The regulatory review completed by Richard Steinecke recommended that the AOLS should improve transparency of Council meetings | | |
| AND WHEREAS: Council has considered the matter and wants to make progress in this regard | | |
| BE IT RESOLVED THAT: Council recommends: | | |
| <ul style="list-style-type: none"> • As part of the transition of moving member content to the public website, that Council minutes and supporting materials are posted and available to the public • That Council minutes be highlighted on the front page when posted • That Council meeting dates be included in Upcoming Events on the website • That in one year Council consider making their meetings open to the public. | | |
| DATE: September 7, 2022 | Chair: Andy Shelp | Carried: (Unanimous) |

10. Complaints Committee Manual

Penny Connors updated Council.

The Complaints Committee and staff have reviewed the Complaints Committee Manual. The last version approved by Council was in April 2021. The policy outlined within the document is that Council approve the Manual every five years.

The version now presented for Council input is version 6, revision 6; it was assembled in July 2022. The most significant change is the addition of mediation as a tool to be used within the complaints process. This addition is in line with R. Steinecke's recommendations.

Council should be mindful not to assume the duties of the Complaints Committee, which has a set of rules outlined in the Surveyors Act that allow it to take on some additional duties.

Staff already do some amount of mediation when dealing with public inquiries, serving as liaison between members of the public and surveyors so that minor matters do not end up in complaints.

After one amendment, it was agreed that the language in subsection 22.4 was sufficient to allow the Committee to dismiss frivolous or vexatious complaints after thorough review. Historically, the Committee has dismissed only one or two complaints a year after investigation revealed them to be vexatious.

If mediation is chosen, it would be a voluntary agreement and there would be no finding of professional misconduct or incompetence. The surveyor would agree to remedial education or sign an undertaking or take other steps, but the complaint would not be recorded on the register.

Motion 22.37 MOVED: Gavin Lawrence SECONDED: David Kovacs

WHEREAS: The Complaints Committee have updated their Manual of Procedures

AND WHEREAS: Council has considered the changes

BE IT RESOLVED THAT: Council approves Version 6 (Rev. 6) of the Manual of Procedures for the Complaints Committee dated July 6, 2022 as amended at this meeting.

DATE: September 7, 2022 Chair: Andy Shelp Carried: (Unanimous)

11. Appointments

Brian Maloney updated Council.

Council will acknowledge that one of our members of the Inclusivity and Diversity Committee has resigned.

Motion 22.38 MOVED: Gavin Lawrence SECONDED: Natalie Vibert

WHEREAS: Kosala Gunathillake has resigned from the Inclusivity and Diversity Committee

BE IT RESOLVED THAT: Council acknowledges Kosala Gunathillake's resignation.

DATE: September 7, 2022 Chair: Andy Shelp Carried: (Unanimous)

12. Disciplinary Matter

Brian Maloney updated Council.

Council does not yet have a decision or recommendation from the Complaints Committee. This matter will be set aside until the Committee refers it to Council.

Complaints Review councillor James Hunt offered an update to Council about a case involving a boundary dispute. James is scheduled to meet with the Complaints Committee later in September.

There were no further comments from Council.

President A. Shelp thanked everyone for attending.

The meeting was adjourned at 10:47 AM