

MINUTES
COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS
Thursday, September 10, 2020
9:00 AM to 12:00 PM
Teleconference GoTo Meeting

Chair:	Andrew Mantha,	President	Windsor	1
	Gavin Lawrence,	Vice-President	Newmarket	2
	Al Jeraj,	Past-President	Mississauga	3
	Anna Aksan,	Senior Councillor	Toronto	4
	Trevor McNeil,	Intermediate Councillor	Stratford	5
	David Kovacs,	Intermediate Councillor	Thunder Bay	6
	Amar Loai,	Junior Councillor	Toronto	7
	Patricia Meehan,	Lay Councillor	Sudbury	8
	Peter Meerveld	Lay Councillor	Kitchener	9
	Martha George	Lay Councillor	Kitchener	10
	John General,	Lay Councillor	London	11
	Susan MacGregor,	Surveyor General	Peterborough	12
Staff:	Brian Maloney,	Executive Director	North Kawartha	1
	Kevin Wahba,	Registrar	Vaughan	2
	Penny Anderson,	Recorder	Mississauga	3
Absent:	Andy Shelp,	Senior Councillor	Ottawa	1
	Andrew Dowie	Lay Councillor	Stouffville	2
	Simon Kasprzak,	Junior Councillor	Barry's Bay	3

1. Call meeting to Order & Reminder of Conflict of Interest and Confidentiality; Introductions (particularly new lay councillors)

The meeting was called to order at 9:02 AM

Councillors were reminded to declare any conflicts of interest and of confidentiality provisions. The minutes will be published, and items contained there can be discussed. Martha George introduced herself.

2. Review Agenda

The Agenda was reviewed by Council. A motion was called to approve the Agenda.

Motion 20.37 MOVED: Dave Kovacs SECONDED: Al Jeraj

BE IT RESOLVED THAT: Council Approve the Agenda as provided.

DATE: September 10, 2020 Chair: Andrew Mantha Carried: (Unanimous)

3. Approval of Previous Minutes and Action Items.

Motion 20.38 MOVED: Dave Kovacs SECONDED: Al Jeraj

BE IT RESOLVED THAT: Council approves the Minutes from the meeting of July 15th, 2020.

DATE: September 10, 2020 **Chair:** Andrew Mantha **Carried:** (Unanimous)

Technical Awards Criteria – On Hold – Andy Shelp

Sending Letter out to Municipalities – On Hold – The ED made a request for mailing addresses from the Association of Municipalities of Ontario (AMO) and received a request back asking why we need the mailing list, and was informed of the fee for this list. The ED returned a detailed requirement but has not heard back since sending a reminder two weeks ago. AMO senior staff have been busy but we expect the request to be approved. Since then, we have been given the opportunity to publish a 1 or 2-page article in the quarterly magazine of the Association of Municipal Clerks and Treasurers of Ontario. We will proceed with a letter in the quarterly magazine if we don't hear back. There was concern expressed that it may not be read by the target audience. It was suggested to allow members to print a copy to take to their municipalities. Brian had a letter published in the CAA magazine in response to a Fencing article.

Fees Mediation Training – The ED will reach out to a potential training provider to inquire about a 1 or 2 day program that meets the AOLS needs to accommodate those interested in Mediation Training - He did and she declined to participate; this item is on the agenda for discussion.

The ED to discuss cancellation with the London AGM venues. – This is complete and the venues have verbally agreed to move to 2024 with no cancellation fees.

The Registrar to seek legal opinion on the Registrar's Investigation policy and bring it back to Council following consultation – This is complete and is on the agenda for discussion.

I & IT strategy – Work is ongoing. Penny is preparing use cases and Logical Data model related to the membership database and related processes. This is still a work in progress and will come back to Council once further details are available.

4. Financial Information and Investments

We are back to a positive position on our investments for this year after the earlier losses due to COVID-19.

We are likely to have to make a draw on the Insurance investments because of not collecting the Self-Insured Retention Fund (\$600,000) and several claims being settled (approximately \$500,000).

We just received the invoice for Gallagher for approximately \$1.4 M.

The monthly meetings with Julie Brough have moved back to quarterly meetings.

Operational Statement – we are on the positive side. There were savings on meetings and President's travel. We will end up in the black at the end of the year.

There were changes in computer and website costs due to some miscoding. This was caught and rectified in this report. The numbers are properly reflected now.

There were questions about costing for the AGM, but it was noted that this will fall into next year's budget which will be prepared this fall.

In terms of AERC, the costs to put online courses in place are being offset by cost savings in travel and costs on hotel rooms for lecture courses, exams, and meetings.

5. President's Report

The President attended the September 18th Manitoba AGM.

We had an AGM Planning Committee meeting and are planning the virtual meeting.

*The AGM will likely have three 4-hour sessions.
We want to ensure sufficient opportunities for CPD are available.
We are still looking at the technology to deliver this virtually.
We explored the idea of having Council in the same room with physical distancing practiced.
If Council is all together in one venue, it can be streamed live and ensured that there will be minimal problems with internet bandwidth.
Council was asked how they felt about this. There was general support although one councillor noted that they would not attend.
As much as possible, we will pre-record sessions so that we can guarantee the quality of the presentations.*

6. Executive Director Report

*The ED will participate in a meeting with the LRO Task Force and MGCS this afternoon to find solutions regarding LRO counter closures.
There was an online survey from the membership about LRO counter closures. We had good participation given that it was only open for a week.
The Party Chief seminars should be available in November.
W.I. Houghton had his leave to appeal denied. The Registrar sent him a letter cancelling his license.
The ED and Registrar met with legal counsel to look at the cost recoveries, which we will be pursuing. It was suggested that we get separate bills for legal work associated with the cost recovery work.
The ED has been meeting with MNRF in moving forward with changes to the Surveyors Act regarding electronic voting, and Surveys Act with regards to record keeping. We are making good progress.*

7. Registrar's Report

*Most of the committees the Registrar is working with are busy.
There is at least one Complaint file ongoing.
We are missing one Councillor for Fees Mediation which we will address with appointment motions at this meeting.*

8. SG Report

*The SG welcomed Martha George to Council.
Martha has a significant background in construction.
The ED provided Martha with an onboarding introduction to Council.
If a Bill related to the Surveys Act and or Surveyors Act is proposed in the fall, it will be available for viewing after the first reading.
The SG staff is prioritizing the regulation changes and developing the necessary documentation.
There was an interview for new SG yesterday where the Brian participated.
There is a lot of activity going on in the Ministry. The Ministry continues with regular businesses such as forest fire management.
Although staff are working from home for the most part, they still need to attend the office for research purposes since there are many records that have yet to be scanned and cannot be accessed online.
The SG's office may be contacting the AOLS regarding privacy requirements and collection of any private information.*

9. Summary Strategy Update

The Material was posted for Council to review.

There is a combination of work emanating from the risk-management work we did last year, and actions coming out of the strategic planning sessions. We have a significant amount of work to be accomplished.

The ED has color coded the items for tracking progress.

Those in Green are on track or have been completed, those in yellow have no progress yet or are off track. Council originally agreed to all these actions without considering the amount of effort required. We are making a lot of progress.

The ED will continue to track this, so we do not lose sight of our goals and actions.

The ED will likely make recommendations to remove items that we are not working on that have lost significance in the future.

The ED would like to hear concerns on any items that we are not moving fast enough on.

He noted that we still have outstanding work on the website but that the workload for changes is limited monthly in our contract with our Website Developers (Glacier Digital).

We are staging our work and we keep things moving.

We have not done much regarding Mental Health of our Members which was identified as a new priority at our summer strategic planning session. We are looking at something for our Members regarding mental health at the AGM.

We have not moved forward with a review of our governance which was identified as a long-term goal.

We will send a survey monkey out to students attending the lecture course and gather some information on how the articling process is working. It will include opinion question as well as technical questions related to the EAKs.

MNRF is anticipating candidates for the competitions that they are running.

10. Risk Management on Registrar Investigation

The policy document was brought up at the last Council meeting.

The ED and Registrar had discussions on this. The Act does not specify procedures related to triggering a Registrar's Investigation (RI). These are all considered on a case by case basis.

The ED and Registrar had put together a document to help provide consistency for when a RI should be triggered

It appropriately still allows for a great deal of discretion. The Registrar still decides if a RI will be triggered when cases fall under the criteria.

Legal Counsel was consulted to review the document.

Richard Steinecke went through it and recommended some changes and answered a few of the questions that were posed at the end of the document.

Items and categories for consideration in launching a RI were highlighted. These are indicators that the Registrar could be consider when he/she is trying to decide whether a RI should be triggered.

Mr. Steinecke added one or two points; however, this document is generally similar from the last time Council had seen it.

We are hoping to accept this document as a reference to promote consistency in the decision making and provide this to the members for their information.

It will act as a guide for decision making.

Motion 20.39 MOVED: Anna Aksan SECONDED: Gavin Lawrence

WHEREAS: Until now there has been no consistent direction documented with respect to Registrar's Investigations

AND WHEREAS: Council recognizes that it is the Registrar's exclusive right to order a Registrar's Investigation

BE IT RESOLVED THAT: Council agrees with the Risk-Management Approach to Registrar's Investigations

AND BE IT FURTHER RESOLVED THAT: Council directs that the Risk-Management Approach to Registrar's Investigations be shared with AOLS members

DATE: September 10, 2020 **Chair:** Andrew Mantha **Carried:** (Unanimous)

Action: *The ED is to distribute the guide.*

11. Mediation Training

The ED got in touch with Janine Higgins who had proposed a 6-day course. Council considered it to be a bit overkill and a 2-day session was proposed. She disagreed and had backed out accordingly. The ED went back to Compass Professional Development, a sub-set up of Herzing. They had a complete mediation certificate. Although the complete program did not seem appropriate, there were two courses (12 hours in total) that looked appropriate. They are currently structured with 8 hours of self-study or optional lectures and 4 hours of role play. This program has been approved by ADR Institute of Ontario. They are willing to put the courses on for us and agreed to a 20 % discount. We went back to those who agreed to take mediation training along with the Fees Mediation Committee. 13 Members expressed an interest in the training. The cost will be \$9600 for 15 people to attend. We can pick some time this fall for the courses. It would give us more opportunity for mediators in disciplinary actions and would be helpful for the Fees Mediation Committee members.

Action: *The ED is tasked to set up the mediation training.*

12. AERC On-Line Exam procurement

AERC have been exploring delivery mechanisms for online exams. The Committee instructed the Registrar to investigate companies to provide us services delivering the professional exams in an online remote format. The Registrar approached the Ontario Regulators for Access Consortium (ORAC) to canvass recommendations. The Registrar contacted 3 companies as a result. One of them is a Canadian company, while the other two are American. Each of these companies are partnered with another company. They create the platform and software, and the other does the proctoring services. AssessBank and Prolydian both provided good platforms to work with. They gave us proposals that provided platforms that would allow us to put all the exams online. They would provide the initial set up and upload all the questions as item banks. They were flexible in allowing us to edit exams and make changes as needed. Prometric did not have a lot of flexibility and had to be involved for every change thereby increasing costs; they were ruled out. Prolydian and Examity provide better proctoring. Although AERC was hoping to go with a Canadian Company (AssessBank), they were significantly more expensive. AERC decided that Prolydian and AssessBank provide the same level of service and the significant difference in cost made them recommend Prolydian. They recommend accepting the proposal from Prolydian for a 1-year term. The discount for a 3-year term is insignificant.

The plan checking question will remain in paper. AERC has not figured out the exact process to be used yet. They will mail out the questions to their Articling Surveyors with a sealed envelop. Students will open the seal in front of the webcam, and they will be provided another envelope with the AOLS seal on it for the completed exam. They continue to consider if they could move the plan checking question into a digital format.

There will be an onboarding session and it will be able to offer the exam in November. AERC is also hoping to incorporate the oral exam online.

Motion 20.40 MOVED: Al Jeraj SECONDED: Dave Kovacs

WHEREAS: AERC has recommended contracting with Prolydian and Examity to provide the elements necessary to deliver the Statutes, AIT and Professional Written exams

AND WHEREAS: The proposal by Prolydian/Examity was the most cost-effective proposal that met the AERC requirements

BE IT RESOLVED THAT: That Council approves entering into a one-year agreement with Prolydian and Examity that is consistent with their proposal.

DATE: September 10, 2020 Chair: Andrew Mantha Carried: (Lawrence Abstains)

13. Appointments (No Material)

Motion 20.41 MOVED: Gavin Lawrence SECONDED: Patricia Meehan

BE IT RESOLVED THAT: Council approves the following change:

Al Jeraj and Andrew Mantha are removed from the Complaints Committee

DATE: September 10, 2020 Chair: Andrew Mantha Carried: (Unanimous)

Motion 20.42 MOVED: Amar Loai SECONDED: Al Jeraj

WHEREAS: Two council members appointed by the Lieutenant Governor in Council have been replaced

BE IT RESOLVED THAT: The following appointments are approved:

All assignments of George Wortman and Miranda Paquette are rescinded.

Andrew Dowie is appointed to the Registration Committee and the Complaints Committee.

Martha George is appointed to the Fees Mediation Committee and the Academic and Experience Requirements Committee.

DATE: September 10, 2020 Chair: Andrew Mantha Carried: (Unanimous)

A discipline case was referred to Council, which is reported on separately.

The meeting adjourned after Council discussions on discipline.

DRAFT