



COUNCIL MEETING **MINUTES**

Face-to-Face Meeting-Toronto, Ontario
September 11, 2018 8:30 a.m.- 4:30 p.m.

Best Western Premier Hotel
Windsor Room
135 Carlingview Drive, Toronto

Present: Greg Pawson, R.P.F., President (via phone) Lacey Rose, R.P.F.
Peter Street, R.P.F., Vice-President Mark Kuhlberg, Public Member
Tim Payne, Associate R.P.F. Susan Gesner, Public Member
Denis Gagnon, R.P.F. (partially via phone) Gord King, R.P.F.
Astrid Nielsen, R.P.F., Past-President Tom Ratz, R.P.F.
Richard Raper, R.P.F.

Fred Pinto, R.P.F., Executive Director and Registrar
Louise Simpson, Registration Manager
David Payne, Enforcement Coordinator
Priscilla Doyle, Registration Coordinator

Regrets: Paul Wallis, Public Member Larry McDermott, Public Member

1. Call to Order- P. Street

a) Opening- Peter Street called the meeting to order and welcomed everyone including David Payne, Enforcement Coordinator. David Payne is replacing outgoing Enforcement Coordinator, Jim Parker, R.P.F. (Hon.) whose contract will end on October 31, 2018. David Payne currently lives in North Bay but has worked with the Ministry of Natural Resources & Forestry in various locations for over 30 years, first as a biologist and then transitioned into management. He retired as a District Manager in 2011. There was a round of introductions of Council members.

b) Record Attendance-attendance was recorded as above.

c) Is there any other business? There was no new business.

d) Acceptance of the agenda-

Motion: Kuhlberg/Gesner- That the agenda be accepted.

Carried.

e) Approval of minutes-

Motion: Kuhlberg/Nielsen- That the minutes of May 16, 2018 meeting be accepted.
Carried.

2. Discussion Items;

a) **Errors and Omissions Task Team Recommendations-** P. Street

The following motion was passed by Council via email:

Motion: Wallis/Street- That a task team consisting of three members including at least one Public Member be formed to develop recommendations to Council on the appropriate bylaws related to E&O liability insurance, record retention requirements and conflicts of interest issues.

Carried.

A task team was formed consisting of Peter Street, Denis Gagnon, and Paul Wallis. Their recommendation was circulated to Council prior to the meeting. The document was reviewed at the meeting. Some highlights are:

- Those at risk are those in Co-Op Sustainable Forest Licences and individual consultants depending on the work they are doing.
- Some risks were identified and listed in the document.
- *The Professional Foresters Act, 2000* does allow Council to pass a by-law that may include “requiring members to have professional liability insurance (E &O) satisfying prescribed requirements and to give proof of the insurance to the Registrar in the prescribed manner.”
- Is there enough risk to the OPFA to warrant requiring all members to have E&O insurance? The task team concluded that the OPFA has been a regulated profession for over 15 years without any issues. It was also noted that this does not mean new circumstances cannot occur where members or others may be negatively affected.
- What effect would this requirement have on the Membership? The task team found that it could be expected that many members would resign with the additional burden of the cost of E & O insurance which would be approximately \$800-\$1200 per year.
- Recommendation to Council- Currently, the *General Practice Guidance for OPFA Members* under the section Risk Management and Professional Liability states “OPFA members in private practice are strongly encouraged to consult with risk management and insurance professional to confirm their need for professional liability insurance.” It is recommended that the *General Practice Guidance for OPFA Members* be revised to include, that all OPFA members shall:
 - a) Check with their employers to determine whether they are covered by Professional Liability Insurance, also known as Errors and Omissions Insurance
 - b) Develop their own Risk Management Strategy with the understanding that any advice or direction given, even friendly advice to a neighbour, could be subject to litigation.
 - c) Consult with risk management and insurance professionals to confirm their need for professional liability insurance, and
 - d) If required, obtain an insurance policy that is appropriate for their specific activities and services.

Discussion:

- There was concern that OPFA legal counsel has strongly recommended that E&O insurance be required for all practicing members and that most if not all regulators in Ontario require it.

- A bylaw change should be made to require the member to do an evaluation of their risk and follow the instructions in the *Practice Guidance-General Practice*.
- Next step-Revise the Bylaws and the *Practice Guidance-General Practice* as stated above.
- Any changes should be communicated to the membership.

Motion: Ratz/Kuhlberg- That the bylaws and *Practice Guidance-General Practice* will be revised to include that all OPFA members shall:

- a) Check with their employers to see whether they are covered by Professional Liability Insurance, also known as Errors and Omissions Insurance
- b) Develop their own "Risk Management Strategy" with the understanding that any advice or direction given, even friendly advice to a neighbour, could be subject to litigation.
- c) Consult with risk management and insurance professionals to confirm their need for professional liability insurance, and
- d) If required, obtain an insurance policy that is appropriate for their specific activities and services.

Carried.

Action Item: The Errors and Omissions Insurance Task Team will:

- a. Revise the bylaws and *Practice Guidance-General Practice* to include that all OPFA members shall:
 - a. Check with their employers to see whether they are covered by Professional Liability Insurance, also known as Errors and Omissions Insurance
 - b. Develop their own "Risk Management Strategy" with the understanding that any advice or direction given, even friendly advice to a neighbour, could be subject to litigation.
 - c. Consult with risk management and insurance professionals to confirm their need for professional liability insurance, and
 - d. If required, obtain an insurance policy that is appropriate for their specific activities and services.
- b. Will revise the Bylaws to reflect that members shall do an evaluation and follow the instructions in the *Practice Guidance-General Practice*.

b) **2019 Draft Budget- F. Pinto-**

Fred Pinto reviewed the 2019 budget. Extensive discussion followed:

- As described in the 2017 audited financial statements (as of November 30, 2017), there was a \$103,000 surplus from 2017. This surplus was carried over into the 2019 budget.
- Due to financial restraints, the Ministry of Natural Resources and Forestry have, in at least the short term, indicated that they will not continue their annual sponsorship of the annual conference. Staff will not be allotted the time or financial reimbursement to attend the conference. This could affect the number of attendees at the conference. Sponsorship for the 2019 Annual Conference is expected to be strong, therefore, the conference will be able to proceed, but will have to remain within a budget that the 2019 Conference organizing Working Group will need to develop.

- \$50,000 of the \$103,000 in surplus will be transferred to the long-term reserve. The amount in reserves and the planned increase must match what was planned in the past.

Action Item: The Finance Committee and Executive Director will confirm that the plans to restore the financial reserves is consistent with previous plans. If not, the transfer to

reserves in 2019 must match previous plans with changes to the amount allocated for other initiatives

- As the recently completed membership survey raised some concerns related to membership fee costs and the finances of the OPFA the OPFA needs to better communicate on the amount in reserves, the comparison of annual membership fees to other regulatory bodies, and information on OPFA's enforcement program. This will occur as responses to the comments received through the survey
 - Some changes to the budget were made:
 - a. Indigenous Initiative-revise notes to properly reflect the \$8000 budget item
 - b. OPFA Intern-revise notes to properly reflect the \$11,000 budget item.
 - c. The \$25,500 to Retain for the Indigenous initiative, OPFA intern and training sessions for 2020 will be removed from the budget and put in short-term reserves.
 - The Executive Committee will have an in-camera discussion to discussing staffing beyond 2018. Council will then have an in-camera discussion regarding the same. This will be done prior to the December meeting.

Motion: Raper/King- That the 2019 Budget is approved as amended.

Carried.

c) Fee Schedule Change- F. Pinto

Discussion: The description of the Life Membership Fee was revised to read "one-time payment of \$650 + (\$310 x (65 minus age in years)). The one-time fee at age 65 or older is \$650.

Motion: Rose/Gesner- That the Fee Schedule is approved as amended.

Carried.

d) Ontario Government Directive-F. Pinto

Discussion:

- The Ministry of Natural Resources and Forestry has requested that, due to budget restraints, that we reduce the number of face-to-face meetings in order that they may reduce their costs to reimburse Public Members for meeting expenses.
- OPFA used to hold 5-6 Council meetings in the past, these were reduced to 3 in 2014. Three Council meetings were found to be too few to effectively transact the work necessary. We currently have four face-to-face meetings annually. Teleconference meetings have not been found to be as effective as face-to-face meetings, they are currently used to deal with specific items.
- It was also suggested that our costs are currently low because we only have 4 out of 6 Public members.
- Fred Pinto will draft a response letter to Chris Walsh, Director, Crown Forests and Lands Policy Branch, for Council to review.

e) Policy Gap Task Team report-R. Raper/P. Street

- The Association of British Columbia Forestry Professionals has a Governance Handbook in which it publishes all its policies.
- The newly revised Policy Registry with categorization was circulated to Council prior to the meeting.
- Council agreed that an OPFA Governance Handbook will be used. This will be made available to members on our website. The Human Resources Policy will state that it is for internal purposes.
- Council agreed that all policies must be reviewed and approved by Council but can be done so in batches, rather than one at a time.

- Richard Raper and Peter Street agreed with the help of Susan Gesner (and Greg beginning in 2019) to put all the currently approved policies into this format which will be published on our website. The policies will be put into the new policy template.

f) Council Self-Assessment Policy: Survey Question 29 that “Council is not satisfied that there is a systematic approach to quality improvement for the OPFA-R. Raper/S.Gesner

Motion: Kuhlberg/Gesner- That the Council Self-Assessment Policy is approved.

Carried.

g) Appoint an Elected member and a Public member to the Complaints Committee-F. Pinto
A member at large must be appointed to the Complaints Committee to replace Jeff Muzzi who has recently resigned. Another Public Member is also needed so that at least one can serve on a complaint hearing. Denis Gagnon agreed to remain on the Registration Committee until he can be replaced.

Motion: Street/Nielsen-That Lacey Rose is appointed as an Elected Member and Mark Kuhlberg is appointed as a Public Member to the Complaints Committee.

Carried.

h) Terms of Reference-Registration Committee-F. Pinto

Motion: Rose/Gesner- That the Registration Committee Terms of Reference are approved.

Carried.

i) 2018 Annual General Meeting Minutes- F. Pinto

Motion: Kuhlberg/Street- That the May 16, 2018 minutes of the Annual General Meeting are approved.

Carried.

j) Long-term member recognition policy-F. Pinto

Discussion: Bullet points 3 and 4 were reversed to reflect that if an alternate event could not be found to present the pin, the pin would then be mailed.

Motion: Kuhlberg/Gagnon- That the Policy on the Recognition of 25- and 50-Year Members is approved as amended.

Carried.

k) Member Survey- L. Simpson-

- Louise Simpson reviewed the survey results. Just over 25% (250) of those who were sent the survey responded. Overall the results were positive, however, some areas for improvement were identified:
 - 34% were unaware that the OPFA pursues practice infractions each year.
 - 61% were unaware that the OPFA's registration processes are reviewed by Ontario's Fairness Commissioner.
 - 17 members who practice on private land are unsure if they are meeting the requirements
 - 59.5% do not know who their Council representative is. Lacey Rose asked Council to send her a photo and a brief description of what the OPFA does, to post on Facebook.
 - Level of awareness of some Committees and Working Groups is low
 - Many are not aware of the economic benefits of membership
 - Response to question on award categories was low. Do we need to rename some of the awards to better reflect the nature of the award and have the award in honour of the person for whom the award is currently named i.e.: John H.

Sellers. There was a comment that only Full (R.P.F.'s) members receive recognition.

- The Executive Director will summarize the “Issues to be Raised with Council “with answers for Council review. The other comments (e.g. Newsletter topic suggestions) will be compiled and sent to Council.
- A “Council Corner” article will be placed beginning with the December newsletter. In it the Council Member will highlight a topic that Council has, or is, discussing. Three Council members volunteered to submit information in the December, March and June newsletters.
- There was a discussion that a summary of each Council meeting minutes will be made available on our website to members only.
- A summary of the survey results and comments will be sent to members
- Many people volunteered for different committees and working groups. They will all be contacted. An opportunity for members to volunteer will also be included in the annual membership renewal mailing in October.

l) Enforcement Update-submitted by F. Pinto-

- Jim Parker will continue to be the lead on enforcement until October 31, after which David Payne will be the lead.
- David Payne will provide Council with a spreadsheet listing the type of concerns and complaints that have been received and how they were resolved. No identifying factors, such as names, section, county, or employer will be included in the spreadsheet.

m) Information Technology Update-submitted by F. Pinto

- Members can now renew their membership online. It has been tested and has worked, however, there may be glitches discovered once all members start to use it.
- The final touches to the competency information on a Members’ record are being done by Office Bureau.
- Office Bureau is now working on G-Suite, however, they have had some difficulty which seems to originate with Fort Frances Times, our current email provider.
- Costs for this initiative have matched what was planned, however, additional required work may result in an increase in expenses to ensure that the new database, association software, website, and additional branded documents meet the OPFA’s on-going needs.

n) Other Items (brought up at the meeting)-

- **Meeting with the Minister**- Peter Street, Fred Pinto and a Public Member should schedule a meeting with the Minister of Natural Resources and Forestry, soon. The meeting will be mainly introductory in nature but will also raise some issues of concern. An additional meeting will be requested to further discuss items of concern.
- **Associate Membership**- Focus should be made on registering Forest Technicians and Forest Technologists as Associate members. The Registrar and Registration Manager have begun plans in this regard which will be first brought to the Registration Committee and then to Council. Municipalities are now aware that they should have registered forestry professionals on staff and are requiring such. This is causing an increase in the number of Forest Technicians and Forest Technologists requesting membership. As they may not be eligible to undergo the Credential Assessment Process, as a candidate must have a Bachelor of Science or equivalent, they are more suited for Associate membership. Some councilors suggested that annual fees for Associate membership should be reviewed to determine if they should be at the same level as Full membership, however, costs to registering and governing all practicing members is the same.

- **2019 Annual Conference**-A committee has been struck which begun to secure sponsorship. A theme, dates and host hotel is expected to be determined next month. Glen Swant is the Co-Chair.

3. Information Items (not for discussion unless elevated to 2. Discussion Items)

- Membership Statistics**-submitted by F. Pinto- Membership Statistics as of July 31, 2018, were provided to Council.
- Executive Committee Minutes**-submitted by F. Pinto- The Executive Committee minutes of August 14, 2018, were provided to Council.
- Financial statements as of July 31, 2018**-Submitted by F. Pinto- As the financial statements as of August 31 were not yet available, Council was provided with the financial statements as of July 31, 2018.
- Update on 2019 Annual Conference**-submitted by F. Pinto- This item was discussed briefly under Discussion Items above.
- Call for Nominations for Council**- submitted by F. Pinto- Council was provided with the Call for Nominations that was sent to the membership.
- Background on Indigenous traditional knowledge for the 2017 Certification Standards**-submitted by F. Pinto- background on Indigenous Traditional Knowledge for the 2017 Certification Standards was provided to Council.
- Practice Guidance-Forestry Practice- Private Lands and Practice Guidance-General Practice**-submitted by F. Pinto- Council was informed that Practice Guidance-Forestry Practice- Private Lands and Practice Guidance-General Practice were approved by Council via email. These documents were emailed to the Membership on July 10 and are posted on our website. The motions obtained via email to approve were recorded as:

Motion: Rose/Wallis-That the Practice Guidance-Forestry Practice-Private Lands document is approved.

Carried.

Motion: Street/Gesner-That the Practice Guidance-General Practice document is approved.

Carried.

- Action Item Report**-submitted by F. Pinto- Council's Action Item Report as of August 29, 2018, was provided to Council.
- Next Meeting Dates**- The meeting dates for Council and the Executive Committee for 2018-2019 were provided to Council. The next meeting dates are as follows:

Executive Committee- Tuesday, November 13, 2018
9:30 a.m.-11:00 a.m. Teleconference

Council-
Wednesday, December 5, (8:30 a.m.-4:30 p.m.)
Thursday, December 6 (8:30 a.m.-4:00 p.m.)
Face-to-Face Toronto, Ontario

4.Termination of Meeting – P. Street

Motion: Payne/Kuhlberg- That the meeting is terminated.

Carried.