The Council of the Alberta Land Surveyors’ Association met on January 30, 2020. Here is a summary of Council’s discussions.

From the Registrar
Council approved the cancellation of the registration of Meridian Surveys (Alta.) Ltd. as a surveyor’s corporation, effective upon the date of registration of Meridian Surveys Ltd.

Council approved Meridian Surveys Ltd. as being eligible to be registered as a surveyor’s corporation. Meridian Surveys Ltd. will have permit number P123. Corporate dues paid for the 2019-2020 fiscal year from Meridian Surveys (Alta.) Ltd. will be transferred to the new surveyor’s corporation Meridian Surveys Ltd.

Council approved placing Steve Card and Mark Koncan on the register of retired members.

Council Approves 2020-2021 Budget
Council approved the 2020-2021 budget.

Post sale price increase at July 1, 2020. Iron posts and marker posts projected to be the same to slightly lower as current year.

Return on investment account projected to be 4.25%.

There is a provision to create and pay for a Council-appointed public member. Currently, government pays an honorarium and expenses for public members appointed by the government.

Registration Committee expenses broken out between committee expenses and examining expenses.

Provision added for training Registration Committee members in keeping with Bill 11 requirements.

There will be expenses associated with developing the ethics seminar series but those amounts are not known yet.

Discipline Committee Revolving Fund being closely monitored.

Other fund expenditures to be divided between Future Committee (position papers) and any other extraordinary expense.

Council will review its existing dues abatement policy but there will be no changes for the 2020-2021 fiscal year.

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2020-2021 Dues

<table>
<thead>
<tr>
<th>Description</th>
<th>2019-2020 Dues</th>
<th>2020-2021 Dues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alberta Land Surveyor</td>
<td>Reduced from $2,000 to $1,500</td>
<td></td>
</tr>
<tr>
<td>Convention Levy</td>
<td>Reduced from $180 to $100</td>
<td></td>
</tr>
<tr>
<td>PSC Levy</td>
<td>Increased from $200 to $249</td>
<td></td>
</tr>
<tr>
<td>CBEPS Levy</td>
<td>Increased from $25 to $30 per ALS and articling pupil</td>
<td></td>
</tr>
<tr>
<td>Dues Abatement Levy</td>
<td>$10; No Change</td>
<td></td>
</tr>
<tr>
<td>Articling Pupil Dues</td>
<td>$250; No Change</td>
<td></td>
</tr>
<tr>
<td>Surveyor’s Corporations</td>
<td>$1,000; No Change</td>
<td></td>
</tr>
<tr>
<td>Branch Offices</td>
<td>$500; No Change</td>
<td></td>
</tr>
<tr>
<td>Affiliate Membership</td>
<td>$200; No Change</td>
<td></td>
</tr>
<tr>
<td>Associate Membership</td>
<td>$100; No Change</td>
<td></td>
</tr>
<tr>
<td>Retired Membership</td>
<td>$100; No Change</td>
<td></td>
</tr>
<tr>
<td>Late Penalty Fees</td>
<td>$500; No Change</td>
<td></td>
</tr>
</tbody>
</table>
Governing the Regulator

Council unanimously approved setting aside funds in the 2019-2020 fiscal year to retain a consultant to conduct a review of the ALSA professional governance structure.

The Alberta Land Surveyors’ Association wants to be proactive in reviewing its regulatory structure as part of the profession’s commitment to ensure that the ALSA is effectively fulfilling its mandate.

The Council of the Alberta Land Surveyors’ Association passed a motion to retain an external consultant to:

1. Compare the ALSA’s current regulatory practices, procedures and policies with those exhibited by the best regulators of reasonably comparable size, identify gaps and make recommendations.
2. Identify any programs and activities that are not consistent with the ALSA’s mandate as a regulator and the ALSA’s responsibility to the public and make recommendations.
3. Recommend organizational processes to ensure that the ALSA, as a regulator, continues to identify and implement best practices for regulators.

Vice-President Bruce Drake prepared a report on Professional Governance in the Land Surveying Profession. The report is on the ALSA website.

The report states:

The Association needs to be aware of the differences between being self-governing and professional governance. Being self-governing allows the Association members to establish standards, elect a Council, and to make changes to regulations for Cabinet to consider. Professional governance is the framework provided by government under which all these activities take place. It would be foolish to believe that government will not change professional governance expectations because we are self-governing. Rather, the Association should look at the trends and directions in governance and be proactive in working with government to provide input on changes that allow the profession to continue to serve the best interests of the public.

There is no universal agreement as to what the appropriate metrics are for identifying and evaluating best practices. However, the following documents should be carefully considered:

- Right-touch regulation by the Professional Standards Authority
- The Performance Review Standards: Standards of Good Regulation by the Professional Standards Authority
- Professional Regulatory Practices Assessment Rating Guide by the Human Resources Professional Association
- Guidelines on Governance by the Office des Professions du Quebec

Changing How the ALSA Handles its Reserves

Council gave first reading to a policy that would amalgamate the existing Making Their Mark Fund, Seminar Presenter Revolving Fund, Cadastral Research Fund, Technology Transfer & Education Fund, Communications & PR Fund
and the Ambassadors Reserve Fund into the Financial Stabilization Fund.

The Financial Stabilization Fund will then be divided into a Long-Term Stabilization Fund and a Short-Term Stabilization Fund.

The Long-Term Financial Stabilization Fund shall be used to cover extraordinary expenditures caused by potentially long-term disruptive changes in the Association’s political, regulatory, legislative or technological environment.

Council shall ensure that the Association maintains a minimum of one year’s expenses (not including direct expenses associated with the cost of the sale of iron posts and marker posts) in the Long-Term Financial Stabilization Fund (approximately $2 million in 2019-2020) and a maximum of two years of expenses.

The Short-Term Financial Stabilization Fund funds special projects, overruns of expenditures of the operating budget and any other approved non-budgeted expenditures from year to year. It may also be used, at Council’s discretion, to reduce the following year’s membership dues.

At the end of each fiscal year, the difference between actual and budgeted expenses (not including AGM expenses and post expenses) shall be transferred to or from the Short-Term Financial Stabilization Fund.

The Alberta Land Surveyors’ Association shall maintain an amount equivalent to the amount in the Short-Term Stabilization Fund in a relatively liquid position. The liquid portion of the investment account is set aside to ensure funds are available in the event of a budget deficit.

The Short-Term Financial Stabilization Fund shall be no more than six months of ALSA expenses (not including direct expenses associated with the cost of the sale of iron posts and marker posts).

Members are encouraged to contact the ALSA office or any Council member with any comments or questions they might have about the proposed policy.

The draft policy will come back to the March 3rd Council meeting for second and final reading.

Investment Policy
Council approved an updated investment policy statement.

The investment policy statement are the instructions provided to the investment broker – Logan Wealth Management – about how the association’s investments are to be managed.

There were no significant changes from the previous year.

The investment policy statement is reviewed with Logan Wealth Management and approved by Council each year.

Greater Financial Transparency
Council gave first reading to a policy that would clarify how financial information is provided to the membership.

Members are encouraged to contact the ALSA office or any Council member with any comments or questions they might have about the proposed policy.

The draft policy will come back to the March 3rd Council meeting for second and final reading.

The proposed policy as amended reads:
An extraordinary expenditure is one in which no budget allotment has been approved in the current fiscal year, or one in which the budget allotment has been exceeded in the current year.

A contract or similar agreement entered into by the ALSA that carries over from one fiscal year to the next is not considered an extraordinary expenditure in the second and subsequent years of the contract.

Requests for extraordinary expenditures shall be considered by Council. Each request shall be considered in the form of a vote of Council, have a clear stated purpose, and a budget value associated with it.

Every request for an extraordinary expenditure must receive unanimous Council approval. If there is only a simple majority in favour of the request, it will be referred to the next meeting of Council, at which time a simple majority will carry.

Unless otherwise part of the expenditure motion, extraordinary expenditures expire at the end of the fiscal year that they are passed and may either be considered in the following budget cycle or be re-presented to Council in the next fiscal year as a new request.

Each request for extraordinary expenditure – including the reason for the request, the dollar amount and any other relevant information – shall be published to the membership in Council Report as soon as the request is voted on by Council.

**Council Meetings**

Council meetings are open to the public all members of the Alberta Land Surveyors’ Association.

Council may request that members of the Association remove themselves from parts of a Council meeting when Council is discussing staffing matters, legal matters (when having the Association’s position made public would have an adverse effect on the outcome of the legal proceeding), matters that a statute requires to be deliberated in camera and other issues where deliberations in a public forum would not be in the public interest.

A summary of Council deliberations and decisions – known as Council Report – shall be published after each meeting and available to the public. Minutes of Council meetings may be made available upon request to anyone who requests them.

**Recognition**

Council passed a motion to confer honorary life membership on a retired Alberta Land Surveyor and present the Professional Recognition Award to an experienced Alberta Land Surveyor.

The honorees will be recognized at the new member and awards gala on the Friday night of the AGM.

President Steve Yanish has contacted the recipients.

**Fair Registration Practices**

Council approved the Registration Committee Processes Review report and directed the Registrar to work with the Registration Committee to develop an action plan to implement the recommendations from the report.
The *Fair Registration Practices Act* is sweeping legislation that covers over 60 professions and trades in Alberta. It was introduced in response to a perceived unfairness and a perceived unacceptable delay in credential recognition for foreign-trained professionals. The *Fair Registration Practices Act* applies to all applicants for registration and will be proclaimed on March 1, 2020. Once the *Fair Registration Practices Act* is proclaimed, the professions and trades must ensure that its registration processes are transparent, objective, impartial and procedurally fair.

The report is [online](#).

### Communication and Insurance Claims

During a recent discipline hearing, the complainant, who was a member of the public, suggested the following: *When a practitioner receives instructions to not talk to their client, a practitioner should have a “professional override”. For example, in this case, there should be an obligation on the practitioner to tell the client that there is new data when they find out that the previous data is wrong.*

The member of the public further recommended that the Alberta Land Surveyors’ Association develop guidelines for practitioners on their ethical responsibilities to their client when dealing with insurance claims.

There is a need for information for practitioners on how to communicate with their client without affecting their insurance coverage.

The issue has been forwarded to the Professional Development Committee to incorporate into the forthcoming ethics seminar series.

### The Purpose of the MSP

Council had asked the Standards Committee to bring forward a recommendation for the 2021 AGM to remove any section of the Manual of Standard Practice that refers to the product standards of a government agency or department and remove any section of the Manual of Standard Practice that would need to be amended if a government agency or department were to amend their own product standards.

Council has decided to remove the term of reference from the 2019-2020 Standards Committee and will revise the term of reference for the Standards Committee as part of Council’s strategic planning meetings in May.

### Hybrid Cadastre Practice Standards

The Standards Committee put forward a recommendation to revise Part D, Section 13 of the Manual of Standard Practice.

Council referred the recommendation back to the Standards Committee to add greater clarity to the terms used in the recommendation.

### Defining Encroachment

The Standards Committee put forward a recommendation to revise Part D, Section 8 of the Manual of Standard Practice by adding a definition of encroachment for RPRs.

Council referred the recommendation back to the Standards Committee asking them to consider the use of the word “encroachment” in the Alberta Land Surveyor’s certification for RPRs.
AGM Recommendation – Wellsite Surveys
Council approved sending proposed revisions to Part C, Section 1.6 and the glossary in the Manual of Standard Practice to the 2020 annual general meeting for consideration by the membership.

The recommendation adjusts vertical and horizontal accuracy standards for well site surveys to values achievable with current technologies in practice, such as GNSS positioning and remote sensing. The accuracy standards when using the method of misclosure were made equal to the standards specified in Part C, Section 1.3 and 1.4 for other surveys.

Governments and Non-Land Surveyors
Council added “prepare and distribute educational materials to different levels of government to prevent unauthorized practice” to the Unauthorized Practice Review Committee terms of reference.

During a recent Unauthorized Practice Review Committee meeting, the following situation was reported: A landowner wanted his property corners located. Initially, he went to the municipality for assistance. He was provided with an 18-year-old RPR and a pin finder.

The Unauthorized Practice Review Committee discussed this issue and believes that education is the best way to proceed when dealing with the different levels of government. Some suggestions included developing educational videos, pamphlets and presenting at conferences.

Welcome Director of Surveys Office
Council welcomed Al Flim (Manager, Land Surveys Unit, Surveys Section, Environment and Parks) to the meeting.

The Director of Surveys Office was consulted on the coordinate-based cadastre position paper being prepared on behalf of the ALSA.

One Section 9 of the Surveys Act panel is ongoing and it is hoped that another one will be approved by the assistant deputy minister shortly.

The Director of Surveys Office is part of a larger reorganization within Alberta Environment & Parks that may be completed by the end of next month. The Director of Surveys Office is not expected to be significantly affected.

Council asked whether there have been any discussions within the Director of Surveys Office about replacing NAD83. At the Association of New Brunswick Land Surveyors AGM, there was a presentation on “The USA is replacing NAD83 with NATRF2022: What This Means for Canada.”

Stakeholder Register
The Communications & Public Relations Committee prepared a stakeholder register of organizations, industry associations and municipalities. Council accepted the register as provided.

Municipal Compliance
Based on a new business motion at the 2017 AGM, Council directed the Communications & Public Relations Committee to prepare a document, endorsed by Council, to be distributed to the compliance department of municipalities across Alberta. The purpose would be to remind them of the purposes of the RPR, the MSP guidelines for preparing them, and the fact they are not necessarily an inspection and policing document to enforce local land use bylaws that drastically vary across municipalities.
Council thanks the Communications & Public Relations Committee for preparing the draft letter and have forwarded it to the Future Committee who now have a similar term of reference to prepare a guiding principles document that outlines the roles, responsibilities and accountabilities of Alberta Land Surveyors, the Alberta Land Surveyors' Association, landowners, municipalities, realtors, lawyers, developers and other stakeholders when preparing plans and sketches (i.e.: real property reports, lot grading certificates, development permit surveys, municipal as-built surveys).

**Changing the Pipeline Act**

The Council of the Alberta Land Surveyors' Association is recommending that “before the commencement of construction” be removed from Section 4(1) of the Pipeline Act.

In an upcoming article by President Steve Yanish: The rationale to remove “before the commencement of construction” is not only sensible but practical. In particular, the current practice with pipeline construction has evolved to a point where section 4(3) has become the norm regardless of any identified “exceptional circumstances”. In other words, many pipelines are simply posted after construction. Before construction, the boundaries are commonly delineated with temporary markers (stakes, spikes and flagging). Then the boundaries are surveyed after the pipe is in the ground and the surface of the right of way is reclaimed, or at least partially reclaimed.

Performing the legal surveying and posting the right of way after construction will firstly, confirm the location of the pipe inside the R/W. Secondly, it will ensure that the areas taken by construction do not encroach on another interest or that they do not trespass into adjacent lands. In addition, posting boundaries after construction will preserve the survey evidence.

Furthermore, if the pipeline act is revised there may be an opportunity to increase owner accountability and timelines.

This may assist in getting as-built pipeline plans registered in a timely manner.

**Adverse Possession**

At its November meeting, Council asked Brian Ballantyne for a report to research Alberta Land Surveyors’ experience with section 69 of the Law of Property Act, when retained either by the possessor/improver or by the true owner of the parcel in order to supplement the research done by the Alberta Law Reform Institute.

Council approved Dr. Ballantyne’s report and it will now be provided to the Alberta Law Reform Institute.

The report is available on the ALSA website.

**Letter to Council**

Council would like to thank the practitioner who wrote in suggesting a different way of providing feedback to articling pupils about the results of the written examinations.

Council considered the suggestion but decided to retain the current process of providing pupils with the marks per question on the examination.

**NEXT COUNCIL MEETING DATE**

March 3, 2020

At this meeting, candidates for Council will be invited to attend. Council will be conducting a year-end review
of the strategic plan and committee terms of reference.

Council meetings are open to the membership. Certain portions of a Council meeting may be held in camera for confidentiality reasons.

If you are planning on attending a Council meeting, please notify the ALSA office to ensure there is adequate space.