

Council Meeting Agenda

Date: Monday, March 30, 2020

Time: 9:30 a.m. – 12 p.m.

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1	Call to order, roll call, Welcome of new appointee- Sara Gottlieb	J. Pereira	Verbal	Information	
2	Update on resignations	J. Pereira	Verbal	Information	
3	Conflict of interest declarations	J. Pereira	Verbal	Decision	
4	Approval of agenda	J. Pereira	Document	Decision	
5	Approval of minutes- December 2, 2019	J. Pereira	Document	Decision	
6	Action Items from the December 2 Meeting No action items noted.				
NEW BUSINESS:					
7	<ul style="list-style-type: none"> Business continuity activity relating to COVID-19 Insurance delisting of healthcare professionals 	B. Kritzer	Documents	Information	
8	Review of draft audited financial Statements from September 1, 2018 - August 31, 2019	C. McCleave	Document	Decision	
9	Election of one professional member to Executive Committee	J. Pereira	Verbal	Decision	

10	<p>Committee on Specialties</p> <ul style="list-style-type: none"> • Report on review of proposal from the Ontario Athletic Therapist Association • Appointment of Committee members as needed • Appointment of Chair 	M.P. Moore	Document	Information	
				Decision	
				Decision	
INFORMATION ITEMS AND REPORTS					
11	<p>Committee reports</p> <ul style="list-style-type: none"> • Registration • Quality Assurance • ICRC • Discipline • Patient Relations • Finance and Planning Committee <ul style="list-style-type: none"> ○ Q2 Finance Report/Status Report ○ GIC Investment Update 	Committee Chairs will respond to questions from Council members	Documents	Information	
12	<p>Registrar's Report</p> <ul style="list-style-type: none"> • Correspondence regarding regulation of ATs • Insurance delisting of healthcare professionals 	B. Kritzer	Documents	Information	
13	<p>President's Report</p> <ul style="list-style-type: none"> • Update on CKO-Universities Liaison Committee meeting • Council Feedback Survey Results 	J. Pereira	Verbal	Information	
14	Approval of revised committee membership	J. Pereira	Document	Decision	
15	Resolution to approve proposed 2020 election schedule	R. Pestana	Document	Decision	
16	Decision re. vacancy in Districts 2 and 3	R. Pestana	Document	Decision	
17	Review of action items to carry forward	J. Pereira	Verbal	Information	
ADJOURNMENT					



College of Kinesiologists of Ontario Council Meeting Minutes - Draft	
Date/time of meeting	Monday, December 2, 2019 at 10:30 a.m.
Chair	Jennifer Pereira
Note Taker	Vivian Fragale
1. Present	Teresa Bendo, Leslee Brown, Jennifer Bushell, Elwin Lau, Ben Matthie, Mary Pat Moore, Jennifer Pereira, Ryan Wight
Teleconference	Nelson Amaral, Derek DeBono, Graydon Raymer, Katie St. Denis
Regrets	Ken Alger, Chad McCleave, Stefanie Moser, Victoria Nicholson, Sandra Weeks
Staff/guests in Attendance	<p>Staff: Nancy Leris, Vivian Fragale, Eric Bruce (attended afternoon session), Lara Thacker, Ryan Pestana, Magda Reder</p> <p>Guests: Rebecca Durcan, College's legal counsel (present for agenda item #7); Conny Glenn, R.Kin; Talia Rubin, Auditor, Crowe Soberman LLP (present for agenda item #10); Thomas Custers, MOHLTC (present for agenda item #13)</p>
2. Reappointments	Jennifer Pereira noted that Mary Pat Moore and Ken Alger were re-appointed earlier this fall. Lori-Anne Beckford and Kalen Johnson were not re-appointed. Staff have sent them thank you notes and a token of appreciation for their years of service.
3. Conflict of Interest Declarations	Jennifer Pereira asked if any Council members present wished to declare a conflict of interest. There were no declarations.
Constitution of the Meeting	As a notice of the meeting had been duly given in accordance with the by-laws of the College of Kinesiologists of Ontario and a quorum was present, the meeting was duly constituted for the transaction of business.
4. Approval of Agenda	UPON A MOTION duly made by Jennifer Bushell and seconded by Nelson Amaral, it was resolved that the agenda as distributed be approved. Carried.

<p>5. Approval of Minutes:</p> <p>September 16, 2019</p>	<p>UPON A MOTION duly made by Derek DeBono and seconded by Teresa Bendo, it was resolved that the September 16, 2019 minutes be approved as presented. Carried.</p>
<p>6. Action Items arising from Previous meetings</p>	<ul style="list-style-type: none"> ▪ Lori-Anne Beckford to be noted as present at the June 24 Council meeting. COMPLETED ▪ The proposed rules concerning treatment of minutes to be revised. “Working” days to be replaced with “business” days. The policy should also be revised to state that when sending revisions to staff, Council members do not reply “all”. COMPLETED ▪ Ryan Pestana to notify non-Council members that they were appointed. COMPLETED
<p>7. Training</p>	<p>Rebecca Durcan, from the firm Steinecke Maciura LeBlanc and the College’s legal counsel, attended to provide training to Council on their roles and fiduciary duties. She discussed Council’s duties around maintaining confidentiality, declaring conflict of interest and decision-making in the public interest. Rebecca also highlighted Harry Cayton’s 2018 report examining the College of Dental Surgeons of British Columbia.</p>
<p>8. By-Laws</p>	<p>Jennifer Pereira reviewed the College By-Laws and the areas around confidentiality and conflict of interest. Council and staff were asked to sign the confidentiality form and the declaration of conflict of interest.</p>
<p>9. Committee Reports</p>	<p>Reports were provided in the Council package for the Inquiries, Complaints and Reports, Quality Assurance, Registration, Discipline, and Patient Relations committees. These highlighted committee meetings, activities, changes and discussions that took place since the September Council meeting. A first quarter financial report and Dashboard were also included.</p> <p>General clarifying questions about the reports were answered by the staff support person.</p>
<p>10. Draft Audit Financial Statements</p>	<p>Talia Rubin provided an overview of the draft audited financial statements for the 2018/2019 fiscal year. She noted that a clean opinion was issued.</p> <p>She proceeded to provide a high level overview of the Auditor’s Report, Statement of Financial Position, Statement of Changes in Net Assets, and the Statement of Operations.</p> <p>Talia also informed Council that significant estimates were contained in the hearing costs for discipline cases, but actual results could differ from those estimates.</p> <p>She also provided a brief review of the notes to the financial statements</p>

	<p>and responded to questions posed by Committee members.</p> <p>It was noted that, due to outstanding matters, Council could not approve the draft audited financial statements.</p>
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<p>11. Draft Annual Report</p>	<p>Communications Manager, Ryan Pestana, presented the draft Annual Report for the fiscal year ending August 2019. The College is required by law to submit an Annual Report to the Ministry of Health and Long-Term Care and to post it on the College’s website. Ryan responded to general questions posed by Committee members.</p> <p>UPON A MOTION duly made by Jennifer Bushell and seconded by Ryan Wight, it was resolved that the Council of the College of Kinesiologists of Ontario accept and approve for circulation the draft annual report for 2018-2019. Carried.</p>
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<p>12. President’s Report</p>	<p>Jennifer Pereira noted that the CKO-Universities Liaison Committee meeting is scheduled for Monday, December 9. An agenda was circulated to all committee members.</p> <p>Jennifer attended the CNAR conference in Quebec and provided an overview of some of the topics discussed, including sessions on social media, the presentation of legal cases and an introduction to artificial intelligence in the health system, just to name a few.</p> <p>Jennifer noted that a training session for all committee chairs was held on November 25 and facilitated by Christine Forsyth. Jennifer reported that the training was well received by Council members who attended.</p>
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<p>13. Performance Indicators</p>	<p>Thomas Custers from the Ministry of Health and Long-Term Care presented on the proposed College Performance Measurement Framework.</p> <p>Thomas noted that the draft framework was developed by a working group composed of staff and public appointees from various colleges. The working group's mandate was to provide expert advice to Ministry staff on key elements for developing and implementing standards and measures to benchmark the performance of all colleges. The purpose is to ensure accountability, strengthen public trust, improve performance and modernize the health professions regulatory system.</p> <p>The working group hopes to finalize its recommendations before the end of the year and colleges will be notified by the end of January.</p>
<p>14. Issue/Decision Note on Self-Assessment: General Requirements Policy amendment</p>	<p>Lara Thacker, Director of Quality Assurance, reviewed the issue/decision note on proposed amendments to the Self-Assessment General Requirements Policy. The note recommended a biennial submission frequency for the self-assessment to provide more time for kinesiologists to plan continuing professional development opportunities and complete previous learning commitments. It included a recommendation to the Registration Committee to require Inactive Class kinesiologists applying for reinstatement and to complete a self-assessment to help identify areas of strength and opportunities for improvement and demonstrate currency.</p> <p>UPON A MOTION duly made by Jennifer Bushell and seconded by Graydon Raymer, it was resolved that Council accepts the Self-Assessment: General Requirements Policy amendments as presented. Carried.</p>

<p>15. Issue/Decision Note on Continuing Professional Development: Prescribed Learning Modules Policy amendment</p>	<p>Lara Thacker presented the issue/decision note on proposed amendments to the Continuing Professional Development Prescribed Learning Modules Policy. The note sought approval to implement stricter adherence to compliance provisions in order to demonstrate strengthened accountability and oversight.</p> <p>UPON A MOTION duly made by Ryan Wight and seconded by Jennifer Bushell, it was resolved that Council accepts the Continuing Professional Development: Prescribed Learning Modules Policy amendments as presented. Carried.</p>
<p>16. Issue/ Decision Note on Patient/Client-Centred Care/Service Guideline</p>	<p>Lara Thacker presented an issue/decision note on the development of a patient/client centred care/service guideline. The College has adopted several patient/client-centred care essential competencies and performance indicators, but has yet to develop patient/client-centred care/service guidelines. A goal for this year’s operational plan entails developing a definition of patient/client-centred care in the context of kinesiology practice.</p> <p>UPON A MOTION duly made by Ben Matthie and seconded by Leslee Brown, it was resolved that Council accepts the development of a Patient/Client-Centred Care/Service Guideline as presented. Carried.</p>
<p>17. Review Cycle for Standards & Guidelines</p>	<p>Eric Bruce, Director of Professional Conduct, provided an update regarding the draft Complementary/Alternative Therapies Guideline. He noted that the College of Physicians and Surgeons of Ontario (CPSO) has not yet released their updated guideline on the same subject, which is expected by the end of the year. He reported that the draft Guideline would be brought back to Council following review of any new guideline released by the CPSO, which may provide useful suggestions for further modifications to the draft.</p> <p>Eric informed Council that he is developing a review cycle for all Standards and Guidelines in consultation with the Acting Registrar and Director, Quality Assurance. The College plans to conduct reviews of all Standards and Guidelines on a rolling basis to ensure that they are up-to-date and reflect any changes in best practices. The College also plans to develop an updated template to achieve better consistency in the formatting of its Standards and Guidelines. Expected costs of the project are minimal; however, any additional costs would go to the Finance & Planning Committee for consideration.</p>

<p>18. Election of Executive Committee Members (2 Public Members)</p> <p>19. Election of Vice President</p>	<p>The election of the Executive Committee and officers was conducted at the September 16, 2019 Council meeting. However, given the turnover in public appointees, the College no longer had the required number of public members on Executive Committee.</p> <p>All public appointees to Council were given the opportunity to complete a form indicating their interest in serving on Executive Committee. All members of the Executive Committee were also invited to submit their intent to stand for Vice-President.</p> <p>Declarations of interest were submitted by Mary Pat Moore for Executive Committee member and Vice-President, and Leslee Brown for Executive Committee member.</p> <p>Leslee Brown and Mary Pat Moore were elected to the Executive Committee by acclamation.</p> <p>Mary Pat Moore was also elected as Vice-President by acclamation.</p>
<p>20. Approval of Revised Committee Membership</p>	<p>A revised committee slate was presented to Council. The Executive Committee met on October 22 to make revisions to the committee composition for 2019/2020 as the terms of some publicly-appointed Council members expired after the last Council meeting and were then reappointed. The Executive Committee recommended the following:</p> <p>Chad McCleave, Chair, Finance & Planning Committee Ken Alger, Chair, Registration Committee Ken Alger, Committee member, Quality Assurance Committee Ken Alger, Committee member, ICRC Mary Pat Moore, Chair, Discipline Committee</p> <p>Mary Pat Moore offered to serve on the Registration Committee to serve on panels when she could on an interim basis.</p> <p>UPON A MOTION duly made by Teresa Bendo and seconded by Ben Matthie, it was resolved that Council appoints the committee members and chairs as per the revised slate developed and recommended by the Executive Committee, with Mary Pat Moore appointed to serve on the Registration Committee . Motion Carried.</p>

<p>21. Specialties Committee Appointments</p>	<p>The turnover in public appointments resulted in vacancies on the Specialties Committee. Jennifer called for public appointees to indicate their interest in and willingness to serve on the Committee on Specialties. Leslee Brown expressed interest. Mary Pat Moore and Ken Alger also expressed interest to continue to serve on the Committee.</p> <p>UPON A MOTION duly made by Jennifer Bushell and seconded by Ryan Wight, it was resolved that Council appoints Ken Alger, Mary Pat Moore, and Leslee Brown to the Specialties Committees.</p> <p>A discussion ensued. Committee members expressed concern over bringing a new member up to speed and the possible disruption that may cause given how far along in the decision-making process the committee was. Nancy Leris, Acting Registrar, consulted the Committee's terms of reference and noted that it wasn't explicitly stated that the Committee needed to appoint five members. It was just the maximum number for the committee.</p> <p>A friendly amendment was proposed by Graydon Raymer:</p> <p>UPON A MOTION duly made by Jennifer Bushell and seconded by Ryan Wight, it was resolved that Council appoints Ken Alger and Mary Pat Moore to the Specialties Committees, with the removal of Leslee Brown. Motion Carried.</p>
<p>22. Fire Drill Training</p>	<p>Ryan Pestana, as Fire Warden, provided brief instructions on what to do in the event of a fire.</p>
<p>Review of Action Items</p>	<p>There were no action items noted.</p>

Closing Comments/Motion for Adjournment	<p>Jennifer wished Council members the very best during the holidays and prosperity in the coming New Year. She reminded Council that the next meeting is scheduled for March 30, 2020.</p> <p>It was moved by Mary Pat Moore to adjourn the meeting at 4:00pm</p>
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DRAFT

COLLEGE OF KINESIOLOGISTS OF ONTARIO
FINANCIAL STATEMENTS
AUGUST 31, 2019

DRAFT

COLLEGE OF KINESIOLOGISTS OF ONTARIO
FINANCIAL STATEMENTS

AUGUST 31, 2019

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INDEPENDENT AUDITORS' REPORT

To the Board of Directors of College of Kinesiologists of Ontario

Opinion

We have audited the financial statements of College of Kinesiologists of Ontario (the Organization), which comprise the statement of financial position as at August 31, 2019, and the statement of operations, statement of changes in net assets and statement of cash flows for the year then ended and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Organization as at August 31, 2019, and its results of operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditors' Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the Organization in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Other Information

Management is responsible for the other information. The other information comprises the information included in the Annual Report, but does not include the financial statements and our auditors' report thereon.

Our opinion on the financial statements does not cover the other information and we will not express any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Organization's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Organization or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Organization's financial reporting process.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Organization's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Organization's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Organization to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants
Licensed Public Accountants

Toronto, Canada

COLLEGE OF KINESIOLOGISTS OF ONTARIO
STATEMENT OF FINANCIAL POSITION
At August 31

2019

2018

ASSETS

Current

Cash - unrestricted	\$ 1,079,520	\$ 2,468,807
Cash - restricted, internally (Note 3)	290,000	260,000
Prepaid expenses and sundry	114,259	101,931
Short-term investments (Note 4)	209,754	-

1,693,533 2,830,738

Investments (Note 4)

315,378 -

Capital assets (Note 5)

194,038 249,983

\$ 2,202,949 \$ 3,080,721

LIABILITIES

Current

Accounts payable and accrued liabilities	\$ 206,988	\$ 202,053
Deferred revenue	581,351	1,527,150

788,339 1,729,203

Deferred rent

117,172 133,156

905,511 1,862,359

Commitment and contingencies (Notes 8 and 9)

NET ASSETS

Net assets invested in capital assets	194,038	249,983
Internally restricted net assets (Note 3)	290,000	260,000
Unrestricted net assets	813,400	708,379

1,297,438 1,218,362

\$ 2,202,949 \$ 3,080,721

The accompanying notes are an integral part of the financial statements

On behalf of the Board

Director

Date

Director

Date

COLLEGE OF KINESIOLOGISTS OF ONTARIO
STATEMENT OF CHANGES IN NET ASSETS

Period ended	Net assets invested in capital assets	Internally restricted net assets	Unrestricted net assets	August 31, 2019	August 31, 2018
				(12 months)	(5 months)
Net assets, beginning of year	\$ 249,983	\$ 260,000	\$ 708,379	\$ 1,218,362	\$ 1,218,699
Excess (deficiency) of revenue over expenses	(68,963)	-	148,039	79,076	(337)
Interfund transfers <i>(Note 3)</i>	13,018	30,000	(43,018)	-	-
Net assets, end of year	\$ 194,038	\$ 290,000	\$ 813,400	\$ 1,297,438	\$ 1,218,362

The accompanying notes are an integral part of the financial statements

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COLLEGE OF KINESIOLOGISTS OF ONTARIO
STATEMENT OF OPERATIONS

Year ended August 31

	2019	2018
	(12 months)	(5 months)
Revenue		
Registration fees	\$ 1,700,950	\$ 711,345
Examination fees	178,550	84,000
Application fees	53,700	26,802
Jurisprudence fees	25,378	13,365
Interest income	36,775	4,595
	1,995,353	840,107
Expenses		
Salaries and benefits	1,007,907	406,149
Rent	217,278	89,922
Registration costs	189,622	102,416
Council and committee costs	90,486	14,647
Professional conduct	74,831	7,267
Professional fees	74,168	19,331
Office and general	65,015	29,280
Communications and media costs	46,145	41,801
Processing fees	42,447	68,235
Quality assurance	39,415	33,571
Amortization of capital assets	68,963	27,825
	1,916,277	840,444
Excess (deficiency) of revenue over expenses	\$ 79,076	\$ (337)

The accompanying notes are an integral part of the financial statements

COLLEGE OF KINESIOLOGISTS OF ONTARIO
STATEMENT OF CASH FLOWS

Year ended August 31

	2019	2018
	(12 months)	(5 months)
SOURCES (USES) OF CASH		
Operating activities		
Excess (deficiency) of revenue over expenses	\$ 79,076	\$ (337)
<i>Item not involving cash</i>		
Amortization of capital assets	68,963	27,825
Amortization of deferred rent	(15,984)	(8,219)
	132,055	19,269
Changes in non-cash working capital items		
Prepaid expenses and sundry	(12,328)	6,319
Accounts payable and accrued liabilities	4,935	106,053
Deferred revenue	(945,799)	752,949
Cash provided by (used in) operating activities	(821,137)	884,590
Investing activity		
Purchase of investments	(525,132)	-
Acquisition of capital assets	(13,018)	(8,733)
Cash used in investing activity	(538,150)	(8,733)
Net increase (decrease) in cash	(1,359,287)	875,857
Cash, beginning of period	2,728,807	1,852,950
Cash, end of period	\$ 1,369,520	\$ 2,728,807
Represented by:		
Cash - unrestricted	\$ 1,079,520	\$ 2,468,807
Cash - restricted, internally	290,000	260,000
	\$ 1,369,520	\$ 2,728,807

The accompanying notes are an integral part of the financial statements

COLLEGE OF KINESIOLOGISTS OF ONTARIO
NOTES TO FINANCIAL STATEMENTS
August 31, 2019

1. Purpose of the organization and income tax status

The College of Kinesiologists of Ontario (“the College”) was created April 1, 2013 pursuant to the proclamation of the Kinesiology Act, 2007. The College is a non-profit organization mandated through legislation and regulations to regulate the profession of kinesiology in Ontario in the interest of the public. The College is committed to ensuring excellent professional practice by registered kinesiologists. Through the establishment of entry-to-practice requirements and through the provision of continuous practice support, the College ensures that registered kinesiologists deliver competent, safe and ethical services.

The College is exempt from income tax under Section 149(1)(1) of the Income Tax Act. Registration remains valid so long as the College continues to fulfill the requirements of the Income Tax Act and regulations in respect of non-profit organizations.

Effective April 1, 2018, the fiscal year end of the College was changed from March 31 to August 31.

2. Significant accounting policies

These financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations.

Use of estimates

The preparation of financial statements in accordance with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the statement of financial position date and the reported amounts of revenue and expenses during the reporting period. In particular, significant estimates are contained in the hearing costs for discipline cases (Note 9). Actual results could differ from those estimates.

Fund accounting

The net assets invested in capital assets fund reports the assets, liabilities, revenues and expenses related to the College's capital assets.

The internally restricted net assets fund of the College represents resources internally restricted by the Council for specific use.

The unrestricted fund accounts for current operations as well as the College's general operations.

COLLEGE OF KINESIOLOGISTS OF ONTARIO
NOTES TO FINANCIAL STATEMENTS
August 31, 2019

2. Significant accounting policies (continued)

Revenue recognition

Application fees are recognized as revenue upon assessment of the application.

Jurisprudence fees are recognized as revenue when the services have been provided.

Examination fees are recorded in the fiscal period to which they relate. Examination fees received in advance are recorded as deferred revenue.

Registration fees are recognized as revenue proportionately over the fiscal period to which they relate. Registration fees received in advance of the membership year to which they relate are recorded as deferred revenue.

Financial instruments

The College initially measures its financial assets and liabilities at fair value.

The College subsequently measures all of its financial instruments at amortized cost using the straight-line method.

Transaction costs are recognized in the statement of operations in the period incurred.

Capital assets

Capital assets are recorded at cost less accumulated amortization. Amortization is provided annually on bases designed to amortize the assets over their estimated useful lives, as follows:

Furniture and fixtures	-	straight line over 5 years
Computer equipment	-	straight-line over 3 years
Computer software	-	straight-line over 3 years
Leasehold improvements	-	straight-line over 10 years

Deferred rent

Deferred rent includes reduced rent benefits and tenant inducements received in cash.

The College recognizes rental expenses using the straight-line method whereby any contractual rents over the term of a lease are recognized into income evenly over that term. The difference between the rental expense recognized and rental payments made is shown as deferred rent. Lease incentives received in connection with leasehold improvements are amortized to income on a straight-line basis over the terms of the lease.

COLLEGE OF KINESIOLOGISTS OF ONTARIO
NOTES TO FINANCIAL STATEMENTS
August 31, 2019

3. Interfund transfers and internally restricted net assets

The purpose of the internally restricted net assets fund is to address unplanned expenses, any increases in investigation costs and hearings and provide support to victims of sexual abuse in the future.

During the year, the College's council internally restricted additional resources amounting to \$30,000 for investigations and hearings. Transfer of \$30,000 was made from the unrestricted net assets to the internally restricted net assets. These internally restricted amounts are not available for other purposes without approval of the council. The internally restricted net assets of \$290,000 (2018 - \$260,000) is comprised of the abuse therapy fund of \$30,000 (2018 - \$30,000), investigations and hearings fund of \$170,000 (2018 - \$140,000) and property and technology fund of \$90,000 (2018 - \$90,000).

In addition, \$13,018 (2018 - \$8,733) was transferred from the unrestricted net assets fund to the capital assets fund in order to fund the cash outlays for capital asset acquisitions.

4. Investments

The College's investments consists of publicly-traded fixed income instruments.

The investments are managed by a third party and subject to an investment policy set by the Finance and Planning Committee which has as its main objective the preservation of capital while earning a reasonable rate of return.

5. Capital assets

	Cost	Accumulated Amortization	2019 Net Carrying Amount	2018 Net Carrying Amount
Furniture and fixtures	\$ 131,180	\$ 126,467	\$ 4,713	\$ 30,949
Computer equipment	55,238	37,661	17,577	11,663
Computer software	121,863	118,659	3,204	6,160
Leasehold improvements	326,662	158,118	168,544	201,211
	\$ 634,943	\$ 440,905	\$ 194,038	\$ 249,983

6. Bank loan

The College's banking facility provides for a maximum operating line of credit of \$125,000. Borrowings under the line of credit bear interest at the prime rate of the College's banker plus 0.5% per annum, and are secured by a general security agreement and assignment of fire and other perils insurance on the College's leased premises. The line of credit remains unused as at August 31, 2019.

COLLEGE OF KINESIOLOGISTS OF ONTARIO
NOTES TO FINANCIAL STATEMENTS
August 31, 2019

7. Financial instruments

The College regularly evaluates and manages the principal risks assumed with its financial instruments. The risks that arise from transacting in financial instruments include liquidity risk, credit risk, market risk, interest rate risk, and foreign currency risk. The following analysis provides a measure of the College's risk exposure and concentrations. There are no significant changes in the risk exposures from the prior period.

Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with its financial liabilities as they come due. The College is exposed to this risk mainly in respect of its accounts payable and accrued liabilities. Accounts payable are generally repaid within the credit terms.

The College is not exposed to any significant credit risk, market risk, interest rate risk, and foreign currency risk at the statement of financial position date.

8. Commitments

The College is committed under several contracts which expire between October 2019 and October 2021. The College is also committed under a long-term lease for premises which expires in June 2024. Annual contract and lease payments (exclusive of requirement to pay taxes, insurance and maintenance costs) for the next five years are approximately as follows:

Year ending August 31, 2020	\$	175,000
2021		164,000
2022		130,000
2023		118,000
2024		98,000
		<hr/>
	\$	685,000
		<hr/>

9. Contingencies

The College is required to investigate and resolve complaints and disciplinary matters brought forward to it. The obligations associated with the resolution of complaints and disciplinary matters are recognized in the year the complaints are received, to the extent that the cost of hearing or resolution can be reasonably estimated. Management estimates that the ultimate liability arising from these matters will be approximately \$47,500. The amount is included in accrued liabilities and professional conduct expenses.

10. Comparative figures

Certain reclassifications for the period ended August 31, 2018 have been made for the purpose of comparability.



Resolution: Acceptance of Audited Financial Statements for fiscal 2018/2019

Whereas Council requires that its operations undergo a financial audit annually,
and

Whereas the firm of Crowe Soberman was appointed to carry out this audit and did so during
the month of October 2019; and

Whereas the auditor has now presented Council with draft audited financial statements as
well as the auditor's opinion;

Resolution

**Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario accept
and approve for circulation, and submission to the Minister of Health and Long-Term Care,
the audited financial statements for 2018/2019.**

Moved by:

Seconded by:

Date: Monday, March 30, 2020



Resolution: Appointment of Executive Committee Professional member

Whereas the election of the Executive Committee and officers was conducted at the September 16 and December 2, 2019 Council meetings; and

Whereas a resignation was received by a professional member resulting in a vacancy on the Executive Committee; and

Whereas all professional members were invited to submit their intent to stand for the Executive Committee via email and on March 30, 2020; and

Whereas Council conducted elections and all Council members were provided the opportunity to vote by secret ballot; and

Whereas the members below were elected by a majority of Council members present and voting OR ELECTED BY ACCLAMATION;

Therefore, be it resolved that:

be appointed as a professional member of the Executive Committee

Moved by

Seconded by

March 30, 2020



Report to Council
from the Committee appointed to review a Proposal on Specialties

March 30, 2020

Colour code

- Finding of the Committee
- Recommendation of the Committee
- Excerpt from Legislation, Regulation or Policy

Background

The *Kinesiology Act, 2007* states the following:

Restricted titles

[7. \(1\)](#) No person other than a member shall use the title “kinesiologist”, a variation or abbreviation or an equivalent in another language. 2007, c. 10, Sched. O, s. 7 (1).

Representations of qualification, etc.

[\(2\)](#) No person other than a member shall hold himself or herself out as a person who is qualified to practise in Ontario as a kinesiologist or in a specialty of kinesiology. 2007, c. 10, Sched. O, s. 7 (2).

In 2018, the Council approved a policy entitled “***Review and Approval Framework for Authorization of a Specialty***”. This policy defines what requirements must be met by a practitioner or group of practitioners seeking authorization as a specialty.

The policy defines the following as the Key Decision Criteria for the Committee on Specialties:

- (a) Does the proposed specialty make the case that it is necessary for improved public protection?
- (b) Does the proposed specialty demonstrate strength of certification/education program?
- (c) Is the proposed specialty broadly understood and accepted within the profession?

The policy describes what level of additional education and training would be required and the requirements which must be met by an agency purporting to provide certification in the proposed specialty.

The policy makes clear that the Council of the College will consider a proposal from its membership, regarding specialty, where the proposed specialty “provides kinesiology services for the public; all of

which are currently not being met by general practitioners or another authorized specialty of kinesiology.”

The professional association representing some registrants of the College has requested that the College consider authorizing use of a title of specialty as referred to in the paragraph above. Specifically the Ontario Athletic Therapist Association (OATA) has made submissions.

In April 2019, Council appointed a Committee as described in the above named policy and the draft policy, “Formation of a Committee to Review a Proposal to Authorize a Specialty”, to review the submissions from the OATA.

Committee on Specialties

Composition

Council appointed the following members of Council to review the submissions of the OATA made under the Policy - Assessment of Specialties Framework:

- Ken Alger- public appointment expired August 2019, re-appointed October, resigned February 2020,
- Kalen Johnson – public appointment expired November 2019,
- Mary Pat Moore – public appointment expired and reappointed October 2019,
- Graydon Raymer- elected member of the profession - District 7, Academic
- Ryan Wight – elected member of the profession.

The Committee recommends that Council appoint at least one additional member of Council who is a public appointee , to the Committee

The Committee further recommends that Council appoint a Chair for the Committee

Deliberations

To-date

The Committee met on a number of occasions and heard presentations from the OATA, presentations from two members of the profession one of whom is a certified practitioner of the proposed specialty, and a faculty member from Sheridan College and from the University of Waterloo, speaking to the undergraduate programs in Kinesiology.

The Committee requested further information primarily focused on risk of harm, from the OATA to support its request and reviewed all submissions dating back to October 2013.

The Preeminent or First Order Question to be Addressed by the Committee:

“Is the risk of harm to the public sufficient to require additional or specific regulation/governance?”

The Committee must be satisfied that the risk of harm to the public from practitioners who do not meet the criteria specified in the submission, is of such magnitude and seriousness that regulation is required to address it and no other option is suitable.

Second Order Questions

The Committee understands that any regulatory submission from a health professions regulator to the Ministry would require responses to the following questions in addition to the overarching question stated above:

- Do the education and training required to qualify for certification as an athletic therapist meet the requirements laid out in the Specialties Assessment Framework policy for a specialty?
- What would be the impact of separate recognition requirements for the proposed speciality on the practice of kinesiology?
- What options other than regulation have been explored which would address the risk of harm?
- Would authorization of a speciality increase costs to practitioners? To the College? To the public?
- Is the practice of athletic therapy sufficiently differentiated from the general practice of kinesiology, and the risk of harm sufficiently differentiated and of a level that regulation, entry to practice and registration requirements should be different from those outlined for the General Class?

Key Aspects of the Proposal which must be examined by the Committee

1. Risk of Harm

The Committee must be fully satisfied that the members of the profession seeking specialty status have provided a convincing business case that demonstrates there is serious and significant risk of harm to the public that must be addressed through regulation that increases the governance requirements on a segment of registrants in the College, beyond the current regulatory and legislative framework.

The OATA has made extensive efforts to demonstrate the risk of harm to the public posed by practitioners of athletic therapy. However, most of the evidence presented speaks to the risk of harm experienced by the client/patient population by participating in sports, and does not address issues of the qualifications of practitioners. For example, the OATA provided information from the Canadian Community Health Survey conducted by Stats Canada, which indicated that a significant proportion of accidental injuries occur in organized and unorganized sports-related activities, either in training or in actual competition, and that Ontario has the highest number of reported sports-related injuries in Canada. And in response to questions from the Committee, the OATA addressed the question of whether there is risk of sexual abuse but noted in its

response that evidence gathered to- date indicates that greater risk seems to occur from coaching staff than health care staff.

The Committee acknowledged that registered kinesiologists who are certified athletic therapists work with populations that experience a significant risk of harm.

The Committee noted that just under one-half of the current members of the OATA are registered with the College. A number of other Certified Athletic Therapists are registered in other Colleges where they qualify including the Colleges of Chiropractors and of Massage Therapists. A total of 58% of active practice certified athletic therapists in Ontario are regulated. It is of the opinion that additional certified athletic therapists who could potentially qualify for registration with the College of Kinesiologists might register if a specialty were authorized.

The College is satisfied that public protection measures are in place in relation to the practice of athletic therapists who are regulated by one of the RHPA Colleges.

The Committee acknowledged that risk of harm to the public exists from practitioners who identify as athletic therapists who are not registrants in one of the RHPA Colleges. While the OATA was able to produce anecdotal information concerning such risk and also was able to submit numerous endorsements from knowledgeable, and experienced sources (including sports medicine physicians, athletic organizations, and teams), the OATA was unable to produce or reference a body of research which discussed injury/damage resulting from treatment and assessment by unregulated practitioners.

The business case concerning risk of harm would require targeted research to meet the threshold expected for additional regulation. Such targeted research would have to describe documented evidence that risk of harm to the public from unregulated practitioners is significant.

2. The Committee must be fully satisfied that there is a robust credentialing process including an examination which is protected from abuse, is verified and relevant and which meets generally accepted examination standards for licensing bodies.

The OATA presented information and references concerning the credentialing body, the Canadian Athletic Therapists Association (the CATA). Currently the CATA also “accredits” education programs although the College did not receive information concerning the accreditation process or the qualifications of those within or contracted by CATA conducting the accreditation of university programs in Canada.

The OATA also submitted correspondence indicating that other credentialing agencies may be appropriate. The Committee is aware of the credentialing functions of CSEP and of certain American bodies.

The Committee has not completed its review of the credentialing procedures and of the accreditation

procedures of the CATA. It also has not completed a review of the credentialing procedures of CCUPEKA. This is would be part of the second phase of review by the Committee.

3. The Committee must be convinced that the profession of kinesiology recognizes the proposed specialty, accepts and believes in the credentialing process and body and strongly believes that the risk of harm posed to the public by uncertified people practising within the specified area of kinesiology is of such seriousness that it must be addressed through regulation.

The OATA had numerous discussions with representatives of the Ontario Kinesiology Association a number of years ago. Also, the College conducted consultations concerning the Assessment Framework draft policy. And additionally the Minutes of Council and a recent posting on the College website, all speak to the potential for a specialty at some point, and the submission from the OATA. It would be reasonable, therefore to assume that much of the profession is aware that Kinesiologists who are Certified Athletic Therapists, have asked for consideration of a proposal for authorization as a specialty.

The Committee can make no determination of the level of support within the profession, for the proposal. This would require an organized consultation process which is described in the Framework, but which the Committee feels should be undertaken only when all other questions are satisfied. In this regard, the Committee recommends that the Assessment Framework be reviewed in the coming months to reconsider the manner and timing of consultation in relation to any decisions by Council.

4. The approved policy states the following concerning education:

SECTION B: Requirements for Recognition of Kinesiology Specialties

Advanced Education and Training

Formal advanced education and training programs pertaining to a specialty must be verifiable by the College. The Program must provide education and training beyond what is attained in the four or five-year kinesiology degree from a recognized Ontario university or equivalent degree program. The purpose of the Program and the design of the curriculum must be to provide the special knowledge and skills required for practise of the proposed specialty.

General Characteristics

- Structured program of study and/or training which is not part of a baccalaureate degree, typically requiring a minimum of 1000 curriculum hours and 800 supervised practise/practicum hours.

The Committee has been provided with the written opinion of an educational expert concerning the education program of Sheridan College which is used by its graduates applying to the College for admission to the General Class. The program of York University (currently “accredited” by the CATA) has not been examined

To-date, the Committee has observed that the two “accredited” programs include training for First Responder at the professional level, and elective courses (at York) are focused on identification and treatment of injuries most often found in athletes. The Committee will, in this next phase of its review, investigate at a deeper level, the York and Sheridan education programs and consider whether they (as well as out-of-province CATA accredited programs) rise to the level described above.

The Committee will be seeking additional expert advice in its assessment of the education programs against the requirements of the Assessment policy

The Committee has noted that certification as an athletic therapist is awarded only where an applicant has completed a pre-requisite supervised practicum.

5. Examination of Options to Address Risk of Harm Concerns

The Committee’s focus to-date on the risk of harm information has not permitted a fulsome exploration of options such as public awareness initiatives. The College already uses its website and participates in the HPRO website to raise public awareness concerning the importance of using regulated health professionals. The College has committed to increasing its focus on public awareness. It is the view of the Committee that further consultation is required with the professional associations and with the OATA concerning this mechanism to reduce risk of harm.

The Committee noted that the OATA provided numerous items as evidence of the endorsement of the concept of “regulating the practice of athletic therapy”. In addition the OATA provided evidence that influential organizations such as the COC, certain states in Australia, sports organizations in Canada and private schools have recognized the importance of having qualified health practitioners on site during sports activities in schools and during practice and events.

The Committee felt that this demonstrated that public awareness was growing regarding risk of harm and that such public awareness might be enhanced with clearer messaging concerning the importance of using regulated practitioners.

However, this needs further exploration and consultation with the OATA, other members of the kinesiology profession, and employers.

In addition, the Committee asks that this question be referred to the Patient Relations Committee to address mechanisms to reach the public with educational messaging

The remaining work of the Committee is still extensive and the current membership of the Committee should be augmented. In addition the Committee will determine a feasible workplan identifying what additional resources and expertise will be required to complete its investigations.



Resolution- Committee on Specialties Re-Appointments

Whereas on April 15, 2019 Council created the Specialties Committee to review submissions under the Specialties Assessment Framework; and

Whereas Council approved that the composition of the Specialties Committee be five members made up of three public members and two professional members; and

Whereas a resignation was received by the Chair of the Committee resulting in a vacancy; and

Whereas on March 30, 2020 the President called for public appointees to indicate their interest in and willingness to serve on the Committee on Specialties; and

Whereas Mary Pat Moore indicated interest in serving as Chair of the Committee;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario appoints XXXX and XXXXX and XXXXXXXXX to the Specialties Committees.

Moved by:

Seconded by:

Date: March 30, 2020



2019/2020 Performance Report

Overall highlights:



139 new registrants



23 fall PPA's



1 ongoing investigation, 3 matters at Discipline

Operational highlights (Q2: Dec 1, 2019 to Feb 29, 2020)

Focus	Deliverables	Status	Comments and Impacts
<i>Corporate</i>	Completion of 2018/2019 Audit	Green	Draft Financial Statements for Council approval
	College Performance Measurement Framework Survey	Green	Survey Completed - Measures and Evidence prioritized
	Review of College Policies	Yellow	<ul style="list-style-type: none"> Draft HR Manual prepared by legal counsel. Schedule developed for review of College policies
<i>Communications</i>	Development of 2018/2019 Annual Report	Green	<ul style="list-style-type: none"> Draft report presented to Council in December Upon approval of the audited financial statements on March 30, the report will be submitted to the Ministry and posted to the website
	Development of communications strategy that corresponds to the 2019-2022 Strategic Plan	Green	<ul style="list-style-type: none"> Strategy will be presented to Council in June
	University outreach	Green	<ul style="list-style-type: none"> 18 schools visited with an overall positive response to the presentation
	Development of new corporate website	Yellow	<ul style="list-style-type: none"> Designer engaged to create new page templates according branding standards New sitemap approved Developer engaged to build the templates in WordPress Anticipated launch at the end of May, beginning of June
	Regular and timely communication to R.Kins	Yellow	<ul style="list-style-type: none"> Monthly editions continue to be distributed with increasing open and click-through rates to content
	Conduct elections to Council in districts 2, 3 and 4	Yellow	<ul style="list-style-type: none"> Election content updated BigPulse to be engaged following March 30 meeting Nomination form to be updated
<i>Registration</i>	Conduct Registration Committee Orientation and Training Meeting. Incorporating content on risk reduction.	Green	Registration Committee training completed.
	Include content on risk reduction in case reviews documents.	Green	Case review documents updated to include content specific to risk reduction.

Focus	Deliverables	Status	Comments and Impacts
	Research and documentation of required changes for the Kinesiology Core Competency Profile	Ongoing	In the review phase. Findings to be reported to registration committee for further discussion.
	Preparing exam results to present to Universities on their students' performance on the Entry to Practice Examination	Completed	Completed - Presented exam results at the University Liaison Meeting.
	Mapping of correlation of exam results in key competency areas and university performance	Ongoing	Identifying linkages between exam performance in key competency areas and the individual performance of universities.
	Update to Jurisprudence e-learning module	Ongoing	Minimal changes made to the module, Further updates to be completed.
	Registration policy creation and updating	Ongoing	Reviewing existing registration policies and developing new policies as required.
	Mapping of Public Register needs / outstanding requirements.	Completed	Identified gaps in data management system to address the requirements for the online public register.
Quality Assurance	Peer Assessors conducted 23 peer and practice assessments for Fall 2019 Cycle	Ongoing	Completed Fall 2019 PPA Cycle. QA Committee to render decisions and reasons on assessor reports and registrants' submissions.
	Patient-Centred Care Guideline development approved by Council. Working group convened to develop guideline purpose, target audience and population, scope, principles, and topics to address that promote competence and reduce risk of harm.	Ongoing	Next steps: two webinars to develop key action statements and practice illustrations
	Self-Assessment: General Requirements Policy amendments approved by Council. Stakeholders have been notified of move to biennial cycle. Draft changes to content begun.	Ongoing	Next steps: programming and content changes
	Continuing Professional Development: Prescribed Learning Modules Policy amendments approved by Council.	Ongoing	Next steps: notify registrants
Professional Conduct	Investigations	Ongoing	One Matter under investigation. Investigation report received and report on investigation completed. Matter to go the ICRC panel.
	Hearings held by Disciplinary Committee	Ongoing	Two disciplinary hearings completed by Committee. And three other matters pending advice from legal counsel. One member ordered to attend oral caution as a result of failure to participate in QA. Member failed to attend for scheduled caution in Dec. Notice of Hearing to be served by legal.
	Professional Conduct and compliance matters	Ongoing	Member ordered to complete SCERP within 60 days of return to active practice. Suspended for non-payment of fees. College is monitoring for compliance.

Legend: Completed



Ongoing



Incomplete



REVENUES

COLLEGE OF KINESIOLOGISTS OF ONTARIO
REVENUES RECEIVED TO DATE & FORECAST TO YEAR END
FOR THE FISCAL YEAR 2019/2020

updated 3/16/2020

	1	2	3	4	5
CATEGORY	APPROVED REVENUE FORECAST (SEPT 1 2019 TO AUG 31, 2020)	ACTUAL Q1 & Q2 (SEPT - FEB) 2019/2020	PROJECTIONS Q3 (MAR - MAY) 2019/2020	PROJECTIONS Q4 (JUN - AUG) 2019/2020	VARIANCE TO YEAR END 2019/2020
	\$	\$	\$	\$	\$
Revenue:					
Jurisprudence Fee (\$48.25)	24,125	11,097	1,930	11,098	0
Application Fee (\$100)	47,500	21,200	4,000	22,300	0
Examination Fee (\$400)	190,000	66,800	14,800	128,000	19,600
Registration Fees*	2,589,499	1,230,888	11,375	1,456,888	109,652
Interest Income	25,000	30,023	4,500	4,500	14,023
TOTAL REVENUE	2,876,124	1,360,008	36,605	1,622,786	143,275
*Registration Detail	Approved Forecast	Actual Q1 & Q2 Sept to Feb	Projections Q3 Mar - May	Projections Q4 Jun - Aug	Variance to Year End
	\$	\$	\$	\$	\$
New Registrants					
- Sept - Nov (\$650) Q1	84,500	38,025			- 46,475.00
- Dec - Feb (\$487.50) Q2	24,863	60,938			36,075.00
- Mar - May (\$325) Q3	15,600	-	11,375		- 4,225.00
- Jun - Aug (\$162.50) Q4	7,800	-		5,688	- 2,112.50
Renewal (\$650)	2,364,736	1,021,262	-	1,450,800	107,326.00
Change in Status (members back to	-	13,888	-		13,888
Professional Corporation	1,200	800	-	400	-
Professional Corporation Late fee	200				-
Inactive Renewal (\$200)	82,000	70,575	-	-	- 11,425
Inactive Renewal Late Fee(\$50)	3,000	3,800	-	-	800
Renewal Late Fee (\$100)	5,000	18,600	-	-	13,600.00
Re-instatement Fee (\$325)	600	3,000	-	-	2,400.00
Total	2,589,499	1,230,888	11,375	1,456,888	109,852

Notes

Projections for new registrants in Q1 lower than expected. Increase in Q2 to cover some of the shortfall in Q1.

Projections for Q3 & Q4 are expected to come lower.

Overall, we are not expected to meet projections for new registrants for the fiscal year.

Interest Income: exceed projections as maturity of the first year of the investment in a ladderred GIC.

Committee Report

Committee: Quality Assurance Committee
Prepared for: Council
Date: March 30, 2020

Two panels of the Quality Assurance Committee (the Committee) met once since the last report made on December 2, 2019.

Committee Orientation and Training

One new public member who was appointed to the Committee completed orientation and training. Training covered the legislative framework; Committee mandate and powers; program components and policies; governance, conflict of interest and confidentiality; the process for reviewing peer and practice assessment cases and rendering decisions and reasons; and criteria for referrals to the Inquiries, Complaints and Reports Committee.

Peer and Practice Assessment

The Fall 2019 Peer and Practice Assessment (PPA) Cycle is complete and assessments took place between November 2019 and January 2020. Kinesiologists were randomly selected to participate or deferred from a previous cycle.

Panels of the Committee rendered 24 decisions regarding PPA cases: one case from the Spring 2019 Cycle, and 23 from the Fall 2019 Cycle. Below is a summary of the decisions:

PPA Cycle	PPA Case Files Reviewed	Decisions
Spring 2019	1 file	1 - No further action
Fall 2019	23 files	15 - No further action 8 - Notice of Intent to direct competency enhancement (demonstrated change report)

Proposed amendments to QA program policies regarding conflict of interest

Proposed amendments to the Quality Assurance Program Bias Policy and Assessor Selection Policy were presented to panel members for review and comment. The policies do not address the expanding list of potential conflicts of interest and bias that may present during the administration of the peer and practice assessment, or the potential conflicts of interest and bias that have recently

surfaced in other QA Program components (e.g. Continuing Professional Development). Therefore a review of the current policies is in order to ensure they continue to be relevant and constructive in assisting QA Committee members, peer assessors, mentors, kinesiologists and College staff in identifying and managing conflicts of interest and bias appropriately. The Director of Quality Assurance explained that the organization-wide Conflict of Interest Policy would be amended to capture the potential areas for conflict of interest in each of the respective portfolios. QA Committee members suggested that the College develop and implement a sample disclosure statement or contract for people prior to review and sign prior to commencing College appointments as well as upon concluding roles as an additional transparency measure and to help support Committee members and volunteers in managing conflicts. The proposed amendments to the QA Program policies and organization-wide policy will be presented to Council in June for review and approval.

Patient/Client-Centred Care/Service Guideline

The College is developing a Patient-Centred Care and Client-Centred Service Guideline that will define, promote and clarify expectations around patient-centred care and client-centred service in the context of kinesiology practice. Practice illustrations will show how principles are carried out in a variety of practice roles and settings. The first of three working group meetings was convened to discuss the scope of the guideline, target audience and population, principles of patient-centred care, and topics to address in the guideline. The next webinar will focus on the development of key action statements.

Registration Report

Committee: Registration
Prepared for: Council
Date: March 30, 2020

Registration Report

Meetings

The Registration Committee has not met since the last report to Council on December 2, 2019.

A panel of the registration committee has met a total of seven times since the last report to Council to review the following referrals from the Registrar:

- Approval of remediation plan for 3rd attempt at the exam – 5
- Reinstatement to the general class after being inactive for more than 2 years – 4
- Exemption from one-year period of eligibility for registration - following notification of passing the exam – 1
- Exemption request from writing exam after resignation and re-application – 1
- Exceeded allotted timeline for writing the exam – 1
- Educational Equivalency Assessment - 32

In total the abovementioned panels reviewed 43 files.

Spring Examination

The spring sitting of the College's entry-to-practice examination was scheduled to place on April 18, 2020. The exam has been postponed until further notice due to the COVID-19 outbreak. The postponement of the exam is in support of the Public Health Agency of Canada recommendation of social distancing to help minimize the risk of spreading the disease.

The number of applicants who registered to write the exam is 230, which includes 5 candidates with special accommodations.

The College will work closely with our examination administrator Yardstick to reschedule a new exam session for all affected candidates and will make appropriate accommodations where required, including but not limited to adding additional testing sites or extended exam windows.

Fair Registration Practices Report

The annual Registration Practices Report was submitted on March 1, 2019. This report included the College's qualitative and quantitative information relating to registration. The report has been posted to the College's website.

The qualitative information contains changes to registration:

- Policies;
- Procedures and/or processes;
- Resources for applicants;
- Training resources for staff, and committee members.

The quantitative information contains:

- Applicant and member descriptions;
- The number of applications processed in the previous calendar year and the status of the applications;
- The number of reviews and appeals processed in the previous calendar year.



February 6, 2020

Dear [REDACTED],

Thank you for your email. We appreciate you bringing your concerns to the College's attention. I hope this response clarifies some of the points you made.

Considering the issue of specialties is not a means of by-passing legislation to gain regulated status; this process is within the College's legislated realm. [Clause \(e\) of subsection 95\(1\) in the Health Professions Procedural Code](#) of the RHPA gives colleges the power, subject to approval and review with government, to make regulations defining specialties in the profession, among other matters related to specialties. When making all decisions, the College is guided by whether these decisions serve and protect the public interest.

In 2016, the College developed a draft Specialties Assessment Framework (attached to my email), and consulted widely on this draft with the profession and other affected stakeholders. The document was approved by Council in March 2018. The document sets out the criteria for an area of the profession to be authorized as a specialty by the College, and the College's process for considering such requests. The Specialties Committee, created by Council to review such requests, considers the submission against a defined set of requirements. The Committee's guiding principle is whether or not there is sufficient risk of harm to the public to warrant additional regulation (i.e. a specialty).

As you are aware, the College's Council is composed of elected kinesiologists (professional members) and representatives appointed by the Ontario Government (public members). Any athletic therapists serving on Council were elected by their peers. The Specialties Committee is composed of three public members and two professional members. As noted in the [Council meeting minutes of April 15, 2019](#), Council took several steps to ensure no Council member was in an actual or perceived conflict of interest in their appointment to the Specialties Committee. The College's legal counsel attended to provide training on conflict of interest. All Council members were asked to declare actual or perceived conflicts, and Council voted to appoint members to the Specialties Committee accordingly.

Finally, I would like to reiterate a point that we have made to several stakeholders: Council is only in the process of considering OATA's request for a specialty for athletic therapists. This process does not automatically mean that a specialty will be granted. You may have heard that the College's Council will consider a recommendation on this matter. This also does not mean that a specialty comes into effect. The College must engage in an open and thorough consultation process to obtain

feedback on any recommended proposal before making a final decision. If after extensive consultation Council decides to proceed with a specialty, regulations are drafted and submitted to the Ontario Government for review and approval.

As the regulatory body for a diverse profession, we must consider the views of all affected stakeholders against what is ultimately in the best interest of the public. Having been intimately involved in the momentous task of getting kinesiology regulated, you no doubt are familiar with this delicate balancing act. We are committed to engaging all affected stakeholders in this matter and to open and transparent dialogue.

If you have any other questions, please do not hesitate to contact me at nancy.leris@coko.ca or at (416) 961-7000 ext. 102.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy Leris', written in a cursive style.

Nancy Leris,
Acting Registrar and CEO
College of Kinesiologists of Ontario

Ryan Pestana

To: Brenda Kritzer
Subject: RE: Consideration of AT as a specialization

----- Message from [REDACTED] -----
Date: Sun, 2 Feb 2020 19:15:59 +0000
From: [REDACTED]
Subject: Consideration of AT as a specialization
To: brenda.kritzer@coko.ca, Ontario Kinesiology Association <info@oka.on.ca>
Cc: info@cka.ca, ркиnontario@gmail.com

Good day,

I have been a certified Kinesiologist since [REDACTED] and was an integral part of the profession of kinesiology becoming regulated. I recognize the need for evolution of a profession and the complexity of such a process. I am also intimately aware of the history of the OKA and OATA conversations as regulation progressed in the late 1990s and early 2000s. In my opinion, the appearance of the some OATA members attempting to influence the COKO membership, standards and guidelines to the service of the OATA membership is very unpalatable.

I have been monitoring the college's activities closely and now feel it is time to voice my overwhelming and significant concern for some of the activities of the college with the Ontario Athletic Therapy Association and its members.

I am very concerned that this is a focused & concerted effort to bypass the legislated methods of the RHPA to provide not only regulated status but special consideration to a small group of professionals. Each professional group must follow the process of RHPA and get regulated by means of the Minister of Health & LTC.

This current vein of work by the college at the very least appears to be an end run of the legislated methods and at worst appears to be nepotism and conflict of interest.

I expect the college for which I am a part, to use the members' dues to the benefit of the whole membership and more importantly for the protection of the public and not a small subset, some of whom are not Kinesiologists nor registered with the COKO. This attention and consideration to one small subset is not in the best interest of the broader public - it is clearly in the best interest of the members of the OATA. That is not in my opinion, the mandate of the college.

I am aware that the college BoD has been slowly adding cAT's to the board. This has the appearance of "special interest" or "conflict of interest" decision making with respect to granting "specialization" status to this small group by those member of the college board who hold both designations.

Please do not misunderstand my intention on this matter. Those members who hold both designations have earned their right to be R.Kins and I proud to call them a professional colleague as a peer.

There are many specialized colleagues within the COKO including cardiac rehab, ergonomics, biomechanics, physiology, health & safety etc, and none of these groups are getting the special attention and time of the College.

I am asking that my concerns be addressed in the board meeting and that a response to my letter and to the members of the College be communicated.

If you wish to speak with me further regarding this email, I can be reached at [REDACTED].

Thank you,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

This e-mail is confidential, may be privileged and is intended for the exclusive use of the addressee. Any other person is strictly prohibited from disclosing, distributing or reproducing it. Due to the inherent risks associated with the Internet, we assume no responsibility for unauthorized interception of any Internet communication with you or the transmission of computer viruses. Thank you.

Registrar's Report

Prepared for: Council
Date: March 30, 2020

Update Notes:

Insurance delisting of healthcare professionals

In September 2019, Glick Law published a newsletter article titled, “*There’s a New Sheriff in Town: ‘Delisting’ by Insurance Companies and its Impact on Professional Regulators*”. It is included in the Council package. The article notes the growing trend of private insurance companies “delisting” healthcare professionals in light of fraudulent or otherwise suspect billing practices. Some insurance companies, which have sophisticated investigative techniques, have also stopped sharing information obtained through their internal investigations with health professions regulators. Although this practice is more widespread in professions whose services are widely covered by insurance (e.g. medicine), the College has seen this issue emerge in recent disciplinary matters, which would not have come to the College’s attention but for the actions of a third-party. The College expects that this will be an emerging issue of concern for all health regulators.

On January 31, 2020, staff attended a teleconference between representatives from the Financial Services Regulatory Authority (FSRA) and varied health profession regulators in Ontario. FSRA contacted the Federation of Health Regulatory Colleges of Ontario (FHRCO) in 2019 to initiate a dialogue about the respective functions and jurisdiction of FSRA and the FHRCO colleges. At the meeting, FSRA presented on its legislated mandate to regulate “Health Service Providers,” which are businesses that provide specific goods or services related to health claims from auto insurance. FSRA currently licenses approximately 5,000 Health Service Providers, some of which are owned or operated by healthcare professionals. FSRA has requested an opportunity to meet with individual health colleges to further discuss topics of mutual interest and potential areas for collaboration. The College will follow up with FSRA to schedule a meeting in the coming months.

The specialties process

The College received several items of correspondence related to its consideration of a specialty for athletic therapists within the College. This prompted the College to develop a [fact sheet describing where Council is in the process of considering the issue](#). The fact sheet is available on the website and was included in the February e-newsletter. It corrects the misconceptions surrounding consideration of this issue. On the issue of specialties the College received:

- A letter from the Canadian Athletic Therapists Association
- An email from a registrant who asked that her identity be protected.

- The OATA has provided additional correspondence from members, supporters or employers, supporting the establishment of a specialty or expressing support for the regulation of athletic therapists

Letters addressed to the Council are included in the Council package together with the response from the College.

FHRCO name change

The board of directors of the Federation of Health Regulatory Colleges of Ontario (FHRCO) voted to approve a name change for the organization to Health Profession Regulators of Ontario (HPRO). The website link is <https://www.regulatedhealthprofessions.on.ca/>



COLLEGE OF CHIROPRACTORS OF ONTARIO

MEMORANDUM

To: Stakeholders (including members)

From: Dr. Dennis Mizel, President
Mr. Robert MacKay, Vice-President

Date: March 4, 2020

Subject: **Summary of Code of Conduct Matters
(Item 5.3 in Council Information Package for February 26, 2020)**

The past year at the CCO has seen a number of important—and, yes, sometimes contentious—decisions made by the Council including changes to S-001: Scope of Practice, the position statement on vaccination, as well as the by-law amendments to the composition of Council that create a fair representative balance to Council while reducing the risks associated with real or perceived conflicts of interest.

To reach these decisions, Council has sought the input of a variety of public, government, and chiropractic stakeholders. Council, comprised of both public and elected members has considered these matters, aware that being guided by our core values—integrity, respect, collaborative, innovative, transparent and responsive — ensures we meet our mission to regulate the profession in the public interest to assure ethical and competent chiropractic care.

We are also fortunate to be governed by a Code of Conduct that ensures the nine chiropractors elected by chiropractors from among their peers and up to seven members of the public appointed by the government that compose Council, as well as all non-council committee members, adhere to a high standard of conduct when carrying out their regulatory work. Council expects professional behaviour of all individuals involved with CCO in any capacity, including demonstration of an understanding and compliance with the duties of due diligence, confidentiality and loyalty.

Any allegation of a breach of our Code of Conduct is taken seriously by Council. It deals with such charges promptly and painstakingly, employing an independent and experienced investigator as required and devoting CCO's time and resources to ensure a fair and comprehensive review. Attached is a summary report of several Code of Conduct complaints received and dealt with during the period September 2019 – February 2020. Council received information about these matters at the council meeting on February 26, 2020, at which time there was a direction to publish a summary of the matters to demonstrate transparency and accountability.

The disposition of these complaints suggests to us that accusations of a reputed breach by a Council member must be made *cautiously, deliberately and with all due consideration* for the time and cost required to investigate and examine the circumstances.

This caution is not meant to discourage any legitimate concern about the behaviour of members of Council being brought to Council. Rather this *expectation for judgment and circumspection* before charging individuals with breaching the Code recognizes that the fundamental task of Council is to focus on its statutory role and responsibility; that is, regulating chiropractic in the public interest. And it accepts that Council is accountable to members for the efficient utilization of the resources granted to it.

Experts, including Ms Deanna Williams who spoke to CCO on November 29, 2019, suggest that 80% of a regulator's time and energy should be devoted to public interest/public protection, and that other matters, including internal reviews and investigations, should not involve more than 20 % of the college's efforts and resources. Any matters not directly related to the important public interest work CCO does are a distraction from that work. However, best practices suggest any governance matters be addressed fairly, promptly and efficiently.

We believe this is an appropriate division of labour. It is our intention to ensure we have the time and resources to build public trust and confidence, promote understanding of the role of CCO amongst all stakeholders, and ensure the practice of members is safe, ethical, and patient-centered. CCO will be using the learnings from the recent reviews to self reflect and refocus energies and resources on ensuring that members provide competent, ethical chiropractic care to the public of Ontario and that Council members role model professional, respectful behaviour and communications.



Dr. Dennis Mizel, President



Mr. Robert MacKay, Vice-President



COUNCIL SURVEY RESULTS:

Q1 Overall, how would you rate today's meeting? Top Rating: Good

Q2 How would you rate the quality of meeting materials? Top Rating: Good/Excellent

Q3 How would you rate the communication before the meeting? (e.g. notice of meeting, distribution of materials, timeliness, etc.) Top Rating: Good/Excellent

Q4 What worked well about the meeting?

General Comments:

The general consensus was that the meeting ran smoothly. The Chair did a very good job controlling the meeting and following Roberts Rules of Order. She called for debate on an issue before and after a motion was introduced and before calling for a vote. The Chair did a great job of the in-camera portion. She was transparent and respectful of confidentiality. All Council members had ample opportunity to provide input into the discussion of agenda items. The quality of the materials was good.

Q5 What could have been improved?

General Comments:

Listening to presentations via teleconference was challenging. The Go To meeting worked well for the in-camera session. However, the communications platform changed for the public portion of the meeting. It would have been best to continue using the Go To platform. Members would like to receive the amended agenda sooner than the Friday before the council meeting. It was questioned whether it was necessary to have Council sit on another 60 minute presentation on conflict of interest. It was noted that the College can be more creative in executing its mandate of protecting the public. We need to examine where the greatest threat to the public is in the community and find ways of better educating the public to who we are and what we do. We need to also make post-secondary institutions aware of the fiduciary responsibility our registrants have to their patients and clients and support them.

Proposed Committee Composition

Red= Committee chair or vice-chair

Proposed changes in yellow

Committee	Professional members	Public members	Member(s)-at-large
Executive	Jennifer Pereira, Chair Ben Matthie	Mary Pat Moore, Vice Chair Leslee Brown	N/A
Finance	Stefanie Moser Jennifer Pereira Katie St Denis	Chad McCleave, Chair	N/A
Registration	Elwin Lau - Vice-Chair Elwin Lau Graydon Raymer Katie St Denis	Ryan Wight, Chair Teresa Bendo Victoria Nicholson Mary Pat Moore Additional Public Member ???	Jaclyn Benn Faith Delos-Reyes Alyssa King Richard Wotherspoon Holly Wykes
Quality Assurance	Graydon Raymer- Chair ???- Vice-Chair Nelson Amaral Derek DeBono Jennifer Pereira	Victoria Nicholson Teresa Bendo Leslee Brown	Denis Beaulac Mardy Frazer Alicia Oliveira Andrea Scrivener Shindujan Yogaratnam
ICRC	Elwin Lau- Chair Nelson Amaral Ben Matthie Ryan Wight	Chad McCleave- Vice-Chair Teresa Bendo Leslee Brown	Alex Burnaru Douglas Freer Susan Garfat Francesca McKenzie Leanne Smith Michelle Young
Patient Relations	Derek DeBono Ben Matthie Stefanie Moser Graydon Raymer Ryan Wight	Teresa Bendo Mary Pat Moore	Alisha Gleiser Leanne Smith
Examination Appeals	Stefanie Moser Derek DeBono	Chad McCleave Victoria Nicholson	
Discipline	All	Mary Pat Moore All	Denis Beaulac Pamela Paquette Richard Wotherspoon Michelle Young
Fitness to Practise	All	Jennifer Pereira All	



Resolution- Revised Committee slate for 2019/2020

Whereas Council approved the revised Committee slate as presented at the December 2, 2019 Council meeting; and

Whereas resignations were received from some professional and publically-appointed Council members after December 2, 2019; and

Whereas per By-law 13, the Executive Committee is recommending a revised slate for committee membership based on the needs of each committee and the interests and skills of Council members and kinesiologists;

Therefore, be it resolved that the Council of the College of Kinesiologists of Ontario appoints the committee members and chairs as per the attached revised slate developed and recommended by the Executive Committee.

Moved by:

Seconded by:

Date: March 30, 2020

2020 Council Elections- District 2 (vacant); District 3 (vacant); District 4 (one member)

Members up for election-~~Jennifer Bushell, Nelson~~, Stefanie

Deadline	Task	Person(s)
Tues. August 11	Election results emailed to voting members and posted to the website	RP
Sat. August 8	Last day to conduct recount (No more than 10 days after receiving a request)	BK
Wed. July 29	Final day to request a recount (15 days after the election date)	
July 15-17	All candidates notified of results via telephone	BK
Tues. July 14	Final reminder re. voting	BP
Fri. July 10	Reminder one re. voting	BP
July 7-14	Election period. Poll closes at 11:59 p.m. EST July 14	
Tues. July 7	Poll is open messages	RP/BP
Mon. July 6	Obtain list of members eligible to vote	RP
Tues. June 30	Reminder re. voting	RP/BP
Tues. June 16	Official notice of election and/or acclamation emailed to all members eligible to vote and posted to the website (No later than 21 days before the election)	RP/BP
Mon. June 15	Obtain list of members eligible to participate in the election	RP
Sun. June 7	Final day for candidates to withdraw nominations (30 days before the election)	
Tues. May 26	Notice sent to candidates re. acceptance of nomination. Include save the dates for upcoming Council and committee meetings	RP
Mon. May 25	Vet and verify candidates per the requirements of By-Law 10.13	RP
Fri. May 22	Nomination deadline (at least 45 days before the election)	
Tues. May 19	Reminder 2 re. nominations	RP/BP
Tues. May 12	Reminder 1 re. nominations	RP/BP
Tues. May 5	Notice of nomination emailed directly to eligible members (No later than 60 days before the election)	RP/BP
Mon. May 4	Obtain list of members eligible to participate in the nomination	RP
Mid-April	Notice of nomination/election published in @CKO and on website	RP
Week of April 6	Engage BigPulse	RP/Dominic



Resolution– 2020 Council Election Date

Whereas the College is required under By-Law 10.06 to hold an election of members to Council in 2020 for the Council member from District 2, District 3 and one Council member from District 4; and

Whereas the Council is required under By-Law 10.07 to direct the Registrar to set the date for elections; and

Whereas the Registrar has proposed the dates of election as July 7-14, 2020 to ensure consistency with the time period established for previous elections, and to allow kinesiologists ample time to vote;

Therefore, be it resolved that Council directs the Registrar to publish immediately July 7-14-, 2020 as the election dates in Districts 2, 3 and 4.

Moved by: _____

Seconded by: _____

Date: March 30, 2020

Decision Note

Decision: Vacancies in Districts 2 and 3
Prepared for: Council
Date: March 30, 2020

Background

In February 2020, two professional members of Council (one from District 2 and one from District 3) tendered their resignation. Both of these districts are up for election in July 2020.

According to College By-Law 10.32, this created a short-term vacancy in these two districts since the seats became vacant no more than 12 months before the members' term of office expired.

In the event of a short-term vacancy, Council may do any of the following:

- leave a seat vacant; or
- appoint as an elected member the candidate, if any, who had the most votes of all the unsuccessful candidates in the last election of Council members for that electoral district or if that candidate is not willing to accept the appointment, the eligible candidate with the next highest number of votes; or
- if there are no candidates pursuant to 10.32(ii), appoint a successor from among the members of the College who would be eligible for election if an election were held.

Executive Committee already considered the issue of the vacancy in District 2 and resolved to leave the seat vacant. The resignation in District 3 came after Executive Committee's last meeting.

Options for consideration

Leave the seats vacant

If Council leaves both seats vacant, it is still meeting the minimum number of professional members needed to constitute Council as stated in the *Kinesiology Act, 2007*. The Act states that Council needs at least seven professional members; there are currently eight.

To date, there has been no disruption in Council's work as a result of these resignations. Council may be aware of recent difficulties in constituting panels of committees. This is also due to the resignations of two public members. Staff is in close coordination with the Public Appointments

Secretariat to secure the appointment of additional public appointees. Already, one new appointment was made at the end of February.

Appoint the candidate with the next most votes

While this was a viable option for District 2, District 3 was won by acclamation in 2017. Council would need to appoint this member at another meeting and staff would need to provide orientation and training. These actions close to the end of the Council term would not necessarily ease Council members' workloads or lead to timelier decision-making.

Appoint a successor from among the membership

This option presents several challenges as to how and whom to select as a successor, and may raise questions about Council's objectivity when it comes to the composition of Council. Given the close scrutiny that all colleges are under and the perception that exists among the public that colleges "protect their own", proceeding with this option may diminish trust and confidence in the College's governance processes.

Recommendation

It is recommended that Council ratify Executive Committee's decision to leave District 2 vacant. With respect to District 3, given that the district is up for election this and the pending opening of the nomination period, it is recommended the Council also leave District 3 vacant until the election.

The election schedule provided in the Council package indicates that the nomination period begins in May and kinesiology will elect members to Council in July. Council is still fully constituted and able to transact business, and the appointment of additional public appointees will help ease workloads and time concerns until new members join Council in September.

Resolution– Vacancies in Districts 2 and 3

Whereas the two professional members of Council from Districts 2 and 3 resigned in February 2020; and

Whereas according to College By-Law 10.32, this created a short-term vacancy in these two districts since the seats became vacant no more than 12 months before the members' term of office expired; and

Whereas nominations for these two districts open in May 2020; and

Whereas Council still has the required minimum number of professional members and an appropriate number of public appointees to conduct business;

Therefore, be it resolved that Council leave Districts 2 and 3 vacant given the pending start of the nomination period in both districts.

Moved by: _____

Seconded by: _____

Date: March 30, 2020