

**THE CORPORATION OF THE TOWN OF GEORGINA**

**REPORT NO. LS-2024-0006**

**FOR THE CONSIDERATION OF  
COUNCIL**

**February 7, 2024**

**SUBJECT: CEMETERY OPERATIONS REVIEW**

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**1. RECOMMENDATION:**

- 1. That Report No. LS-2024-0006, prepared by the Clerk's Division, dated February 7, 2024, respecting Cemetery Operations Review, be received;**
- 2. That Council express its appreciation to all of the volunteers who have dedicated their time to participating as Members of Cooke's Cemetery Board and Keswick Cemetery Board;**
- 3. That Council direct Staff to manage the Town's Municipally Owned Cemeteries; and**
- 4. That Council direct the Clerk's Division to prepare the necessary bylaws to give effect to the recommendations.**

**2. PURPOSE:**

The purpose of this report is to provide Staff's analysis and recommendations to improve the efficiency, effectiveness and governance of the Town of Georgina's Municipally Owned Cemeteries, which would standardize and streamline the processes surrounding cemetery operations.

**3. BACKGROUND:**

Keswick Cemetery and Cooke's Cemetery are the Town's two (2) active Municipally Owned Cemeteries. Traditionally, Council has appointed an Advisory Board for each of these cemeteries during a new Term of Office. These Boards are known as the Keswick Cemetery Board and the Cooke's Cemetery Board. The intention of these Cemetery Boards was to make recommendations for improvements to services, grounds and public access to Council.

Council received Report LS-2023-0001 on January 11, 2023, which sought to assess and make recommendations for how the Town of Georgina should proceed with Advisory Committees and Local Boards in the future. Concerning the Town's two (2) Cemetery Boards, this report recommended that Council direct Staff to manage the Town's cemeteries and seek input from the community as part of the Master Planning Process for cemeteries. Council took into consideration the recommendations of this report and directed Staff to seek input from various stakeholders.

## **4. ANALYSIS:**

### **4.1 Legislated Responsibilities of the Municipality**

Cemeteries are governed by the *Funeral, Burial and Cremation Services Act, 2002* (“FBCSA”) and the related regulations. The Bereavement Authority of Ontario (BAO) administers provisions of the FBCSA, which is consumer protection legislation respecting funerals, burials, cremations and related services within the province of Ontario. The core mission of the BAO is to effectively regulate Ontario’s bereavement services, by using risk-based regulatory tools to promote compliance and inspire confidence in the sector.

Municipalities are obligated to assume ownership of and responsibility for abandoned cemeteries pursuant to subsection 101.1(7) of the FBCSA. Neither the *Municipal Act, 2001* nor the FBCSA regulate the governance model for a municipal cemetery. It is within Council’s authority to delegate authority to Staff, an Advisory Committee, or a Board of Management to make decisions on Council’s behalf. Therefore, based on all relevant legislation, the decision rests with Council regarding how the Town of Georgina’s Municipally Owned Cemeteries will be taken care of in the future.

### **4.2 Current Cemetery Operations Overview**

#### **i. Keswick Cemetery**

Town Staff are currently involved in the day-to-day operations at Keswick Cemetery. Town of Georgina Staff work in collaboration with the two (2) major funeral homes in the municipality, Forrest and Taylor Funeral Home and M.W. Becker Funeral Home, to sell various plots and burial styles at this location. Additionally, Staff have detailed records of inventory as to which plots are vacant vs. sold and details regarding to whom the plots belong. All monetary transactions are completed through the appropriate channels at the Town and financial records are maintained regarding such sales. In terms of maintenance, Town of Georgina Staff are responsible for maintaining the grounds, and where upkeep outside of the scope of Staff expertise is required, Staff coordinate a contractor to assist. Overall, Town Staff have an understanding of the operations at Keswick Cemetery, as they have been working collaboratively with respect to this location for years.

#### **ii. Cooke’s Cemetery**

Cooke’s Cemetery is one of the pioneer cemeteries within the Town of Georgina. Staff have limited involvement with the operations associated with Cooke’s Cemetery. The cemetery runs independently with little input from Town Staff. The Board currently handles all record keeping, plot sales, financial transactions and purchasing, in-house, with no oversight from Staff, while maintenance requests are sent to the Town on an ad hoc basis. This cemetery receives burial requests through Forrest and Taylor Funeral Home.

### **4.3 The Keswick Cemetery Master Plan**

The Keswick Cemetery Master Plan will serve as a comprehensive plan for the phased development of the cemetery expansion lands, meeting the long-term needs of the residents of the Town of Georgina. Once the updated Master Plan is approved, the Town intends to move forward with the gradual and phased implementation of the site works identified therein. The scope of this project, completed by a consultant, Lees + Associates, included a review of the property to understand current cemetery operations, a review of service offerings, analysis and suggested updates to fee schedules, and recommendations for the future of Keswick Cemetery, including roles and responsibilities required for the success of the Plan. These recommendations align services offered and fee schedules with current market rates, while ensuring the cemetery meets all legislated requirements in Ontario. The Consultant took into consideration similar municipalities in making these recommendations, allowing the Town of Georgina to align itself with current and emerging industry standards, trends and best practices, as well as compliance with all applicable bylaws, regulations, acts and legislation.

Through an extensive research process in which the Consultant team examined the broad spectrum of requirements and responsibilities to which Keswick Cemetery must adhere, it is important to note one major recommendation, namely that the Town take on full ownership of the fiscal responsibilities, rate setting, customer care, capital planning and general oversight of Keswick Cemetery. In following this recommendation, the Town of Georgina will align itself with common practices and standards undertaken by other municipalities of similar caliber, while minimizing liability and risk by managing administration, sales, revenue and record-keeping in-house. By Council entrusting Town Staff to formally take charge of Keswick Cemetery, the enhancement of Keswick Cemetery and the implementation of its Master Plan can officially be gotten underway, ensuring that the Town can provide long-term sustainable cemetery services to Keswick residents for decades to come.

### **4.4 Pioneer Cemeteries Management Plan**

The Pioneer Cemeteries Management Plan focusses on the Town's five (5) Pioneer Cemeteries, including Cooke's Cemetery. Over recent years, several pioneer cemeteries in Georgina have come to be owned or maintained by the Town. While the Town has coordinated grass cutting and light landscaping works at these sites for several years, many of the grave markers have been compromised by extensive vegetation growth, vandalism and settling of soils. This Management Plan defines how pioneer sites will be maintained in the future, with these recommendations being applied to future Pioneer Cemeteries that may fall under the Town's jurisdiction.

As a part of this Management Plan, it has been determined by the Consultant team handling the research, investigations and recommendations for the Pioneer Cemetery sites that the Town of Georgina should take on full ownership of the fiscal

responsibilities, rate setting, customer care, capital planning and general oversight of Cooke's Cemetery.

#### **4.5 Current Challenges**

##### **i. Inconsistent Terms of Reference**

There are several challenges which Town of Georgina Staff currently face concerning the operations of the two (2) cemeteries. The Terms of Reference for each of the Boards do not align with each other, causing the Boards to operate inconsistently. According to the Keswick Cemetery Board Terms of Reference, the Cemetery Board is to serve in an advisory capacity. On the other hand, the Terms of Reference for the Cooke's Cemetery Board grant authority, in its entirety, to the Board. In accordance with the Terms of Reference, the Cooke's Cemetery Board retains full and complete control and management of the land, buildings, plantings, roads, utilities, books and records of the cemetery.

##### **ii. Inconsistent Operating Structure and Process**

While both Keswick Cemetery and Cooke's Cemetery are owned by the municipality, Town Staff are only actively involved with the operations of Keswick Cemetery. Staff provide clerical support to the Keswick Cemetery Board, including conducting all meetings, and are also responsible for the administration and maintenance of Keswick Cemetery. Staff assist in plot sales, financial transactions and record keeping on a daily basis and are knowledgeable and comfortable with the operations and governance of Keswick Cemetery. Unlike Keswick Cemetery, the Cooke's Cemetery Board, in accordance with the Terms of Reference, retains full and complete control and management of Cooke's Cemetery. The Board operates independently, compared to the Keswick Cemetery Board or any Advisory Committee to Council. Town Staff are not involved in the overall administration of Cooke's Cemetery, including sale of plots or conduct of meetings. The Town has limited access to information regarding plot sales, inventory records and finances at Cooke's Cemetery. The Town is provided with high level financial information after decisions/transactions have taken place. This Board operates independently from both the Keswick Cemetery Board and Town Staff. This practice puts the Town of Georgina in an unfavourable position, as Town Staff are not in possession of complete records, including but not limited to plot sales, inventory, Agendas and Minutes.

##### **iii. Governance, Transparency and Record Management**

This drastic polarization of responsibilities of the Boards within their Terms of Reference causes the two (2) Boards to operate differently from each other. As Town Staff are responsible for the administration of Keswick Cemetery, Staff provide clerical support to Keswick Cemetery Board meetings, ensuring that Keswick Cemetery Board meetings are conducted in accordance with the Town's Procedure Bylaw, which is in place to govern the proceedings of Council,

Committees and Local Boards, to ensure accountability and transparency in governance. Contrary to Keswick Cemetery Board, Cooke's Cemetery Board retains full and complete control and management of Cooke's Cemetery and as such, Staff are not involved in the conduct of meetings or the administration and operations of Cooke's Cemetery.

#### **4.6 Stakeholder Consultation**

In coordination with the Keswick Cemetery Master Planning Process and the Pioneer Cemetery Management Plan, which both involved consultation with the public, Staff sought additional input on governance, processes and procedures from the Cemetery Boards themselves. Staff requested that Cemetery Board Members appointed for the 2018-2022 term of Council take part in an anonymous online survey. The responses provided were invaluable in assisting Staff to better understand the effectiveness and governance of these Boards, as well as the Members' understanding of their responsibilities. In summary, responses received from the Keswick Cemetery Board indicate that the Board is open to modifications in operation and structure, while the Cooke's Cemetery Board indicated the desire to maintain the status quo.

#### **4.7 Jurisdictional Scan**

At the request of Council, Staff consulted with other municipalities to gain a firm understanding of operational procedures for Municipally Owned Cemeteries across various jurisdictions. Staff consulted with each municipality within York Region (East Gwillimbury, Newmarket, King, Aurora, Whitchurch-Stouffville, Richmond Hill, Markham and Vaughan) and found that no Cemetery Boards, Advisory Committees or Boards of Management exist within those municipalities. Instead, each municipality confirmed that their Council had delineated full ownership of the fiscal responsibilities, rate setting, customer care, capital planning and general oversight of each Municipally Owned Cemetery to Staff.

Additionally, Staff sought further insight from municipalities across the province who have Municipally Owned Cemeteries (Kincardine, Lambton Shores, Kawartha Lakes and Brockton), which are all small to midsized lakeside municipalities. The input from these locations was identical to that of York Region as a whole, in confirming that all cemetery operation responsibilities rested with Staff, particularly regarding the fiscal responsibilities, rate setting, customer care, capital planning and general oversight of each Municipally Owned Cemetery.

#### **4.8 Staff Recommendations**

Advisory Committees and Local Boards, including the Keswick Cemetery Board and the Cooke's Cemetery Board, have been undergoing a review at the request of the 2022-2026 Town of Georgina Council. During this time, these Boards have been investigated, critiqued and researched to gain an understanding of current operations, allowing Staff to identify successful practices, while also recognizing shortcomings and gaps in processes between the Boards and the Town.

As a result of the thorough endeavors of the updated Keswick Cemetery Master Plan Process, the creation of the Pioneer Cemeteries Management Plan, a jurisdictional scan across the province of Ontario, in-depth stakeholder engagement, and public consultation, Town of Georgina Staff recommend that the Keswick Cemetery Board and the Cooke's Cemetery Board be dissolved.

The jurisdictional scan suggests that Cemetery Boards are the remains of an outdated system. As Town Staff are assuming a leadership role with Keswick Cemetery, in order to standardize municipal operations, Staff recommend assuming a similar role with Cooke's Cemetery as well. Staff recommend that Council allow Staff to take on full ownership of the fiscal responsibilities, rate setting, customer care, capital planning and general oversight of both Keswick Cemetery and Cooke's Cemetery. This will allow improvements to operational processes to happen, while simultaneously reducing timelines between issues arising and their resolution.

The Keswick Cemetery Master Plan and the Pioneer Cemeteries Management Plan align with Staff's recommendation in that they recommend that the Town of Georgina take on full ownership of the fiscal responsibilities, rate setting, customer care, capital planning and general oversight of Keswick Cemetery. Staff are recommending the dissolution of both Cemetery Boards, which will allow the further definition of clear roles, responsibilities and authority to ensure that each Cemetery is appropriately resourced and effectively and efficiently managed.

This is not a recommendation which was made lightly, and though the Cemetery Boards have had long established practices and methods for cemetery management that seem to have worked over the years, thanks to the dedicated service of the respective board members, Staff feel that it is advisable that the municipality take a leadership role in the overall operations of its active Municipally Owned Cemeteries, in order to bring operational consistency and ensure alignment with legislative requirements.

#### **4.9 Proposed Operational Structure for Cemeteries**

Along with the dissolution of the Keswick Cemetery Board and the Cooke's Cemetery Board, Staff propose that duties be assigned to subject matter experts within certain Departments.

Staff advise that administrative duties should fall within the responsibility of the Clerk's Division. This would include all record keeping, plot sales, inventory management and financial transaction records. Additionally, the Clerk's Division would continue to collaborate with the two (2) major funeral homes within the municipality (Forrest and Taylor Funeral Home and M.W. Becker Funeral Home) on the sale of all available plot types. There would be no process change for Staff or the Funeral Homes; however, there would be greater variety in inventory availability and location options with the addition of Cooke's Cemetery to the possibilities for residents.

Maintaining the grounds in a way that conveys pride of ownership while creating an inviting atmosphere for individuals to visit their departed loved ones was a top priority for all former Board Members and citizens alike. Staff propose that regular maintenance of the grounds and associated facilities be the responsibility of the Community Services Department. This should become a part of the regular maintenance schedule, while Staff can be available for ad hoc occurrences, as they are today, when a request arises from either cemetery. If work exists beyond the expertise of staff (for example, large tree trimming/removal, etc.), then a contractor should be engaged as required, as is the current process across all Town facilities.

There will be no obvious change to citizens wishing to purchase a plot or those visiting either Keswick Cemetery or Cooke's Cemetery as a result of Staff assuming the responsibility of these cemeteries. Notwithstanding the absence of the Cemetery Boards, the public, including past members of the Keswick Cemetery Board and the Cooke's Cemetery Board, will continue to have the opportunity to provide comments on cemetery-related matters via written submissions or delegations as updates and reports are presented to Council for consideration. In this regard, Staff recommend that notice of any future reports to Council be provided in advance to all registered interested parties.

**5. RELATIONSHIP TO STRATEGIC PLAN:**

**Delivering Service Excellence**

Commitment to citizen-centric service delivery.

Build a future-focused, results-driven organization.

Proactively manage infrastructure and assets to ensure service continuity.

**Ensuring Balanced Growth**

Promote and ensure responsible growth and long-term planning.

**6. FINANCIAL AND BUDGETARY IMPACT:**

There are no financial or budgetary impacts associated with the recommendation of dissolving the Cemetery Boards. Community Services Staff are already maintaining the grounds at both cemeteries, while Clerk's Division Staff currently sell plots and keep official records for Keswick Cemetery. The dissolution of the Cemetery Boards will free up capacity for the Clerk's Division to take on the administration requirements and selling of plots at Cooke's Cemetery.

**7. PUBLIC CONSULTATION AND NOTICE REQUIREMENTS:**

Based on the direction of Council, Staff conducted outreach to several municipalities and sought opinions and input from Cemetery Board Members from the previous Term of Council regarding governance of Municipally Owned Cemeteries. This research was completed by Staff over the course of several weeks during the months of June and July of 2023. Staff also received input through various forms of media

including anonymous online surveys, phone conversations and electronic correspondence.

**8. CONCLUSION:**

After consultation with the previous Cemetery Boards, various municipalities both within and outside of York Region, and the Consultant team undertaking the revamp of the Keswick Cemetery Master Plan and Pioneer Cemeteries Management Plan, Staff recommend to Council that the Keswick Cemetery Board and Cooke's Cemetery Board be dissolved. Staff further recommend that the Town of Georgina align with other municipalities within York Region and other similar municipalities across the province and direct Staff to assume the governance of both Municipally Owned Cemeteries, ensuring the Town is protecting and retaining its own assets, while achieving complete transparency and control of public records and aligning itself with the legislated requirements of the BAO.

**APPROVALS**

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Reviewed By:	Mamata Baykar Deputy Clerk
Reviewed By:	Rachel Dillabough Town Clerk
Recommended By:	Michael Bigioni Town Solicitor / Director of Legislative Services
Approved By:	Ryan Cronsberry Chief Administrative Officer