



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 10-136

TO: Mayor and Members of Council
FROM: Carolyn Downs, City Clerk
RESOURCE STAFF: John Bolognone, Deputy City Clerk
Deborah McCallan, Vital Statistics Clerk
DATE OF MEETING: July 20, 2010
SUBJECT: Delegation of Signing Authority for Sale of Lots and Interment Rights and Housekeeping Amendments for Pine Grove Cemetery

EXECUTIVE SUMMARY:

The current by-law provides that the Director (City Clerk) shall provide a copy of the Contract and the Interment Rights Certificate at the time of sale. In the event the City Clerk is out of the office or unavailable when a lot is sold, it would be preferable to have an alternate be able to sign the Contract and Interment Rights Certificate rather than to have the purchaser wait for the documents until the Clerk returns.

Due to position title changes, and updating of forms required under the Cemeteries Act, general housekeeping amendments are also being recommended to keep the by-law up-to-date.

RECOMMENDATION:

THAT a by-law be presented to amend By-Law No. 99-280, *"A By-Law to Provide for the Maintenance, Management and Control of Pine Grove Cemetery"*, to:

- grant delegated authority to Deborah McCallan, as alternate to the City Clerk, to sign all documents relating to the sale of lots and interment rights for the Pine Grove Cemetery, and
- make general housekeeping amendments to bring the by-law up-to-date with position titles and forms required under the Cemeteries Act.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY CITY CLERK <hr style="width: 100%;"/> Carolyn Downs, City Clerk	ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER <hr style="width: 100%;"/> Gerard Hunt, Chief Administrative Officer
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CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Cynthia Beach, <i>Sustainability & Growth</i>	N/R
Terry Willing, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

(N/R indicates consultation not required)

July 20, 2010

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OPTIONS/DISCUSSION:

The existing By-Law No. 99-280, *"A By-Law to Provide for the Maintenance, Management and Control of Pine Grove Cemetery"* has not been updated since 1999. Due to changes in position titles and forms required under the Cemeteries Act it is being recommended that the by-law be amended to include these housekeeping amendments.

The existing by-law also requires that the City Clerk be present when a lot is sold and that the documents relating to the sale be signed by the City Clerk at the time of purchase. In the event the City Clerk is out of the office or unavailable when a lot is sold, it would be preferable to have an alternate be authorized to sign the Contract and Interment Rights Certificate rather than to have the purchaser wait for the documents until the Clerk returns. As a result it is being recommended that Deborah McCallan, Vital Statistics Clerk, who has been assigned the Pine Grove Cemetery duties, be authorized to sign as an alternate when the City Clerk is unavailable.

EXISTING POLICY/BY LAW:

By-Law No. 99-280, *"A By-Law to Provide for the Maintenance, Management and Control of Pine Grove Cemetery"*.

NOTICE PROVISIONS:

No notice provisions required under the Municipal Act or the Cemeteries Act.

ACCESSIBILITY CONSIDERATIONS:

None.

FINANCIAL CONSIDERATIONS:

None.

CONTACTS:

Carolyn Downs, City Clerk

John Bolognone, Deputy City Clerk

Deborah McCallan, Vital Statistics Clerk

OTHER CITY OF KINGSTON STAFF CONSULTED:

None.

EXHIBITS ATTACHED:

Exhibit A - Draft By-Law

BY-LAW NO. 2010-XX

A BY-LAW TO AMEND BY-LAW NO. BY-LAW NO. 99-280, "A BY-LAW TO PROVIDE FOR THE MAINTENANCE, MANAGEMENT AND CONTROL OF PINE GROVE CEMETERY"

PASSED:

The Council of the Corporation of the City of Kingston enacts as follows:

1. By-law 99-280 of The Corporation of the City of Kingston entitled "A By-law To Provide for the Maintenance, Management and Control of Pine Grove Cemetery" is hereby amended as follows:
 - 1.1. Section A Definitions, is hereby amended by deleting the definition for "Director" and by substituting the following definition for "City Clerk":

"CITY CLERK" Shall mean the City Clerk of the Corporation"
 - 1.2. Subsection 7 of Section B is hereby amended by deleting the word "Director" and substituting therefor the words "City Clerk", so that Subsection 7 of Section B shall now read as follows:

"7. The Board and the City Clerk shall each keep such registers, records, and books as are necessary for properly recording all matters, acts, interment rights certificates and matters pertaining to the Cemetery as come within their respective jurisdiction, and as may be prescribed."
 - 1.3. Subsection 9 of Section B is hereby amended by deleting the word "Director" and substituting therefor the words "City Clerk", so that Subsection 9 of Section B shall now read as follows:

"9. The City Clerk has the authority to make final and binding decisions on behalf of the Board."
 - 1.4. Subsection 2 of Section C is hereby amended by deleting the word "Director" and substituting therefor the words "City Clerk", so that Subsection 2 of Section C shall now read as follows:

"2. Payments for all fees and charges shall be made at the office of the City Clerk."
 - 1.5. Subsection 1.a) of Section E is hereby amended by deleting the word "Director" and substituting therefor the words "City Clerk", and by adding the words "or her alternate, Deborah McCallan" so that Subsection 1.a) of Section E shall now read as follows:

"1. Sales

 - a) Lots or plots, and subdivisions of lots or plots may be purchased by individuals upon payment of the appropriate Tariff rate. At the time of sale, the City Clerk, or her alternate, Deborah McCallan, shall provide a copy of the following:
 - i) copy of the Contract, and

ii) copy of the Cemetery By-Law

Upon payment in full, the City Clerk or her alternate Deborah McCallan, shall provide an Interment Rights Certificate."

- 1.6. Subsection 3.a), Transfer of Section E is hereby amended by deleting the word "Director" and substituting therefor the words "City Clerk", and by adding the words "or her alternate, Deborah McCallan", so that Subsection 3.a), Transfer, of Section E shall now read as follows:

"3.a) Transfer:

For the purposes of this subsection, "transfer" means a gift, a bequest or any other transfer made without consideration. If an Interment Rights Holder wishes to transfer their interment rights, notice must be given to the Clerk and the original certificate must be returned. The Clerk, or her alternate, Deborah McCallan, shall issue a new certificate of interment rights to the transferee. The transfer of ownership of Interment Rights is not binding upon the Board until a duly executed transfer has been deposited with the City Clerk.

- 1.7. Subsection 8 of Section F is hereby amended by deleting the word "Director" and substituting therefor the words "City Clerk", so that Subsection 8 of Section F shall now read as follows:

"8. Notice of each interment shall be given to the City Clerk. A minimum of 24 hours notice (not including Saturday, Sunday, or holidays) is required unless otherwise ordered by the Medical Officer of Health. A burial permit is required before an interment can be conducted."

- 1.8. The schedules attached titled "Certificate of Interment Rights" and "Interment Rights Contract" are hereby deleted and replaced with the "Certificate of Interment Rights" and "Interment Rights Contract" attached hereto as Schedules 'A' and 'B'.

2. This by-law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS

GIVEN THIRD READING AND PASSED

CITY CLERK

MAYOR