

# THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

## BY-LAW NO. 22/2015

*Being a By-law to Establish and Adopt the Terms of Reference for the Port Hope Cemetery Board for the Corporation of the Municipality of Port Hope*

WHEREAS Section 11 of the Municipal Act 2001, S.O. 2001, c.25, as amended, in part provides that a lower-tier municipality may pass By-laws respecting the governance and structure and its local boards;

AND WHEREAS Council passed By-law 31/2013 on April 23, 2013 being a By-law to Establish and Adopt Rules and Regulations Governing the Port Hope Cemetery Board in Accordance with the Funeral, Burial and Cremation Services Act and Applicable Regulations.

AND WHEREAS on April 12, 2013 the Ministry of Consumer Services, Consumer Protection Branch, Cemeteries Regulation filed/approved the By-law of which a certified copy of By-law 31/2013 was provided to the Ministry on May 3, 2013;

AND WHEREAS, Council has been undertaken a Local Board/Committee review and at an In Camera session on January 28, 2015 provided direction relevant to the structure and composition of the Cemetery Board;

AND WHEREAS Council deems it advisable to establish by By-law the Port Hope Cemetery Board to operate in accordance with the rules and regulations of By-law 31/2013, and as may be amended, revised or superseded from time to time in accordance with the provisions of the Funeral, Burial and Cremations Services Act and applicable Regulations as approved by the Ministry of Consumer and Business Services;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS FOLLOWS:

1. Committee Title

That a Board to be known as the Port Hope Cemetery Board is hereby established.

2. Definitions

That the definitions as outlined in the Corporation of the Municipality of Port Hope Procedural By-law shall apply.

3. Policies/Procedures

3.1 That the rules and regulations of the Corporation of the Municipality of Port Hope Procedural By-law shall govern all proceedings of the Port Hope Cemetery Board.

3.2 That policies, practices and procedures governing the provisions of its goods or services are consistent with the Corporation's Accessibility Standards for Customer Service Policy and Procedures as adopted in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA), Customer Service Standard – Ontario Regulation 429/07.

3.3 That the rules and regulations of By-law 31/2013 as may be amended, revised or superseded from time to time in accordance with the provisions of the Funeral, Burial and Cremations Services Act and applicable Regulations as amended, and approved by the Ministry of Consumer Services, Consumer Protection Branch, Cemeteries Regulation, shall govern all operations and proceedings of the Port Hope Cemetery Board.

#### 4. Records

That the records of the Port Hope Cemetery Board shall be retained and preserved in accordance with the provisions of the Corporation of the Municipality of Port Hope Records Retention By-law.

#### 5. Composition

That the Port Hope Cemetery Board shall consist of five (5) members appointed by Council as follows:

- 5 members who are residents and/or ratepayers of the Municipality, being a minimum of 18 years of age and not an employee of the Municipality  
All being voting members.

#### Ex-officio

The Council appointed Chair of Police and Fire Services Committee or their alternate and the Director of Parks Recreation and Culture or designate shall be an ex-officio member of the Board who shall act in an advisory capacity and shall be a non-voting member.

#### 6. Term of Office

That members at large shall be appointed by Council for staggered terms, consistent with intervals for the term of office of Council, or until their successors are appointed. Council may reappoint any member whose term has expired and otherwise has discretion in filling any vacancy by appointment for the remainder of any applicable term. There shall be no limit on the number of terms a member may be appointed and all appointments shall be at the discretion of Council. In the event a Committee member resigns prior to the completion of their term, a replacement appointed by Council, will assume the duties to the completion of the term.

#### 7. Mandate

That the Goals, Mandate and Terms of Reference of the Port Hope Cemetery Board are set out in Schedule "A" attached hereto and forming part of this By-law.

That in carrying out the provisions of this By-law, the Board shall at all times be the agent of the Municipal Corporation and while acting bona fide within the limits of the authority of this By-law neither the Board nor any member thereof shall incur any liability by reason of anything done or left undone by the Board; provided however, that nothing in this section contained shall authorize or empower the Board to incur any debt, liability or obligation for which the Municipal Corporation shall become liable without having previously obtained the consent of the Council of the Municipality of Port Hope.

That a list of the cemeteries under the jurisdiction of the Municipality of Port Hope is set out in Appendix 1 attached hereto.

10. Repeal of By-laws

That By-law 25/2011 pertaining to the establishment of the Port Hope Cemetery Board is hereby repealed.

11. Force and Effect

That this By-law comes into force and takes effect upon the final passing thereof.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 17<sup>th</sup> day of March, 2015.

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R.J. Sanderson, Mayor

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S. C. Bernardi, Municipal Clerk

SCHEDULE "A" TO BY-LAW 22/2015  
PORT HOPE CEMETERY BOARD  
TERMS OF REFERENCE

**MANDATE AND GOALS**

To ensure that all operations and proceedings of the Port Hope Cemetery Board shall be governed by the rules and regulations of By-law 31/2013, and as may be amended, revised or superseded from time to time in accordance with the provisions of the Funeral, Burial and Cremations Services Act and applicable regulations as may be amended.

**TERMS OF REFERENCE**

1. GENERAL

- 1.1 Board Meetings will be conducted in accordance with the Municipality's Procedural By-law and records shall be maintained in accordance with the Municipality's Records Retention By-law.
- 1.2 Members shall follow Municipal policies and procedures and comply with applicable legislation, and shall act in accordance with the Municipal Conflict of Interest Act.
- 1.3 Members shall ensure that policies, practices and procedures governing the provisions of its goods or services are consistent with the Corporation's Accessibility Standards for Customer Service Policy and Procedures as adopted in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA), Customer Service Standard – Ontario Regulation 429/07.
- 1.4 The Board shall hold regular monthly meetings, as required, unless otherwise agreed by a majority vote of the members.
- 1.5 The Committee shall elect a chairperson and may elect a vice-chairperson annually, at its first meeting, or as soon as practicable, from among the members. In the absence of the chairperson, and vice-chairperson as the case may be, an acting chairperson may be appointed by a majority vote of the members present to preside at the meeting where the chairperson is absent.
- 1.6 The Committee may appoint, as it deems necessary sub-committees to act in an advisory capacity to the Committee.
- 1.7 The Board shall provide recommendations to the Committee of the Whole on matters referred by Committee of the Whole/Council to the Board.
- 1.8 The Board may liaise with community groups and individuals to maintain an awareness of their goals and mandate in order to gain support for approved initiatives and is authorized to work jointly with other Municipal Boards, Committees and/or services in encouraging its goals.
- 1.9 The Board will review and ensure the maintenance and operation of all cemeteries under the jurisdiction of the Municipality within budget specifically approved by Council.
- 1.10 Approved minutes for each Board meeting shall be forwarded through the Municipal Clerk (Director of Corporate Services) for inclusion in the Committee of the Whole agenda.
- 1.11 The Chair shall submit an annual report outlining the Board activities both past and current and proposed work plan for the upcoming year, to be submitted to Council through the Municipal Clerk (Director of Corporate Services).

## 2. ROLES AND RESPONSIBILITIES

### 2.1 CHAIRPERSON:

- Provide leadership to the Board
- Chair Board meetings in accordance with the Municipality's Procedural By-law
- In conjunction with the Recording Secretary prepare agendas for meetings
- Report to Council annually and at other times as required
- Ensure that adopted minutes are forwarded to the Municipal Clerk (Director of Corporate Services) in a timely manner
- Act as spokesperson for the Board
- Express consensus as reached by Board
- Ensure that the Municipality's By-laws and Policies and other applicable legislative requirements are adhered to with respect to all matters
- Ensure that all invoices recommended for payment are recorded in the minutes
- Ensure that invoices recommended by the Board for payment are forwarded to the Municipal Finance Department for processing in a timely manner.
- Ensure that in the absence of the Council ex-officio representative at the Cemetery Board meeting that an overview of the meeting is communicated/reported to their Council Liaison within a reasonable timeline within 48 hours of meeting or as soon as practicable.

### 2.2 VICE-CHAIRPERSON:

- Act in the position of the Chairperson in the absence of the Chairperson.
- Otherwise, regular Committee member role.

### 2.3 BOARD MEMBERS:

- Attend regular Board meetings
- Advise the Chairperson if unable to attend a meeting
- Actively participate in Board meetings
- Actively participate in the annual review of the budget and maintenance requirements for the Port Hope Cemetery Board
- Actively participate in carrying out the responsibilities of the Port Hope Cemetery Board

### 2.4 RECORDING SECRETARY:

- The duties of the Recording Secretary, approved by the Municipality, is to record, process and distribute minutes and agendas, and to maintain the files of the Board, including but not limited to Minutes, Agendas, policies, correspondence and other file information, in accordance with the Records Retention By-law.
- When the Recording Secretary is a Municipal employee or has a service contract with the Municipality, such Recording Secretary is a non-member, with no voting privileges.
- When the Recording Secretary is a Member of the Board, subject to the approval of the Municipal Clerk (Director of Corporate Services), the Member Recording Secretary may retain voting privileges.
- The Recording Secretary shall ensure that the draft meeting minutes are prepared within seven (7) days following the holding of the meeting and distributed to the Chair for inclusion on upcoming agenda;
- The Recording Secretary shall also ensure that all meeting minutes once approved by the Board are forwarded to the Municipal Clerk/Director of Corporate Services or designate for inclusion on the Committee of the Whole agenda.

PORT HOPE CEMETERY BOARD  
BY-LAW 22/2015

APPENDIX 1

Cemeteries under the jurisdiction of the Municipality of Port Hope

**WARD 1:**

Port Hope Union Cemetery  
St. John's Anglican Church Cemetery

Care and Maintenance:

Pioneer Cemetery of the First Presbyterian Church

**WARD 2:**

Care and Maintenance:

Two Perrytown Cemeteries – Concession 6 Lots 14 & 15  
Elizabethville Cemetery – Concession 7 Lot 28  
St. John's Cemetery in Elizabethville – Concession 7 Lot 29  
Cemetery – County Road No. 9 – Concession 7 Lot 4