Agenda – Executive Policy Committee – September 23, 2015

Report – Standing Policy Committee on Property and Development – September 15, 2015

Item No. 13 Approval for the City to enter into an agreement with the Green Burial Council for the City cemeteries to be listed as a recognized provider of 'Hybrid Green Burial Grounds'

STANDING COMMITTEE RECOMMENDATION:

On September 15, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That the City enter into an agreement with the Green Burial Council and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to be certified as a provider of certified Hybrid Green Burial services.

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the agreements identified in Recommendation #1 which contain

    A. a clause providing an indemnity to the Green Burial Council (and its employees, officers, directors, agents, attorneys, successors, predecessors and affiliates) against liability from claims based in whole or in part on the cemetery space or services provided by the City;

    B. a clause disclaiming any warranties provided by the Green Burial Council; and other terms and conditions deemed necessary to protect the interests of the City or reasonable by the City Solicitor/Director of Legal Services

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Executive Policy Committee – September 23, 2015

Report – Standing Policy Committee on Property and Development – September 15, 2015

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 15, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Approval for the City to enter into an agreement with the Green Burial Council for the City cemeteries to be listed as a recognized provider of 'Hybrid Green Burial Grounds'

Critical Path: Standing Policy Committee on Property and Development – Executive Policy Committee Council

AUTHORIZATION

Author	Department Head	A/CFO	CAO/COO
K. Raban	M. Pittet	P. Olafson	M. Jack

RECOMMENDATIONS

1. That the City enter into an agreement with the Green Burial Council and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to be certified as a provider of certified Hybrid Green Burial services.
2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the agreements identified in Recommendation #1 which contain
   A. a clause providing an indemnity to the Green Burial Council (and its employees, officers, directors, agents, attorneys, successors, predecessors and affiliates) against liability from claims based in whole or in part on the cemetery space or services provided by the City;
   B. a clause disclaiming any warranties provided by the Green Burial Council; and other terms and conditions deemed necessary to protect the interests of the City or reasonable by the City Solicitor/Director of Legal Services
3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- Council approval is required to enter into any form of agreement that requires an indemnification or disclaimer of warranties.

EXECUTIVE SUMMARY

The City Cemeteries Branch requires registration as a provider of certified Hybrid Green Burial services. Hybrid Green Burial Grounds are conventional cemeteries offering the option for burial without the need for a vault (partial, inverted or otherwise), a vault lid, concrete box, slab or partitioned liner. Hybrid Burial Grounds do not require the embalming of decedents and must allow for any kind of eco-friendly burial containers, including shrouds. The City Cemeteries already meet all of the Green Burial Council requirements for registration and certification, that the City provides this environmentally aware form of interment. However without recognized certification no additional publicity of the service is possible. This additional form of interment will assist the branch in increasing revenue.

IMPLICATIONS OF THE RECOMMENDATIONS

- The addition of a Hybrid form of interment will increase the level of service choices to clients of the Cemeteries Branch and assist the branch in increasing revenues.
- The Green Burial Council agreement requires indemnification from and a disclaimer of warranties by the City, to maintain membership.
- The Cemeteries Branch 2015 operating budget includes funds for the Hybrid registration fee of $295; future year's budgets will include amounts to maintain the annual registration beyond 2015.

HISTORY

Green Burial

- The Green Burial Council has been in existence since 2005 and is the environmental certification organization setting the standard for green burial in North America.
- The organization's belief is that burial is "green" only when it furthers legitimate environmental and societal aims such as protecting worker health, reducing carbon emissions, conserving natural resources, and preserving habitat.
- Green or natural burial is a way of caring for the dead with minimal environmental impact that aids in the conservation of natural resources, reduction of carbon emissions, protection of worker health, and the restoration and/or preservation of habitat. Green burial necessitates the use of non-toxic and biodegradable materials, such as caskets, shrouds, and urns.
- The Green Burial Council has set three standards for the operation of green cemeteries. The 'Hybrid Green Burial' certification requirements are the lowest standard.

Hybrid Green Burial Ground Registration Requirements

- Hybrid Burial Grounds are conventional cemeteries offering the option for burial without the need for a vault (partial, inverted or otherwise), a vault lid, concrete box, slab or partitioned liner. Hybrid Burial Grounds do not require the embalming of decedents and must allow for any kind of eco-friendly burial containers, including shrouds.
- All cemeteries must meet and maintain a schedule of requirements as provided by The Green Burial Council, in order to be registered as a Hybrid site (Appendix A).
- The Green Burial Council email at Appendix C further explains the process for certification and what the registration fee permits the service provider once registered.
- Registration with the Green Burial Council will provide the Cemeteries branch with formal certification that can be advertised, to ensure clients of the service are fully aware of this additional interment choice and to educate them further about what green burial constitutes. The registration permits use of the Green Burial Council logo on the Cemeteries website and advertising media, letters etc.

Current Status at City Cemeteries

- Interment practices at all three City cemeteries offer clients the ability to have a hybrid green interment but without this being formally recognized or certified, the public are unlikely to accept the standards as a best practice.
- In order to advance to the next level of certification for 'Green Burial Ground', the City cemeteries will need to develop new interment sections or separate cemeteries.
- The City cemeteries will be the first cemeteries in Manitoba to offer any formally recognized level of green burial. The offering of Green Burial facilities will provide clients of the service a further choice of interment.
- All interment services and property sales are a source of revenue for the branch.

FINANCIAL IMPACT

Financial Impact Statement

Date: May 25, 2015

Project Name:

First Year of Program **2015**

Approval for the City to enter into an agreement with the Green Burial Council for the City cemeteries to be listed as a recognized provider of 'Hybrid Green Burial Grounds'

	2015	2016	2017	2018	2019
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 295	$ 295	$ 295	$ 295	$ 295
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 295	$ 295	$ 295	$ 295	$ 295
Less: Existing Budget Amounts	295	295	295	295	295
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Direct costs of $295 represent the annual Green Burial Council registration fee, which is assumed to remain constant.

"Original signed by"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

- Legal Services Department.

OURWINNIPEG POLICY ALIGNMENT

A Sustainable Winnipeg

- Green standards for City buildings
- Green Workplace initiative
- Green Living Public Education and Awareness Campaign

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics Information Systems
Branch: Cemeteries
Prepared by: Jane Saxby, Administrator of Cemeteries
File No. o:\reports directive\cemeteries\hybrid green burial ground application admin report may 27.docx
Date: May 28, 2015

ATTACHMENTS: Appendix A Green Burial Council Schedule of Requirements

Green Burial Council
Burial Grounds Standards/Eco-Rating System
Effective as of January 1, 2011

The Green Burial Council certifies three categories of cemeteries:

1. Hybrid Burial Grounds (One Leaf Rating)
2. Natural Burial Grounds (Two Leaf Rating)
3. Conservation Burial Grounds (Three Leaf Rating)

The order in which these categories are listed and discussed reflects increasing requirements to meet the particular standard. Each level of certification is in addition to the previous-level(s) requirements. Please refer to the summaries provided below and to Table 1. Titled "Burial Grounds Standards/Eco-Rating System Comparison" for a discussion and comparison of criteria for each level.

- Hybrid Burial Grounds are conventional cemeteries offering the option for burial without the need for a vault (partial, inverted or otherwise), a vault lid, concrete box, slab or partitioned liner. Hybrid Burial Grounds shall not require the embalming of decedents and must allow for any kind of eco-friendly burial containers including shrouds.

- Natural Burial Grounds require the adoption of practices/protocols that are energy-conserving, minimize waste, and do not require the use of toxic chemicals. A Natural Burial Ground achieves GBC certification by prohibiting the use of vaults (partial, inverted or otherwise), vault lids, concrete boxes, slabs or partitioned liners, and by prohibiting the burial of decedents embalmed with toxic chemicals, as well as by banning burial containers not made from natural/plant derived materials. It must have in place a program of Integrated Pest Management (IPM) and be designed, operated and maintained to produce a naturalistic appearance, based on use of plants and materials native to the region, and patterns of landscape derived from and compatible with regional ecosystems.

- Conservation Burial Grounds, in addition to meeting all the requirements for a Natural Burial Ground, must further legitimate land conservation. It must protect in perpetuity an area of land specifically and exclusively designated for conservation. A Conservation Burial Ground must involve an established conservation organization that holds a conservation easement or has in place a deed restriction guaranteeing long-term stewardship.

Green Burial Council
Table 1. Burial Grounds Standards/Eco-Rating System Comparison

	Criteria	Hybrid	Natural Burial Grounds	Conservation Burial Grounds
	CUSTOMER RELATIONS CRITERIA			
1.	Information regarding green burials needs to be present on the cemetery website.	√	√	√
2.	Representations made through websites, in marketing materials, to members of the media, as well as the naming of any affiliated businesses owned by the cemetery operator, must not have the effect of misleading the public or "blur the lines" between the different levels of GBC certified burial grounds.	√	√	√
3.	Clients and families must be given the opportunity to be involved with the burial and ritual process so long as participation does not conflict with state law or with these protocols in form or substance.	√	√	√
	FUNERAL HOME CRITERIA			
4.	A funeral home that operates on the premises of any GBC-certified Burial Ground must also be certified by the Green Burial Council.	√	√	√
	LEGAL CRITERIA			
5.	Adherence to the certification requirements at any level must be guaranteed by deed restriction, conservation easement, or other legally binding and irrevocable agreement. Such agreement(s) must run with the land and be enforceable in perpetuity, equivalent to the force of requirements for perpetual maintenance of conventional cemeteries. In some instances, the GBC will allow for nonprofit operators to utilize cemetery "rules and regulations" as a means of memorializing the GBC approved protocols/practices.	N/A	√	√

	Criteria	Hybrid	Natural Burial Grounds	Conservation Burial Grounds
	GENERAL CRITERIA			
6.	The facility shall not require the use of a vault (partial, inverted, or otherwise), a vault lid, concrete box, slab or partitioned liner.	√	See criteria 7	See criteria 7
7.	The facility, or designated portion of the facility, must be reserved for burial that does not require the use of a vault (partial, inverted, or otherwise), a vault lid, concrete box, slab or partitioned liner.	N/A	√	√
8.	Facility cannot require embalming of decedents.	√	See criteria 9	See criteria 9
9.	Decedents are not to have been embalmed, or embalmed only with GBC approved nontoxic chemicals.	See criteria 8	√	√
10.	Eco-friendly burial containers of any kind are to be accommodated, including the use of shrouds.	√	See criteria 11	See criteria 11
11.	Burial containers are to be limited to those made from materials that are nontoxic/nonhazardous and natural/plant derived, with shrouds permissible.	See criteria 10	√	√
12.	An Integrated Pest Management (IPM) must be implemented, so as to prohibit the use of pesticides other than instances where required to eradicate invasive species.	N/A	√	√
	START-UP CRITERIA			
13.	Conduct an assessment (to be done by an independent professional in the field of biology/restoration ecology) that identifies any issues related to endangered species of plants/animals, cultural resources, and hydrology.	N/A	√	See criteria 14

	Criteria	Hybrid	Natural Burial Grounds	Conservation Burial Grounds
14.	Conduct a biological evaluation including baseline information on existing geology, hydrology, soils, and topography, and on both existing and potential vegetation and wildlife. This evaluation must be used by the facility designers and operators to ensure that existing site resources are not degraded, and that the potential for reintroducing native species is given appropriate consideration in design and planning.	N/A	See criteria 13	√
15.	Conduct an evaluation to determine potential erosion issues and measures necessary to prevent them.	N/A	N/A	√
16.	Develop a plan for limiting visitation to sensitive areas.	N/A	√	See criteria 17
17.	Develop a plan for limiting visitation to sensitive areas as well as policies for families who choose "back country" or "off trail" burial	N/A	See criteria 16	√
18.	Compile a plant list for use as memorial features for every area or "zone" of the property where burial will take place, and a list of plants appropriate for use in restoration and/or preservation of native vegetation.	N/A	N/A	√
19.	Develop a plan for limiting the types, sizes, and visibility of memorial markers/features to preserve or restore naturalistic vistas in the cemetery landscape and (where appropriate) the placement of landmarks outside its borders.	N/A	√	√
	OPERATIONS & MANAGEMENT CRITERIA			
20.	Develop a plan for dealing with unauthorized grave decoration and landscaping.	N/A	√	√
21.	Develop a "systems and operations" manual to be given to all staff members, contractors, and volunteers that communicates the above criteria and the goals and methods of meeting them.	N/A	√	√

	Criteria	Hybrid	Natural Burial Grounds	Conservation Burial Grounds
22.	Establish an endowment fund to ensure the long term maintenance of the land and its trail system by setting aside at least 5% of all burial plot sales.	N/A	√	√
23.	Develop a plan for using native plants and for protecting or rescuing locally rare plants.	N/A	N/A	√
24.	Utilize excavation and burial techniques/technology that minimizes impacts on surrounding land, and protects native plant diversity.	N/A	N/A	√
	LAND CRITERIA			
25.	Be contiguous to, or in a position to augment the conservation goals of an ecologically significant park, wildlife corridor, critical habitat area, or permanently protected open space; or (with appropriate management practices) be large enough on its own to be considered a landscape-level conservation effort.	N/A	N/A	√
26.	Operate only in areas of the property where burial would not degrade the land and the surrounding landscape.	N/A	N/A	√
27.	Be owned by, or operated in conjunction with a government agency or nonprofit conservation organization that is recognized by the Internal Revenue Service as a public charity and in business for at least five years (the "conservation partner"). The conservation partner must have legally binding responsibility for perpetual stewardship of the land, both in the operational facility and in the conservation area(s), and must set all conservation policies.	N/A	N/A	√

	Criteria	Hybrid	Natural Burial Grounds	Conservation Burial Grounds
28.	Adherence to the certification requirements must be guaranteed by deed restriction, conservation easement, or other legally binding and irrevocable agreement. Such agreement(s) must run with the land and be enforceable in perpetuity, equivalent to the force of requirements for perpetual maintenance of conventional cemeteries. In some instances, the GBC will allow for nonprofit operators of to utilize cemetery "rules and regulations" as a means of memorializing the GBC approved protocols/practices	N/A	√	See criteria 29
29.	Utilize a deed restriction (if operator is a nonprofit conservation organization that has been established for at least five years) or a conservation easement that incorporates these standards. A conservation easement must also conform to all provisions of the Internal Revenue Code Section 170(h) and provide for public access to and through the site, particularly to connect it to adjoining protected open space, to the extent public use of the property is compatible with ecological goals.	N/A	N/A	√