

	<h2 style="margin: 0;">City Council</h2> <h3 style="margin: 0;">Agenda Form</h3> <hr style="width: 100%; border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p style="margin: 0;">Meeting Date: <u>11/13/2023</u></p> <p style="margin: 0;">Department: <u>City Attorney</u></p> <p style="margin: 0;">Public Hearing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p style="margin: 0; font-size: small;">For Clerk's Use Only</p> <p style="margin: 0; font-weight: bold;">AGENDA ITEM #</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 33%; height: 30px;"> </td> <td style="width: 33%;">XXXX</td> <td style="width: 33%;"> </td> </tr> <tr> <td style="font-size: x-small;">Consent Agenda</td> <td style="font-size: x-small;">Regular Agenda</td> <td style="font-size: x-small;">Closed Session</td> </tr> </table>		XXXX		Consent Agenda	Regular Agenda	Closed Session
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Consent Agenda	Regular Agenda	Closed Session						

**Presenter:** City Attorney, Clay Adkinson

**Request Type:**  Informational     Discussion     Action Item

**Does this item require legal review?**  Yes  No    **City Attorney E-Mail attached?**  Yes  No

**Time Required for Request:** 10 Minutes

**Agenda Item Title:** Cemetery Ordinance

**Attachment(s):** Draft Ordinance

**Brief Summary:**  
Ordinance has been reviewed by the Code and Land Use Review Committee and recommended to the City Council.

**Action Requested:**  
Approval of First Reading of Cemetery Ordinance

**Issue Overview:**  
Background Information & Issue Summary:

**Financial Impacts:**

**Staff Recommendations/Comments:**

**ORDINANCE NO. 957**

**AN ORDINANCE PROVIDING FOR THE AMENDMENT OF ORDINANCE 871, THEREBY AMENDING CHAPTER 6, OF THE DEFUNIAK SPRINGS, FLORIDA MUNICIPAL CODE, ENTITLED "CEMETERIES", SECTIONS 6-1.1 THROUGH 6-1.4 RELATED TO THE BOARD OF CEMETERY TRUSTEES AND ITS FUNCTIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council appointed a Code and Land Use Review Committee, tasked with reviewing and updating the City's Municipal Code, and;

**WHEREAS**, at a public noticed meeting of said Committee, said Committee did review and consider Chapter 6 of the Municipal Code and the Ordinances related thereto, and;

**WHEREAS**, that Committee unanimously approved the recommended changes to Chapter 6, "Cemeteries", of the Municipal Code as being in the best interest of the public and the City,

**NOW THEREFORE**, be it ordained by the City Council of the City of DeFuniak Springs, Florida, that Chapter 6 of the DeFuniak Springs, Florida Municipal Code, specifically Sections 6-1.1 through 6-1.4 hereby be amended and the same shall henceforth read as follows:

**ARTICLE I. IN GENERAL**

**6-1.1 Created.**

The Board of Cemetery Trustees of DeFuniak Springs, Florida, is hereby created.

**6-1.2 Members.**

(a) Composition. The Board of Cemetery Trustees shall be composed of the Mayor and two residents of the City of DeFuniak Springs, Florida.

(b) Appointment. The positions which are held by the residents shall be filled upon nomination by the Mayor or a Member of the City Council upon a vacancy occurring in one of the positions. Following nomination(s) the City Council shall confirm appointment of the resident(s) by a majority vote.

(c) Terms. The terms of the two residents shall be for a period of four (4) years and shall be staggered, with the initial term of Seat #1 being for a term of two (2) years and with the initial term of Seat #2 being for a term of four (4) years. Thereafter, both seats shall be for a term of four (4) years.

(e) Qualifications. Any resident of the City of DeFuniak Springs, Florida, who is 18 years or older, except for Funeral Directors and Vault Companies, and their employees, and any cemetery related business and its employees.

**6-1.3 Functions generally.**

(a) The Mayor shall serve as chairman and the three members of the Board shall select a Vice-Chairman who shall act in the absence or incapacity of the Chairman. The board of cemetery trustees or their designee shall appoint a recording secretary to the Board.

(b) The board of cemetery trustees or their designee shall take and hold in trust for the city, lands conveyed to the board by the city and lands purchased by the board. The board shall have and exercise complete control of the

whole of said cemetery, the use, improvement, and beautifying of same and every part thereof, as well as the expenditure of such funds as are hereinafter provided for the board's use.

(c) The board of cemetery trustees or their designee is authorized to purchase, sell, lease or give purchase money mortgages or other security regarding both real and personal property deemed necessary to the proper operation of the cemetery provided, however, the board shall in no way obligate or indebted the city in any manner.

(d) The chairman of the board of cemetery trustees or his designee is hereby empowered and authorized to make, execute and deliver in the name of said board conveyances of cemetery burial plots and to execute such documents necessary to convey the same.

(e) All persons receiving income or who are authorized to pay out monies of the board of cemetery trustees shall be bonded in an amount set by the city council. All records, documents and books of account of the board shall be subject to inspection by the city council or its designated agent at all times.

(f) All provisions herein pertaining to the Board's powers, duties, and authority shall be construed to ultimately be that of an advisory body to the City Council, making recommendations related to these items to the City Council, with the City Council possessing final authority over all such decisions and matters and not being otherwise obligated or bound to the recommendations from the Board of Cemetery Trustees.

#### **6-1.4 Meetings, Financial statement and budget.**

(a) The board of cemetery trustees shall meet every third Tuesday each January, April, July and October at 5:00 pm. Present at each of these meeting is to be the three board members, the city manager, the finance director, the recording secretary and the cemetery supervisor, although those City employees shall not be voting members of the Board. At these meetings the board of cemetery trustees shall review a quarterly financial statement and all other reports necessary to oversee operations at the cemetery and upon which it shall base any recommendations to the City Council.

(b) A budget of the cemetery shall be submitted to the city council for approval at such a time consistent with that of other departments of the City.

**Conflicts and Severability.** Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable. Any provision herein that is deemed in conflict with any other law shall be deemed severed and stricken without invalidating the Ordinance as a whole.

This Ordinance shall become effective upon adoption.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Robert "Bob" Campbell, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk