



May 19, 2026 - Regular Meeting

Subject

Old Memphis Cemetery Desecration and County Response – District 2

Category

COMMISSIONER AGENDA/COMMENTS

Briefings

None

Contact and/or Presenter Information

Commissioner Ballard

Action Requested

Motion to allocate \$100,000 from the Commissioner Discretionary Fund for the restoration, fencing, and security for Old Memphis Cemetery in Palmetto.

Enabling/Regulating Authority

N/A

Applicable Advisory Board

N/A

Background Discussion

On May 12, desecration of the historic Old Memphis Cemetery in Palmetto was discovered and reported to the Sheriff's Office. 17 graves were vandalized by spray painting, breaking of vault lids, and breaking or pushing over headstones. Investigation into the perpetrators remains ongoing. A local company (Gilliam Construction) has generously offered to replace the broken vaults free of charge, as a donation to the community. The County has a responsibility to protect our heritage, history, and preserve the dignity of our dead and their families by providing fencing and security cameras to prevent future vandalism.

Attorney Review

Not Reviewed (No apparent legal issues)

Instructions to Board Records

N/A

Cost and Funds Source Account Number and Name

\$100,000, Commissioner discretionary fund.

See attached Agenda Update Memo 5.13.26

Amount and Frequency of Recurring Costs

One time cost, possible maintenance costs for cameras and fencing over many years.



May 19, 2026 - Regular Meeting

Subject

Updates to Agenda – May 13, 2026

Category

ANNOUNCEMENTS

Briefings

None

Contact and/or Presenter Information

Bobbi Roy, Agenda Division Supervisor, ext 6878

Action Requested

Updates incorporated appropriately

Enabling/Regulating Authority

N/A

Applicable Advisory Board

N/A

Background Discussion

Below are agenda updates (dated 5/13/26) for the meeting of May 19, 2026:

GENERIC PUBLIC COMMENTS

- This agenda item was updated with additional generic comments.

CONSENT AGENDA

Financial Management

Item 14, Execution of Change Order No. 1 to GMP Addendum No. 1 to Agreement No. 24-TA005354JK for North Regional Water Reclamation Facility Storage Expansion, Daniel Velazquez, Project Manager - District 1

- This agenda item was updated to correct the presenter from Daniel Velazquez, Project Manager, to read Patrick Shea, Utilities Director.

Item 15, Execution of Change Order No. 3 to Agreement No. 20-TA003404CD for Southwest Water Reclamation Facility Electrical Distribution System Rehabilitation, Daniel Velazquez, Project Manager - District 4

- This agenda item was updated to correct the presenter from Daniel Velazquez, Project Manager, to read Patrick Shea, Utilities Director.

REGULAR

Item 32, Follow-Up Presentation of Results from the Manatee County AI Pilot with Digibuild

- This agenda item has been deferred to June 16, 2026.

Item 35, Approval to fund the Manatee County Task Force for a period of five years; and Adoption of Budget Amendment Resolution B-26-000, Jodie Fiske, Public Safety Director

- This agenda item was updated with a public comment.

COMMISSIONER AGENDA ITEMS

Items for Discussion

Item 37, Old Memphis Cemetery Desecration and County Response – District 2

- This agenda item was added to the Agenda.

Item 38, Advertising Revenue for Public Transit System – District 3

- This agenda item was added to the Agenda

Item 39, Old Memphis Cemetery – District 5

- This agenda item was added to the Agenda.

Attorney Review

Not Reviewed (No apparent legal issues)

Instructions to Board Records

N/A

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A



May 19, 2026 - Regular Meeting

Subject

Updates to Agenda - May 18, 2026

Category

ANNOUNCEMENTS

Briefings

None

Contact and/or Presenter Information

Bobbi Roy, Agenda Division Supervisor, ext 6878

Action Requested

Updates incorporated appropriately

Enabling/Regulating Authority

N/A

Applicable Advisory Board

N/A

Background Discussion

Below are agenda updates (dated 5/18/26) for the meeting of May 19, 2026:

GENERIC PUBLIC COMMENTS

- This agenda item was updated with additional generic comments.

CONSENT AGENDA

Financial Management

Item 11, Adoption of Budget Amendment Resolution B-26-069, Claudia Campos, Interim Chief Financial Officer – Countywide

- This agenda item was updated with the revised Budget Amendment Resolution B-26-069.

Government Relations

Item 20, Execution of Updated Non-Profit Agreement with Manatee Educational Television Consortium (METV), Stephanie Garrison, Director of Government Relations

- This agenda item was updated with Letters of Support.

Public Safety

Item 26, Authorization to Issue Letter of Non-Opposition for the SUNSKY 10K Temporary Closure of the Sunshine Skyway Bridge, Jodie Fiske, Public Safety Director - Countywide

- This agenda item was updated with a public comment.

Public Works

Item 27, Execution of the Mangrove Point Mitigation Bank Purchase Agreement with Mangrove Point Mitigation Point LLC, for .57 Dual Estuarine Forested UMAM Credits and .08 Dual Estuarine Herbaceous UMAM Credits for a total of .65 Credits from the Mangrove Point Mitigation Bank for the Fort Hamer Bridge Four-Lane Project located in the Manatee River Basin, Scott May, P.E., County Engineer – District 1

- This agenda item was deferred to June 2, 2026.

REGULAR

Government Relations

Item 33, Update on infrastructure phase of Housing and Urban Development (HUD) Community Development Block Grant - Disaster Recovery (CDBG-DR) Grant and Lasting Manatee Program, Ashley Schnitker, Grants Division Manager, and Odugo Ohizu, Communications Coordinator

- This agenda was updated with a PowerPoint Presentation.

Public Safety

Item 35, Approval to fund the Manatee County Task Force for a period of five years; and Adoption of Budget Amendment Resolution B-26-000, Jodie Fiske, Public Safety Director

- This agenda item was deferred to June 16, 2026.

COMMISSIONER AGENDA ITEMS

Items for Discussion

Item 37, Old Memphis Cemetery Desecration and County Response – District 2

- This agenda item was updated with public comments and attachments.

Item 39, Old Memphis Cemetery – District 5

- This agenda item was updated with public comments.

Attorney Review

Not Reviewed (No apparent legal issues)

Instructions to Board Records

N/A

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A



Public Comment

Submitted On: May 17, 2026, 07:31AM EDT

Manatee County Government

Full Name	First Name: GLEN GADFLY Last Name: GIBELLINA
Email	Glengibellina@gmail.com
Which meeting is this public comment for? (Please select date of meeting)	May 19, 2026
Topic/Agenda Item	FUTURE AGENDA ITEMS
Comment	FORMAL CONDEMNATION OF CHRONIC NEGLECT AND FAILURE OF CARE AT THE OLD MEMPHIS CEMETERY To: Manatee County Property Management Department, County Administration, and the Board of County Commissioners From: Community Advocates and Concerned Residents of Manatee County To the Leadership of Manatee County Property Management, This letter serves as a formal condemnation of the Manatee County Property Management Department's decades-long failure to uphold its legal and moral obligations to maintain, protect, and respect The Old Memphis Cemetery. For 38 years, this sacred ground has been subjected to systemic abandonment by the very county government tasked with its perpetual care. The recent, sickening desecration of the property is the direct, predictable consequence of a department that has looked the other way for far too long. A History of Bureaucratic Erasure and Disinvestment The Old Memphis Cemetery is a vital piece of our local history. Filled by 1977 and officially taken over as an abandoned site by Manatee County in 1988, this one-acre historically Black cemetery has faced a continuous onslaught of institutional neglect. While the Property Management Department is explicitly mandated to supply the field staff and crews for routine physical maintenance, the reality on the ground tells a story of utter failure: Overgrown Vegetation & Canopy: The site has been routinely left to be swallowed by dense overgrowth, making it invisible and vulnerable. Sunken Dirt Pits: Unmarked graves have been left as hazardous, sunken pits, showing a complete lack of basic landscaping oversight. Chronic Disinvestment: Old Memphis stands as a painful local example of a statewide crisis—the historical erasure and defunding of Black burial grounds. The Cost of Neglect: A Blatant Act of Desecration When a government department signals that a space does not matter, criminals take notice. The extreme lack of security, lighting, and basic upkeep directly enabled the horrific vandalism discovered recently. The damage is catastrophic and heartbreaking: Seventeen gravesites were actively desecrated and defiled. Headstones were violently knocked over and shattered. Concrete crypts were smashed open. Political names were spray-painted across the final resting places of our community's ancestors. This is not just a failure of property maintenance; it is a failure of human decency. The families of those buried at Old Memphis, and the entire Manatee County community, deserve a drastic change in leadership

and accountability.

Immediate Demands for Action

We will no longer accept excuses or temporary patches. We demand that the Property Management Department immediately coordinate with County Administration to execute the following steps:

Immediate Restoration: Deploy emergency crews to repair the 17 smashed crypts and clean the defaced headstones under the guidance of cultural preservation experts.

Routine, Transparent Maintenance: Establish a strict, publicly accountable schedule for weed cutting, tree trimming, and leveling the sunken unmarked graves.

Security Measures: Install permanent fencing, lighting, and security cameras to ensure this site is never targeted again.

Perpetual Care Budget: Allocate distinct, permanent county funding to guarantee that The Old Memphis Cemetery is treated with the same dignity and respect as any other historic site in Manatee County.

The time for passive oversight is over. Our ancestors deserve dignity, our community demands accountability, and we expect an immediate public response outlining your department's corrective action plan

FOR THE RECORD

GLEN GADFLY GIBELLINA

<https://electglengibellina.com/>



Public Comment

Submitted On: May 18, 2026, 12:56AM EDT

Manatee County Government

Full Name	First Name: Brenda Last Name: Glasbrenner
Email	smdbrenda@yahoo.com
Which meeting is this public comment for? (Please select date of meeting)	May 19, 2026
Topic/Agenda Item	FORMAL CONDEMNATION OF CHRONIC NEGLECT AND FAILURE OF CARE AT THE OLD MEMPHIS CEMETERY
Comment	To the Leadership of Manatee County Property Management, This letter serves as a formal condemnation of the Manatee County Property Management Department's decades-long failure to uphold its legal and moral obligations to maintain, protect, and respect The Old Memphis Cemetery. For 38 years, this sacred ground has been subjected to systemic abandonment by the very county government tasked with its perpetual care. The recent, sickening desecration of the property is the direct, predictable consequence of a department that has looked the other way for far too long. A History of Bureaucratic Erasure and Disinvestment The Old Memphis Cemetery is a vital piece of our local history. Filled by 1977 and officially taken over as an abandoned site by Manatee County in 1988, this one-acre historically Black cemetery has faced a continuous onslaught of institutional neglect. While the Property Management Department is explicitly mandated to supply the field staff and crews for routine physical maintenance, the reality on the ground tells a story of utter failure: • Overgrown Vegetation & Canopy: The site has been routinely left to be swallowed by dense overgrowth, making it invisible and vulnerable. • Sunken Dirt Pits: Unmarked graves have been left as hazardous, sunken pits, showing a complete lack of basic landscaping oversight. • Chronic Disinvestment: Old Memphis stands as a painful local example of a statewide crisis—the historical erasure and defunding of Black burial grounds. • The Cost of Neglect: A Blatant Act of Desecration When a government department signals that a space does not matter, criminals take notice. The extreme lack of security, lighting, and basic upkeep directly enabled the horrific vandalism discovered recently. The damage is catastrophic and heartbreaking: • Seventeen gravesites were actively desecrated and defiled. • Headstones were violently knocked over and shattered. • Concrete crypts were smashed open. • Political names were spray-painted across the final resting places of our community's ancestors. This is not just a failure of property maintenance; it is a failure of human decency. The families of those buried at Old Memphis, and the entire Manatee County community, deserve a drastic change in leadership and accountability. Immediate Demands for Action We will no longer accept excuses or temporary patches. We demand that the Property Management Department immediately coordinate with County Administration to execute the following steps: 1. Immediate Restoration: Deploy emergency crews to repair the 17 smashed crypts and clean the defaced headstones under the guidance of cultural preservation experts. 2. Routine, Transparent Maintenance: Establish a strict, publicly accountable schedule for weed cutting, tree trimming, and leveling the sunken unmarked graves. 3. Security Measures: Install permanent fencing, lighting, and security cameras to ensure this site is never targeted again.

4. Perpetual Care Budget: Allocate distinct, permanent county funding to guarantee that The Old Memphis Cemetery is treated with the same dignity and respect as any other historic site in Manatee County.

The time for passive oversight is over. Our ancestors deserve dignity, our community demands accountability, and we expect an immediate public response outlining your department's corrective action plan.



Manatee County Government
Acceptance of Gift and Donations
Property Valued at Less Than Ten Thousand Dollars (\$10,000)

Description of Item(s) Donated	Manatee County Government has received an offer of an in-kind donation from Gilliam Construction LLC, located at 2315 17th St E, Palmetto, FL 34221, for services and materials associated with the replacement of vandalized tomb lids at Old Memphis Cemetery.		Date Received: 5/18/2026
			Value of Donation: Approximately \$6,000 pro bono
Donor Information	Name of person or entity: Gilliam Construction LLC		E-mail:
	Address: 2315 17th St E, Palmetto, FL 34221		Phone: 941-723-1000
Assigned or Credited to:	Department: Community & Veterans Services	Division: Human Services	
	Account Key:	Account Name: Neglected Cemetery	
	Location of Donation: Old Memphis Cemetery		
Limitations on use	☒ Yes ☐ No	If yes, specify: This work is specific to the replace the tomb lids vandalized at the Old Memphis Cemetery	
Intended use of donation	Replace the tomb covers		
Director's Signature: <u></u> Phone: <u>941-748-4501</u> Send a signed and completed original to the County Administrator's office.			
COUNTY ADMINISTRATOR'S Recommendation ☐ Accept ☐ Decline			
Date:		Signature:	
Comments:			
For Departmental Use			
Department to contact after acceptance	☒ Letter of appreciation to Donor ☒ Board of County Commissioners (copy of letter with pertinent info) ☐ Office of the Tax Collector (for property subject to taxation/valuation) ☐ Office of the Property Appraiser (for property subject to taxation/valuation) ☐ Clerk of the Circuit Court (Asset Management) ☐ Fleet Services (Vehicle or vessel tag and title transfer)		



Community & Veterans Services
Human Services
1112 Manatee Ave W
Bradenton, FL 34205
Phone: (941) 748-4501
mymanatee.org

May 18, 2026

Proposed In-Kind Donation for Old Memphis Cemetery Restoration

SUBJECT: Proposed In-Kind Donation for Old Memphis Cemetery Restoration

BACKGROUND: Manatee County Government has received an offer of an in-kind donation from Gilliam Construction LLC, located at 2315 17th St E, Palmetto, FL 34221, for services and materials associated with the replacement of vandalized tomb lids at Old Memphis Cemetery.

The proposed donated work is being coordinated through Christopher Mullinex Sr., COO of Gilliam Construction LLC, and is intended to assist with restoration efforts following recent vandalism at the cemetery. The offer reflects community support for the preservation and restoration of this historic site.

The estimated value of the proposed donated services and materials is not expected to exceed \$10,000. Pursuant to County policy and procedures, donations valued between \$100 and \$10,000 may be accepted with approval by the County Administrator. This item is being presented to provide an update to the Board of County Commissioners regarding the proposed donation and anticipated restoration efforts.

FISCAL IMPACT:

There is no anticipated fiscal impact to the County associated with acceptance of this proposed in-kind donation.

RECOMMENDATION:

Acknowledge the proposed in-kind donation offered by Gilliam Construction LLC for restoration efforts at Old Memphis Cemetery and authorize acceptance in accordance with County policy.

ORDINANCE 88-34

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, SETTING FORTH CERTAIN FINDINGS OF FACT WITH RESPECT TO CONDITIONS OF NEGLECT EXISTING AT OLD MEMPHIS CEMETERY; DECLARING OLD MEMPHIS CEMETERY NEGLECTED; PROVIDING FOR THE IMPLEMENTATION OF THE AUTHORITY GRANTED BY SECTION 497.071, FLORIDA STATUTES, WITH REGARD TO NEGLECTED CEMETERIES; SETTING FORTH CERTAIN LIMITATIONS RELATED TO MAINTAINING AND SECURING OLD MEMPHIS CEMETERY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Old Memphis Cemetery, located within the unincorporated area of Manatee County, has been the object of numerous citizen complaints, and

WHEREAS, Section 497.071, Florida Statutes, as amended, provides the County with the authority to take such action as is necessary and appropriate to provide for the maintenance and security of any cemetery which has not been reasonably maintained for a period in excess of six (6) months, and

WHEREAS, the Advisory Committee on Neglected Cemeteries was established and formally recognized by the Board of County Commissioners on July 5, 1988, with the adoption of R-88-152, and

WHEREAS, this Committee has been given, through Resolution R-88-152, duties which include apprising the Board of County Commissioners of any cemetery falling into neglect in Manatee County, and proposing action to correct such neglect, and

WHEREAS, the Committee has determined that the Old Memphis, Adams, and Rogers cemeteries of Manatee County are neglected.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AS FOLLOWS:

FILED
CLERK OF MANATEE COUNTY
MANATEE COUNTY, FLORIDA

AUG 22 10 27 AM '88

RECEIVED
CLERK OF MANATEE COUNTY
MANATEE COUNTY, FLORIDA
AUG 22 1988

Section 1. It Is the Purpose and Intent of this Ordinance to

Accomplish the Following:

A. Implementation of the authority to enter private cemetery property and to take such action as is necessary and appropriate for the maintenance and security of the cemetery, granted the county by Section 497.071, Florida Statutes, as amended.

B. To provide the county with the limited immunity granted under Section 497.071, Florida Statutes, to enter a cemetery without being subject to civil liabilities or penalties of any type for damages to property at the cemetery, and the provision of the means legally to enter Old Memphis Cemetery for the purpose of correcting conditions of neglect therein, to employees of the county and volunteers providing good faith assistance for the maintenance and security of Old Memphis Cemetery.

Section 2. Findings of Fact

A. The Advisory Committee on Neglected Cemeteries has concluded that Old Memphis Cemetery has not been reasonably maintained for a period well in excess of six (6) months, and has recommended that action be taken to alleviate conditions of neglect in the cemetery.

B. Photographs of the cemetery property entered into the record, testimony brought before the Board of County Commissioners, and viewings by members of this Board show that Old Memphis Cemetery has not been reasonably maintained for a period in excess of six (6) months, and is overgrown with weeds, strewn with litter, and in an unhealthy and unsanitary condition.

C. During a public hearing at which the above findings were presented, no evidence was offered to the contrary, and no objection to the adoption of this ordinance was raised.

Section 3. Declaration of Neglect

Old Memphis Cemetery, located in the vicinity of Second Avenue East and Twenty-Fifth Street, having not been reasonably maintained for a period in excess of six (6) months, in accordance with Section 497.071, Florida Statutes, is hereby declared neglected.

Section 4. Limitations Related to Maintaining and Securing Old Memphis Cemetery

A. All volunteers providing good faith assistance in securing and maintaining Old Memphis Cemetery must do so under the direction and supervision of the county, as required by Section 497.071, Florida Statutes.

B. No volunteer shall be deemed under the supervision of the county unless acting in accordance with such rules and procedures as may be adopted from time to time by the Board of County Commissioners.

C. Rules and procedures promulgated under this ordinance shall require, as a minimum, that any volunteer providing good faith assistance for Old Memphis Cemetery have on his/her person a signed authorization readily available for inspection at all times while present at Old Memphis Cemetery.

D. Nothing herein shall be deemed to establish any obligation on behalf of Manatee County, or the Board of County Commissioners, with respect to the provision of continual maintenance or the commitment of public funds. Funds raised for the purpose of securing and maintaining Old Memphis Cemetery shall be primarily private, with the understanding that any public funds contributed must have the prior approval of the Board of County Commissioners.

E. Private funds contributed to the Manatee County government for the purpose of correcting conditions of neglect in Manatee County cemeteries shall be managed by the Clerk of the Circuit Court. Any funds accepted by Manatee County for maintaining and securing neglected cemeteries shall be expended solely for the purpose stated by the donor.

F. Nothing herein shall preclude the establishment of private accounts or trust funds administered by an individual or organization for the purpose of effectuating the intent of this ordinance.

Section 5. Requirements

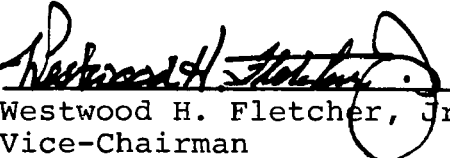
The Clerk of the Circuit Court is hereby requested to provide a certified copy of this ordinance, upon its adoption, to the Department of Banking and Finance, Division of Cemeteries, in fulfillment of the requirement of Section 497.071, Florida Statutes.

Section 6. Effective Date

This ordinance shall take effect, upon receipt of official acknowledgment from the Secretary of State that this ordinance has been filed with that office, or on October 1, 1988 whichever last occurs.

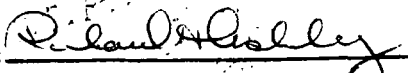
PASSED AND DULY ADOPTED, with a quorum present and voting this 9th day of August, 1988.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: 
Westwood H. Fletcher, Jr.
Vice-Chairman

ATTEST: R.B. Shore

R. B. SHORE
Clerk of Circuit Court

BY: 
RICHARD H. ASHLEY, CHIEF DEPUTY CLERK

STATE OF FLORIDA
COUNTY OF MANATEE

I, R. B. Shore, Clerk of Circuit Court, in and for the County of Manatee, State of Florida, do hereby certify that the foregoing is a true copy of an ORDINANCE adopted by the Board of County Commissioners of said County in session on the 9th day of August, 1988.

SUBJECT: ORDINANCE 88-34

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, SETTING FORTH CERTAIN FINDINGS OF FACT WITH RESPECT TO CONDITIONS OF NEGLECT EXISTING AT OLD MEMPHIS CEMETERY; DECLARING OLD MEMPHIS CEMETERY NEGLECTED; PROVIDING FOR THE IMPLEMENTATION OF THE AUTHORITY GRANTED BY SECTION 497.071, FLORIDA STATUTES, WITH REGARD TO NEGLECTED CEMETERIES; SETTING FORTH CERTAIN LIMITATIONS RELATED TO MAINTAINING AND SECURING OLD MEMPHIS CEMETERY; PROVIDING AN EFFECTIVE DATE.

WITNESS My Hand and Official Seal this the 10th day of August, 1988, in Bradenton, Florida.

R. B. Shore, Clerk of Circuit Court
Manatee County, Florida


By: Deputy Clerk

FILED
CLERK
MANATEE COUNTY

AUG 22 10 27 AM '88



FLORIDA DEPARTMENT OF STATE

Jim Smith

Secretary of State

DIVISION OF ELECTIONS

Room 1802, The Capitol

Tallahassee, Florida 32399-0250

(904) 488-8427

August 17, 1988

Honorable Richard B. "Chips" Shore
Clerk of Circuit Court
Manatee County Courthouse
Post Office Box 1000
Bradenton, Florida 34206

Attention: Richard H. Ashley, Chief Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of August 10, 1988
and certified copy/ies of Manatee
County Ordinance(s) Nos. 88-32, 88-33, & 88-34
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed ~~this~~/these ordinances in this office
on August 17, 1988.
4. The ~~original~~/duplicate copy/ies showing the filing date
~~is~~/are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mb

Enclosure (3)

RESOLUTION R-88-152

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA SETTING FORTH CERTAIN POLICIES AND PROCEDURES WITH RESPECT TO THE DECLARATION OF CEMETERIES AS NEGLECTED CEMETERIES; ESTABLISHING THE ADVISORY COMMITTEE ON NEGLECTED CEMETERIES; SETTING FORTH THE DUTIES OF THE ADVISORY COMMITTEE ON NEGLECTED CEMETERIES AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, within the unincorporated area of Manatee County there exist several cemeteries which have not been reasonably maintained, and which have presented a persistent and recurring problem to the community, creating not only a public health problem but also public eyesores and a growing sense of community awareness and conscience; and

WHEREAS, many citizens, private organizations and church groups have continuously expressed concern over the deplorable condition of neglected cemeteries and a willingness to contribute time and financial resources toward the improvement of neglected cemeteries; and

WHEREAS, the Florida Legislature has adopted Senate Bill 687 amending Section 497.071, Florida Statutes, which allows counties to correct conditions in neglected cemeteries upon a finding that a cemetery has not been reasonably maintained for a period in excess of six (6) months; and

WHEREAS, Senate Bill 687 provides certain immunities from civil liability to the County those providing good faith efforts to secure and maintain neglected cemeteries operating under the supervision and direction of the County and; and

WHEREAS, it is recognized that certain neglected and abandoned cemeteries present problems not susceptible to immediate resolution with respect to securing the cemeteries and the ongoing operations of such cemeteries, but that certain

problems arising out of the neglect of such cemeteries must be addressed expeditiously; and

WHEREAS, an Interim Cemetery Advisory Committee was approved by the Board of County Commissioners, hereinafter the Board, on February 23, 1988 but was not formally established;

WHEREAS, it is now deemed appropriate to establish formally and to expand the Interim Advisory Committee and to implement the authority provided under the amended Section 497.071, Florida Statutes, and

WHEREAS, it is the intent of this resolution to provide an approach to address expeditiously those problems demanding immediate attention while also providing for the development of long term plans for maintaining and securing any cemetery which has been neglected or the site of vandalism; and

WHEREAS, Section 497.071, Florida Statutes, as amended by Senate Bill 687, affords an opportunity for local government to facilitate the work of private individuals and organizations in addressing local problems in a manner that may resolve the problem with the minimum expenditure of public funds.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, as follows:

Section 1. The Policy and Intent of the Board of County Commissioners

- A. Prior to the commencement of any activity on privately owned real property which is operated or used as a cemetery, the Board shall, after due public notice,

consider the adoption of an ordinance declaring a cemetery neglected at a public hearing.

- B. Such ordinance shall set forth, in general terms, the real property involved, those actions deemed necessary and appropriate for maintaining and securing the property, the assistance available for such actions, and the source of funding to be used for these actions.
- C. It is the policy and intent of the Board to extend the authority to act, without being subject to civil liabilities or penalties of any type for damages to property at the cemetery, to those private individuals and organizations operating under the supervision and direction of the Board, and willing to contribute their efforts and resources in good faith assistance toward the correction of the problem of neglected cemeteries.
- D. It is the intent of the Board to delegate authority to provide supervision and direction for securing and maintaining neglected cemeteries primarily with the Advisory Committee on Neglected Cemeteries in accordance with rules and procedures developed by the committee and approved by the Board.
- E. It is the policy and intent of the Board that programs for maintaining and securing the neglected cemeteries of Manatee County be funded primarily through private sources and contributions rather than public funds.

Section 2. Establishment of the Advisory Committee on
Neglected Cemeteries

- A. There is hereby established the Advisory Committee on Neglected Cemeteries (hereinafter the "Committee").
- B. The initial members of the Committee, having served on the Interim Cemetery Advisory Committee, or having otherwise demonstrated a serious commitment to correcting the conditions of neglect in Manatee County cemeteries, shall be as follows:
- Father Dennis Kezar
Reverend Jim Moxley
Mrs. Elouise Bacon
Mr. Napoleon Mills
Mr. Alphonso Smith
Mr. Elihu Wallace
- C. Father Dennis Kezar shall serve as the Committee's Chairman until the Committee chooses to elect another one, or until he leaves office.
- D. The County Administrator shall designate representatives of the County to assist the Committee.
- E. Within two (2) weeks of the passing of this resolution, the Committee will hold an organizational meeting in which it will determine, among other things, meeting places and times.
- F. No later than six (6) months after the adoption of this resolution, the Committee will report to the Board with a summary of its long term goals and responsibilities. This report shall include any changes in membership or representation which the Committee deems necessary or desirable for the conduct of its business.

- G. The Committee may adopt rules consistent with the laws of Florida and this resolution, as are necessary to the conduct of the business of the committee.
- H. Members of the Committee shall not be compensated for their services to the County.
- I. Neither the Committee nor its members shall be held responsible, collectively or individually, for conditions within any cemetery. The role of the Committee shall be that of an advisory committee, with such limited powers and authority as may from time to time be delegated explicitly to the Committee by the Board, through resolution or ordinance.

Section 3. Duties of the Advisory Committee on Neglected Cemeteries

- A. The Committee shall, as soon as possible, identify any cemetery in Manatee County which poses a serious threat to the health, safety, and welfare of the community, and which appears to be in immediate need of maintenance. The Committee shall apprise the Board of such cemeteries, and make recommendations as to the most effective way of alleviating these immediate problems. The Committee shall also identify any groups or individuals willing to provide funds or labor for the maintenance of such cemeteries.
- B. The Committee shall develop guidelines and rules, to be approved by the Board, governing activities on private cemetery property directed toward maintaining and

securing the cemetery. Such rules shall include the notification of the Department of Banking and Finance as required by Section 497.071, Florida Statutes, the designation of the county agent providing supervision for such activities, and the drafting of an appropriate release form for private individuals involved in such activities.

C. The Committee shall conduct an overview study of each cemetery in Manatee County which is or could potentially become neglected.

- (1) This study will be used to apprise the Board of the needs of Manatee County's cemeteries, and to make recommendations to the Board as to what actions should be taken to meet these needs.
- (2) The Committee will listen to reports from individual citizens, groups, and businesses concerning Manatee County cemeteries; and the Committee will apprise the Board of these reports and make recommendations as to what actions, if any, should be taken in response to these reports.
- (3) The Committee will identify any groups or individuals willing to provide funds or efforts for maintenance and prevention of neglect of those Manatee County cemeteries which have not been reasonably maintained.
- (4) The Committee shall apprise the Board of any cemetery falling into neglect, as defined by the amended Section 497.071, Florida Statutes. The

Committee will make recommendations concerning the correction of such neglect, propose ordinances for the individual cemeteries which have not been reasonably maintained. Such recommendations shall include a study and summary of the history of neglect in these cemeteries.

D. The Committee shall conduct a long range study focused on methods by which the county might prevent any cemeteries in Manatee County from falling into a neglected condition in the future.

(1) This study shall include an examination of the laws and policies in other counties, within and without the State of Florida, with respect to the maintenance of cemeteries. This study shall also include a financial analysis, providing the Board with the most efficient method of solving the cemetery problem, and the method by which private resources would serve the most significant role possible.

(2) The Committee shall identify the long term needs and problems of the neglected cemeteries within Manatee County. These problems include, but are not limited to, the burial of bodies within cemeteries deemed full or closed. The Committee will make recommendations to the Board concerning these studies.

This Resolution shall take effect immediately upon its adoption.

ADOPTED, with a quorum present and voting this 5th day
of July, 1988.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: K. S. G. Chetani
Chairman

Attest: R.B. Shore
Clerk of the Circuit Court

[Signature]

(1) Notwithstanding any provision of law to the contrary, a county or municipality which has within its jurisdiction an abandoned cemetery or a cemetery that has not been reasonably maintained for a period in excess of 6 months may, upon notice to the department, take such action as is necessary and appropriate to provide for maintenance and security of the cemetery. The solicitation of private funds and the expenditure of public funds for the purposes enumerated in this subsection are hereby authorized, provided that no action taken by a county or municipality under this subsection shall establish an ongoing obligation or duty to provide continuous security or maintenance for any cemetery.

(2) No county or municipality nor any person under the supervision or direction of the county or municipality, providing good faith assistance in securing or maintaining a cemetery under subsection (1), may be subject to civil liabilities or penalties of any type for damages to property at the cemetery.

(3) A county or municipality that has maintained or secured a cemetery pursuant to the provisions of subsection (1) may maintain an action at law against the owner of the cemetery to recover an amount equal to the value of such maintenance or security.

History.—s. 7, ch. 78-407; ss. 33, 40, ch. 80-238; ss. 2, 3, ch. 81-318; s. 1, ch. 88-300; s. 1, ch. 89-8; ss. 84, 122, ch. 93-399; s. 65, ch. 2004-301.

Note.—Former s. 559.525; s. 497.071; s. 497.345.