



# CITY MANAGER'S OFFICE


Brian Donovan, Assistant City Manager

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## MEMORANDUM

**DATE:** April 16, 2026

**TO:** Mark Berman, City Attorney

**FROM:** Brian Donovan, Assistant City Manager 

**SUBJECT:** Cemetery Plots

Can your office please prepare a Resolution establishing a City policy that all remaining available plots at the City Cemetery be available solely for purchase by City residents.

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OFFICE OF CITY ATTY  
CITY OF POMPAHO BEACH  
2026 APR 16 AM 11:37



## City Attorney's Communication #2026-456

April 16, 2026

**TO:** Mayor and City Commissioners  
**FROM:** Mark E. Berman, City Attorney  
**RE:** City Cemetery

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Per discussion at the last Commission meeting, please note that as of this writing, the total number of available spaces at the City's cemetery is 632 (404 full-body burial spaces and 228 Columbarium/cremation spaces).

I have been advised that the City Manager's Office and the Public Works Director were already working on proposed resolutions for this issue, which had been discussed at a prior meeting. That discussion centered around a potential administrative solution for this matter.

Thus, it should be noted that City Cemetery operations and administration are all provided for in Chapter 92 of the City's Code of Ordinances. Per section 92.16 (B) of the Code, the City Commission is authorized to "make, adopt, and enforce rules and regulations for the use, care, control, management, restriction, and protection of the cemetery, and of all parts and subdivisions thereof."

Accordingly, the Commission is authorized to restrict the sale of all remaining burial plots to City residents. This may be accomplished through an amendment by Ordinance to Chapter 92, where appropriate, to state such restriction as currently the Code permits purchase of plots to any and all, and an amendment to the Code would make clear the Commission's intent in this regard. Alternatively, I would at a minimum recommend a Resolution to set out the Commission's intent in this regard and to direct staff on this new policy, so that the Commission's directive is clearly set out in writing in an approved document.

Section 92.01 already contains a definition and requirements to be deemed a City resident, which may be relied upon for purposes of any resident purchase restriction imposed.

Issues may, however, arise with people who once resided in the City, who currently do not, but who wish to be buried here. That would be a policy determination for the Commission to set,

including any parameters; however, extending the right to purchase beyond current residents could become problematic to define and enforce in scope.

My office is standing by to assist with the implementation of whatever decision the Commission makes in this regard.

Cc: Greg Harrison, City Manager  
Brian Donovan, Assistant City Manager  
Robert McCaughan, Public Works Director

MEB 4/16/2026  
L: COR/Comm/2026-456

## Mark Berman

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**From:** Robert McCaughan  
**Sent:** Thursday, April 16, 2026 11:08 AM  
**To:** Mark Berman  
**Cc:** Brian Donovan  
**Subject:** Cemetery Plots Available for Sale

Total available: 632  
404 full body burial  
228 Columbarium (cremation)



**Robert McCaughan**  
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