



## **AGENDA**

### **PALM BAY MUNICIPAL FOUNDATION, INC. DISASTER RELIEF COMMITTEE EXECUTIVE BOARD**

Regular Meeting 2021-04  
Monday, September 20, 2021 – 6:00 P.M.  
City Hall Council Chambers, 120 Malabar Road, SE

#### **CALL TO ORDER:**

#### **ROLL CALL:**

#### **PUBLIC COMMENTS: (Non-agenda Items Only)**

Public Comments on Agenda Items – Individuals wishing to speak on specific agenda items can do so at the time the item is being considered by the Board. The Chairperson will ask if there are any public comments prior to the Board taking action on the item. All speakers will be limited to three (3) minutes each.

#### **ADOPTION OF MINUTES:**

1. Special Meeting 2021-03; August 23, 2021.

#### **NEW BUSINESS:**

1. Consideration of revisions to by-laws.

#### **OTHER BUSINESS:**

1. Next regular meeting – Monday, December 20, 2021, at 6:00 p.m. **(Informational)**

#### **ADJOURNMENT:**

If an individual decides to appeal any decision made by the Disaster Relief Committee with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Section 286.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

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**In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least 48 hours prior to the meeting, contact the Legislative Department at (321) 952-3414 or Florida Relay System at 711.**

**CITY OF PALM BAY, FLORIDA**  
**PALM BAY MUNICIPAL FOUNDATION, INC.**  
**DISASTER RELIEF COMMITTEE**  
**EXECUTIVE BOARD**  
**SPECIAL MEETING 2021-03**

Held on Monday, the 23<sup>rd</sup> day of August 2021, at the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Office of the City Clerk, City Hall, Palm Bay, Florida. The minutes are not a verbatim transcript, but a brief summary of the discussions and actions taken at the meeting.

The meeting was called to order at the hour of 5:59 P.M.

**ROLL CALL:**

<b>CHAIRMAN:</b>	Donny Felix	Present
<b>VICE-CHAIRPERSON:</b>	Susan Walberg	Present
<b>MEMBER:</b>	Christopher Duncan	Present
<b>MEMBER:</b>	Keith Miller	Present
<b>MEMBER:</b>	Vanessa Scott	Present

**CITY STAFF:** Present was Rodney Edwards, Assistant City Attorney; Terri Lefler, Deputy City Clerk.

**PUBLIC COMMENTS:**

There were no public comments.

**ADOPTION OF MINUTES:**

**1. Regular Meeting 2021-02; June 21, 2021.**

Motion by Vice-Chairperson Walberg, seconded by Mr. Duncan, to adopt the minutes as presented. The motion carried unanimously.

**NEW BUSINESS:**

**1. Discussion of assistance for the area(s) affected by the earthquakes in Haiti.  
(Chairman Felix)**

Chairman Felix presented the item to the Committee. He advised that on August 14, 2021, Haiti was impacted by a 7.2 magnitude earthquake, causing over 2,200 deaths, leaving over 20,000 wounded and over 80,000 homeless. He mentioned that Haiti was impacted by an earthquake of the same magnitude in 2010 with over 300,000 registered deaths and stated that Haiti had still not fully recovered from that devastation. He expressed concern with how certain relief organizations handled the situation in 2010.

Mr. Miller referred to the article Chairman Felix had provided to the Committee regarding the American Red Cross' funding for Haiti relief in 2010. He expressed concern with the amount of administrative funding utilized by the American Red Cross and felt that funding provided may not reach individuals that were in need. Ms. Scott concurred with Mr. Miller.

Vice-Chairman Walberg mentioned that the American Red Cross and United Way had been in the news for heavy use of administrative fees. She felt that the Committee's guidelines should be modified to give the Committee more flexibility, while setting criteria to select legitimate organizations objectively. Mr. Edwards clarified that the by-laws allowed the Committee the opportunity to select any 501(c)(3) and that the only prohibition was that the Committee could not donate to an individual or individual business. Mrs. Lefler stated that the former Committee reviewed their suggested guidelines with the former City Manager and decided that a declaration of "state of emergency" would be used as the initiating factor for a special meeting. Mr. Miller inquired about organizations outside of the United States jurisdiction and asked if "501(c)(3)" was a national or international designation. Mr. Edwards confirmed it was a federal Internal Revenue Service (IRS) designation and that the designation was required in order to donate to an organization. Chairman Felix advised that most non-governmental organizations (NGO) were required to be vetted by the local government and a registered 501(c)(3) in the United States. Chairman Felix inquired as to the balance in the Committee's fund. Mrs. Lefler advised the balance as of July 31, 2021, was \$10,740.42.

Chairman Felix stated, for the record, that he was a City of Palm Bay Councilmember, member of the Palm Bay Municipal Foundation, Inc. (PBMF), President of the Haitian American Association of Brevard (HAAB), and a member of the National Haitian American Elected Officials Network (NHAEON). He explained that he utilized the Disaster Relief Committee as the only platform when seeking monetary donations.

Mr. Duncan advised he provided Chairman Felix's contact information to the United States Pentagon and the United States Agency for International Development (USAID) humanitarian efforts. He also reached out to Brevard County Emergency Management

with his concerns about the spike in Covid-19 cases in the local community. He felt funding from the Committee would be necessary in the future for local disasters related to Covid-19 cases; however, he also felt that the Committee should donate towards the Haiti relief efforts. Mr. Duncan mentioned that the American Rescue Plan Act (ARPA) funds were waiting on full classification from Congressional Office District Eight (8). Mr. Duncan felt that the Committee could benefit from the available APRA funding. He mentioned the possibility of help by means of temporary housing. He suggested asking that the American Red Cross, United Way, and other organizations match the Committee's donation. He stated that another available resource to be considered was Good360 because for every dollar (\$1.00), the organization matched with seventy-seven dollars (\$77.00) in pallet goods for necessities needed. Mr. Duncan also suggested the possibility of employees donating pennies from their paychecks and the possibility of redirecting employee donations currently given to United Way to help build the Palm Bay Municipal Fund.

Chairman Felix stated that Mr. Duncan had many great suggestions but that time was of the essence for Haiti relief and that the Committee should consider a dollar amount for the donation. He stated that Haiti needed monies to put towards medical supplies and medications. He said that perishable items such as rice and water were not suggested donations due to items arriving expired, the cost to transport, and negative impacts to the local economy. He stated that the HAAB organization was working with the fire stations to collect specific items such as medical supplies and Covid prevention items. He reiterated that one hundred percent (100%) of all donations through the NAAB/NHAEON would be given Haiti.

Mrs. Lefler advised that the former Committee had implemented a minimum donation of \$250, with increments of \$250, at the discretion of the Committee based on the magnitude and the effects of the disaster. She also advised that a previous disaster had been publicly noticed for collection of the specific event which lasted a period of thirty (30) days. Mr. Miller questioned how the collection period was advertised. Mrs. Lefler responded that the Committee was ultimately responsible to get the word out; however, it was also advertised on the City's website. Mrs. Lefler mentioned the possibility of a press release which would be at the discretion of the City Manager. The Committee concurred with the suggestion of a press release to include asking organizations to match the Committee's donation. Mrs. Lefler said that she would relay the Committee's request to the City Manager. Ms. Scott requested that the press release be provided to the Committee when completed.

Mr. Duncan mentioned that there were evacuation efforts by the United States Pentagon and felt that Palm Bay could be a city to house evacuees. He felt the Committee could get a donation match of \$10,000. He also suggested that the City Attorney and City staff research ARPA funds to classify what the City considered disaster relief and in what capacity. Chairman Felix advised that the ARPA funds would be at the discretion of the City Council and was not within the Committee's power to determine use of ARPA funds.

Bill Battin, resident, stated that Mr. Duncan could individually address the City Council or, upon consensus of the Committee, the Committee's Chairman could address the City Council with ideas relating to the ARPA funds.

Mr. Duncan suggested the donation be set at \$9,500, with the Committee to promote both for-profit and non-profit organizations to match it. Vice-Chairperson Walberg expressed concern with not leaving any money in the account, especially in the middle of hurricane season and that priority was to be given to local disasters. She suggested splitting the difference and offsetting that amount with the designated donation period. Mr. Miller agreed that he did not want to donate the entire amount. Chairman Felix informed the Committee that any amount could be brought before the PBMF and that all members of the City Council had expressed their support of providing relief to Haiti. Mr. Duncan amended his suggested donation to \$5,500.

Mr. Miller stated that the Committee needed to consider a strategy on how to market to replenish the funds. Vice-Chairperson Walberg felt that it would be helpful when marketing funds to be able to present an effective strategy to replenish funds.

The Committee concurred to donate \$5,500, advertise for the collection of donations solely for Haiti relief for a 30-day period, and work towards getting other organizations to match up to \$5,500. Chairman Felix inquired if he should solicit funds in his capacity as City Councilman or Chairman of the Committee, in which Mr. Edwards stated that it could be in either capacity. Mrs. Lefler clarified that the recommendation would be going before the PBMF, not before City Council, for the vote.

Motion by Mr. Duncan, seconded by Ms. Scott, to recommend to the Palm Bay Municipal Foundation, Inc. (PBMF) a donation to the National Haitian American Elected Officials Network (NHAEN) in the amount of \$5,500 for relief efforts towards the earthquake in Haiti; to advertise and solicit donations for a period of thirty (30) days, allocating all funds received during that time towards Haiti relief; and for the Committee to solicit matching funds starting at \$250 up to \$5,500.

Chairman Felix provided information about NHAEON. He stated that sixty-seven (67) members were elected and asked by the Haitian government to be at the forefront as a watchdog over monies, donations and promises made. He said there were over 200 members that formed subcommittees within the organization. He stated that NHAEON had a portal accessible to the public where transactions could be seen in real-time. Chairman Felix offered to update the Committee on the donation(s). Motion carried unanimously. Mrs. Lefler asked that Chairman Felix provide a point of contact so that the Finance Department could coordinate payment with NHAEON.

#### **OTHER BUSINESS:**

##### **1. Discussion of amending the by-laws to include language adopted by City Council and implemented by the former Committee.**

Mrs. Lefler informed the Committee that she had drafted revisions to the Committee's by-laws. She stated that according to Article 7, written notice was required one month prior to any amendment to be considered. The revisions were for review and were to be brought back for discussion and approval at the regular meeting in September.

Mrs. Lefler advised that the draft amendments to:

- a. Section 6, under Article 4, was required as it was based on an ordinance adopted by City Council at their August 5, 2021, meeting. The amendment stated that a member must attend at least 50% of each meeting in order to be counted present;
- b. Section 3, under Article 5, removed a vote by the Committee members to change a meeting location. The date and time of regular meetings would still require a vote by the Committee; and
- c. Section 1, under Article 7, removed the requirement of one month notice prior to considering amendments to the by-laws. This would allow the Committee to consider basic or required amendments when presented. The Committee could still choose to review the presented amendments and vote at a future meeting.

Other than the general housekeeping-type of draft amendments, Mrs. Lefler advised that the remaining amendments were discussed by the former City Manager and former Vice-Chairman. These draft amendments were to have been brought forward for the former Committee's approval; however, the Committee members' terms had expired prior to that

occurring. Mrs. Lefler stated that these revisions were at the discretion of the Committee and could be approved or adjusted as the Committee deemed fit, as long as it did not conflict with the Code or the Resolution that established the Committee.

**2. Next regular meeting – Monday, September 20, 2021, at 6:00 p.m. (Informational)**

Chairman Felix announced that the next regular meeting would be held on Monday, September 20, 2021, at 6:00 P.M., in the Council Chambers.

Mr. Duncan provided a web address and email addresses to assist the Committee with the status of relief efforts. He stated that he requested a spokesperson be available for the September 2, 2021, PBMF meeting as well as the September 20, 2021, Disaster Relief Committee meeting. Mrs. Lefler advised that the PBMF meetings typically occurred after the regular Council meetings. Chairman Felix requested that this particular PBMF meeting occur prior to the regular Council meeting on September 2, 2021, so that the Committee could attend to show their support. Mr. Duncan asked if the press release would be released prior to the PBMF meeting. Mrs. Lefler advised it would be after the meeting as it would be considered by the PBMF at the September 2<sup>nd</sup> meeting. The Committee felt it would be helpful to include a draft press release with the agenda item for the PBMF to review. Mrs. Lefler advised she would provide the Committee with a friendly URL for the Committee's donation page in addition to the website/email address provided by Mr. Duncan. Mr. Duncan explained that the website was a channel for external support and the two emails gave access to releases relating to what was currently happening.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at the hour of 7:25 P.M.

ATTEST:

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Donny Felix, CHAIRMAN

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Terri J. Lefler, DEPUTY CITY CLERK



## **City of Palm Bay, Florida**

### **PALM BAY MUNICIPAL FOUNDATION DISASTER RELIEF COMMITTEE EXECUTIVE BOARD BY-LAWS**

#### **ARTICLE I PURPOSE AND INTENT**

**Section 1.** The purpose and intent of the by-laws is to set forth a uniform set of rules and procedures whereby the Disaster Relief Committee Executive Board, hereinafter referred to as the “Committee”, shall serve to help those affected by such local, national, and international disasters.

**>>Section 2.** The mission of the Committee is to serve as a resource and conduit for collecting funds that will be distributed to non-profit, charitable and relief organizations during and after a disaster.**<<**

#### **ARTICLE II COMPOSITION**

**Section 1.** The Committee shall be made up of five (5) individuals.

- A. One (1) member of the Palm Bay Municipal Foundation.
- B. Four (4) members of the public appointed by the Palm Bay Municipal Foundation, one (1) of whom will preferably be a member of the clergy within the community. The members shall be selected by using the City Council’s process for filling board positions.

#### **ARTICLE III TERMS OF OFFICE**

**Section 1.** The members shall serve for a term of two (2) years and may, upon application and approval, serve unlimited consecutive terms.

#### **ARTICLE IV OFFICERS**

**Section 1.** There shall be a Chair and Vice-Chair. The City Attorney’s Office shall serve as Legal Advisor and the City Clerk’s Office shall serve as Secretary and administrative support to the Committee.

**Section 2.** The Chairperson shall be the Palm Bay Municipal Foundation member.

A. The duties of the Chairperson shall consist of, but not limited to, the following:

1. Be the principal representative of the Committee and shall preside at all meetings.
2. Sign minutes upon approval by the Committee.

B. The duties of the Vice Chairperson shall consist of, but not be limited to, the following:

1. Preside in the absence of the Chairperson and assume other duties as designated by the Chairperson and the Committee.

>>2. The selected individual will serve in the capacity of Vice-Chair for a period of two (2) years at which point the committee will select a new Vice-Chair from among its members.<<

**Section 3.** In the absence of the Chairperson and Vice Chairperson, the remaining members shall select a member, by consensus of those members present at the meeting, who shall assume the duties of the Chairperson.

**Section 4.** A quorum for the purpose of conducting official business shall require the presence of at least three (3) of the members currently serving.

**Section 5.** Vacancies shall be filled in the same manner as original appointments. Replacement appointments shall be for the unexpired terms only.

>>**Section 6.** Members must attend at least fifty percent (50%) of each meeting in order to be counted present.<<

**Section 6>>7<<.** Members who fail to attend three (3) consecutive regular meetings or a total of five (5) meetings of any type within a twelve (12) month period shall automatically forfeit their appointments.

**Section 7>>8<<.** Resignations shall be in writing addressed to the Chairperson or the Office of the City Clerk by mail, email, or delivered in person.

**Section 8>>9<<.** The Chairperson may appoint such committees as he requires to efficiently conduct the affairs of this Committee.

**Section 9>>10<<.** The Chairperson shall conduct all meetings. The Secretary shall keep minutes of all meetings.

## ARTICLE V MEETINGS

**Section 1.** Meetings shall be held quarterly, each calendar year, or as needed more frequently. The day and time of such meetings shall be determined by the Committee.

**Section 2.** Special meetings may be called by the Chairperson at any time as needed.

**>>Section 3.** The declaration of "State of Emergency" by the affected area will be utilized as the initiating factor for a Special Meeting with the purpose of defining the amount of the donation to the non-profit disaster relief supporting agencies directly responding to the affected area.<<

**Section 3>>4<<.** The date, >>or<< time, or place of such >>regular<< meetings, regular or special, may be changed upon the affirmative vote of the majority of members at a regular meeting.

**Section 4>>5<<.** Sufficient public notice of special meetings shall be given as to meetings place and time in conformance with applicable Florida Sunshine Laws.

**Section 5>>6<<.** The Board >>Committee<< shall determine its own rules and order of business. However, such order may be changed by the Presiding Officer to meet contingencies.

## ARTICLE VI DUTIES AND RESPONSIBILITIES

**Section 1.** All money raised from any and all events organized by the Committee shall be given to the Palm Bay Municipal Foundation Inc. or other such non-profit, charitable, or relief organization as the Committee decides and the law permits. >>The Committee shall not collect materials or sundries; any offers other than funds shall be directed to City staff for review and input.<<

**Section 2.** The Committee shall submit reports to, and as directed by, the Palm Bay Municipal Foundation.

**Section 3.** The members shall serve on the Committee without additional compensation, except that they may be reimbursed as permitted by the by-laws of the Palm Bay Municipal foundation, Inc., not to exceed the budgeted amount.

**>>Section 4.** The Committee shall work with the Finance Department to fund all marketing materials. The cost for administrative purchases shall be deducted from the

Committee's budget and shall not exceed five percent (5%) of the Committee's fund balance each fiscal year.<<

## >>ARTICLE VII

### DEFINITION OF DISASTER, DONATIONS, AND PUBLIC NOTICE

**Section 1.** Disaster: "In accordance with FEMA, a disaster is a non-routine (natural or man-made) event that exceeds the capacity (resources) of the affected area to respond to it in such a way as to save lives; to preserve property; and to maintain the social, ecological, economic, and political stability of the affected region." (FEMA.ORG) The Committee was created with the goal to provide assistance in the form of donations to be distributed to non-profit, charitable and relief organizations responding to disasters from our local community to international disaster relief efforts.

**Section 2.** Priority shall be given to local disasters.

**Section 3.** All donations shall be in the minimum amount of \$250.00, with increments of \$250.00 based on the magnitude and the effects of the disaster. The donation amount shall be decided by vote and at the discretion of the Committee. Donations can occur at different stages of the disaster, based on the impact and longevity of the disaster.

**Section 4.** Any donations made to the Committee are not specific to one particular cause unless the Committee agrees to allocate all funds donated during a certain time period to such cause. The public notice of collection for a specific event will last for a period of thirty (30) days on the Committee's webpage.

**Section 5.** Donations shall be made through the following 501(c)(3) organizations: American Red Cross; 2-1-1 Brevard, Inc.; and/or United Way of Brevard. The 501(c)(3) organizations may be revised as determined by the Committee. Donations shall not be made to individual businesses or people.

**Section 6.** Donations shall be accepted through the Palm Bay Disaster Relief Committee's webpage; cash and check donations shall also be accepted through the Customer Service Representatives at City Hall.<<

## ARTICLE VII>>VIII<<

### >>AMENDMENTS AND EFFECTIVE DATE<<

**Section 1.** These by-laws may be amended, repealed, or made inoperative by majority vote of the Committee at an official meeting. ~~Written notice of such proposal shall be given to the Committee at least one (1) month before the meeting at which such matter is to be considered.~~

**Section 2.** These by-laws shall become effective on the date of their adoption by affirmative vote of a majority of the members present at an official meeting of the Committee.

Adopted: March 19, 2018  
Meeting 2018-01

Revised: [REDACTED], 2021  
Meeting [REDACTED]