

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS
AND FAMILY DAY CARE HOMES
Minutes for the Regular Board Meeting
October 7, 2009

APPROVED MINUTES

The Regular Board Meeting of the Pinellas County License Board for Children's Centers and Family Day Care Homes was scheduled and properly noticed for Wednesday, October 7, 2009, at 4175 East Bay Drive, Suite 350, Clearwater, to begin at 1:30 p.m.

Board Members Present: Lourdes Benedict, Chairman; Nancy Bostock; Barbra Mastrota; Elise Minkoff (arrived at 1:40 p.m.); Donna Rippley; Judi Vitucci, Secretary

Board Members Absent: None

Ex Officio Member Present: Charles Minor

Advisory Members Present: Lynn Bittner, Heidi Buck, Elizabeth Krakowski, Nina Meyers, Susan Weber

Advisory Members Absent: Ann Hofmeister, Terri Hajian

County Attorney Present: Colleen Flynn

Staff Members Present: Carla Recker, Executive Director; Kathy Krause, Supervisor Family Child Care Homes; Jorie Massarsky, Supervisor Children's Centers; Dana Stajkowski, Board Recorder, and other Health Department staff

Call to order: The meeting was called to order at 1:35 p.m.

Motion: A motion was made by Judi Vitucci and seconded to approve the minutes from September 11, 2009. Motion unanimously approved.

Public Comment: No Public Comment

II. A. Judy Vitucci reported that the Nominating Committee recommends Lourdes Benedict for Chairman.

MOTION: A motion was made by Donna Rippley and seconded to approve Lourdes Benedict as the Chairman. Unanimously approved.

Lourdes Benedict appointed Judy Vitucci as the Board Secretary.

B. The Revenue and Expense Report for September will not be available until the middle of October 2009.

III.

- MOTION: A motion was made by Commissioner Bostock and seconded to approve the following regular licenses. Unanimously approved.
- A. 1. 4 new Children's Centers approved for Regular Licenses.
 - A. 2. (There were no new Children's Centers recommended for a Provisional License.)
 - A. 3. (There were no new Children's Centers recommended for a Probationary-Provisional License.)
 - A. 4. 4 new Family Day Care Homes approved for Regular Licenses.
 - A. 5. (There were no new Family Day Care Homes recommended for Provisional Licenses.)
 - A. 6. (There were no new Family Day Care Homes recommended for Probationary-Provisional Licenses.)
 - B. 1. 8 License Changes for Children's Centers approved for Regular Licenses.
 - B. 2. (There were no License Changes for Children's Centers recommended for a Provisional License.)
 - B. 3. (There were no License Changes for Children's Centers recommended for Probationary-Provisional Licenses.)
 - B. 4. 1 License Change for Family Day Care Homes approved for Regular License.
 - B. 5. (There were no License Changes for Family Day Care Homes recommended for a Provisional License.)
 - B. 6. (There were no License Changes for Family Day Care Homes recommended for Probationary-Provisional Licenses.)
 - C. (There were no Children's Centers recommended as Religious Exempt Centers.)
 - D. Attorney Colleen Flynn reported there is a Settlement Agreement for Board consideration. A claim has been pending against the License Board by former provider Karen Strauss by her attorney for, in their opinion, a wrongful revocation which began in 2006. The claim is for fees and other expenses for the proceedings. The Settlement Agreement includes a \$1,000 payment to Ms. Strauss for miscellaneous expenses. In return, Ms. Strauss will release all parties including the PCLB Board, Pinellas County, and the Juvenile Welfare Board. According to the regulations, Ms. Strauss will be eligible to reapply in 3 years and will be required to meet all regulations.

- III. D. If the Settlement is not approved, Ms. Strauss will continue with her suit against the LB and other entities.
- MOTION: A motion was made by Judi Vitucci and seconded by Commissioner Bostock to approve the Settlement Agreement presented by the attorney of Karen Strauss. Unanimously approved.
- F. MOTION: A motion was made by Commissioner Bostock and seconded to appoint a committee to bring consistency and clarification for maintaining compliance with direct supervision in a preschool setting. Unanimously approved.
- G. Kathy Conroy presented background information on the Mary Faust Toy Lending Library (MFTLL) which was established in 1975 under the sponsorship of the Director of the Pinellas County License Board for Children's Centers and Family Day Care Homes. Currently there is approximately \$16,000 in the account.
- When licensing moved to the Health Department, funds in this corporation were not identified and therefore did not become part of the Interlocal Agreement. The result is that the Health Department and the Child Care Licensing program now part of the Health Department can not be part of the MFTLL Advisory Committee nor do they have authority to use the funds. The corporation must be re-established to then be dissolved. The corporation has a non-profit status with the state.
- MOTION: A motion was made by Judi Vitucci and seconded to form a committee of non Health Department employees to disburse the funds and dissolve the Mary Faust Toy Lending Library Corporation. Commissioner Bostock, Donna Rippley and Susan Weber will serve on the MFTLL Advisory Committee. Kathy Conroy and Jorie Massarsky will be advisors to the MFTLL Advisory Committee. Unanimously approved.
- H. Gayle Guidash presented information on the Executive Director Evaluation. Ms. Guidash stated that Board members will have another week to provide input on the evaluation; that the feedback will be presented anonymously; that the tool needs to be revamped and she will be glad to chair that committee; that for the next evaluation the Advisory Committee will be included; that this evaluation will be presented to Carla prior to it being presented at the next board meeting.
- IV. B. Attorney Colleen Flynn reported that Donna Huard resigned after receiving fines.
- Following Board discussion, the Board took a brief recess at 2:25 p.m. for Chairman Benedict to contact Ms. Huard to determine Ms. Huard's understanding of whether or not she was asked to resign due to the way her letter of resignation was written.

IV. B. The Board reconvened at 2:35 p.m. For the record, Attorney Flynn reported that in the event Ms. Huard would have still been a Board member that Gayle Guidash and not Chairman Benedict spoke to Ms. Huard.

Gayle Guidash reported that Ms. Huard said that she resigned of her own volition and that she would follow-up with something in writing to that effect.

The result is the resignation was accepted verbally and there is now a vacancy on the Board that must be filled by one of the family child care home preschool associations.

Board Recommendation: Present definition for "in good standing" at the next meeting.

IV. D. The following are answers to Board questions asked during the 9/11/09 Meeting:

Attorney Colleen Flynn, reported on attorney fees for frivolous appeals; that due to the way the state statutes are written that Board cannot pass on attorney fees to providers for what the Board feels are frivolous appeals. The Administrative Code says that reasonable attorney's fees can be awarded to the prevailing party only where the adverse party has been determined by the Administrative Law Judge to have been participating in the proceedings for an improper purpose. Attorney Flynn will continue to review the statutes.

Gayle Guidash reported to the Board regarding budget questions: Ms. Guidash reported that:

- The fund balance is currently negative \$20,000; the projection is over \$51,000 (positive) by the end of the year if the budget remains the same.
- That the budget goes to JWB from the HD in May and Ms. Guidash will bring the budget to the Board in May/June and review it for the Board.
- There is no need for a reserve because the HD is required by law to have a reserve and in the case of an emergency those funds would be available to all HD staff members including child care.
- There are no policies or procedures for the fund balance; that a fund balance is strictly the overage of funds after all expenses have been paid at the end of the FY.
- That 65% of the accountant's position is paid by the fund balance. Originally the accountant position was not part of the FTE's established for child care licensing; that the HD will try one more time to eliminate the Independent Special District designation; that if that doesn't work JWB and HD management will determine how to pay for this position.
- That the JWB contract is based on spend and receive allocations; that if the funds are not spent those funds will remain in the budget.

Ms. Guidash – continued

- Warrantees come with the laptops that will be ordered; that some extra laptops will be coming from DCF so not all the anticipated laptops will need to be purchased; however, it is prudent to include anticipated expenditures in the budget.
- Ms. Guidash will handle any budget questions from the Board.

Jorie Massarsky reported on Hair Net and other food service questions from the previous Board meeting and distributed the attached information; she stated that the HD is not discouraging family style dining nor the use of classroom experiences that involve food; that sanitary precautions be followed; that the second attachment clearly defines when and what type of HD permitting is required for Non-Food, Limited Food/Snack/Catered, and Full Food/Catered services; that the information will be available on the website and that all staff have the same information.

Kathy Krause gave the following reports from 9/11/09 Board questions:

- That the Cribs and Rattles report will be presented at the January 6, 2010 meeting
- That questions regarding the relationship of the child(ren) to the Provider is needed to determine compliance with capacity standards; that the question requires an answer from the provider or legally unlicensed providers

Board Direction:

Commissioner Bostock requested that staff find out the actual State requirement; how the State and other districts ask the relationship question, and to determine the least intrusive way to ask the child-to-provider relationship question and to report at the next meeting. Some suggestions were to allow the following answers on the Child Enrollment Form:

- Household member
- Related to provider
- Not related to provider

Additional Item:

Carla Recker reported that it may not be the right time to have a committee review unlicensed school age care.

Commissioner Bostock stated that we may not have the luxury of sitting back when there may be children in unlicensed care. Ms. Bostock suggested the committee be placed on hold and that staff increase their knowledge about the laws; that perhaps it should be a publicity effort; that staff look at the hurdles to becoming licensed.

Jorie Massarsky responded that staff works with unlicensed facilities to help them become licensed.

Donna Rippley asked what other counties do; that she needs more perspective on this and other issues; that she needs different interpretations not just the one interpretation from staff; that staff collect this information on a chart and report back to Board.

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MOTION: A motion was made by Commissioner Bostock and was seconded to disband the Unlicensed School Age Committee until more information is obtained.

WITHDRAWAL: Commissioner Bostock withdrew her motion and asked that Barbra Mastrota be contacted and asked to slow the committee process.

Motion to Adjourn: A motion was made by Judi Vitucci to adjourn the meeting at 3:30 p.m. Motion unanimously approved.

Judi Vitucci, Board Secretary



Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

PINELLAS COUNTY HEALTH DEPARTMENT

Child Care Food Service FAQs

1) When must a hair net/restraint be worn? Answer: A hair net or other similar hair restraining device must be worn by employees engaged in food preparation. A hair net is not needed when employees dispense food/snacks in the classroom, when a cooking experience lesson is being given, or when feeding infants in an infant room.

2) What is required of a family style dining setup? Answer: The children dispensing the food, or setting the table must wash their hands prior to doing so, and must be under supervision at all times to ensure sanitary practices are being followed. When staff are dispensing food family style, no hair net is required, but proper handwashing prior to dispensing is required.

3) I have a non-food center, can I assist the children with the meals provided from home? Answer: Yes, as long as the assistance does not involve heating, mixing, cutting or altering the food in any way. Opening packages, inserting straws, etc is permitted with the use of good hygienic practices.

4) Can homemade baked goods be served in the classroom for birthdays, etc? Answer: Yes, but store bought products are strongly recommended. Home prepared items are not prepared in an approved location, and questions of liability could arise should there be an illness associated with their service.

5) When is the use of gloves required? Answer: The use of disposable gloves is not required at any time when involving food service. Disposable gloves should be worn if food service workers have long fingernails, or wear jewelry on their hands. Frequent, handwashing using proper technique is required.

6) Is the warming of baby food and formula allowed in the infant room? Answer: Yes, provided there is a dedicated handwashing sink separate from the diaper changing sink in the area where this is taking place with hot and cold running water. There must be adequate separation between the food warming area and the diaper changing area.



Charlie Crist
Governor

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PINELLAS COUNTY HEALTH DEPARTMENT

Pinellas County Health Department Food Service Classifications

Non-Food- The center provides no food/drinks/snacks for the children. All food/drinks/snacks are provided by the parent/guardian of each child daily. No long term storage of food should occur. Center employees may assist children with their lunch/snack with the use of good hygienic practices, handwashing, etc. Heating, mixing, cutting or altering the food provided by the parents in any way is not permitted.

Limited Food/Snack/ Catered- The center provides snacks while meals are provided by the parent/guardian or catered in by a licensed catering facility. The snacks that are to be provided are to be non-potentially hazardous in nature. Heating, mixing, cutting or altering the food provided by the parents in any way is not permitted (Warming of baby food or formula is permitted). The use of multi use utensils such as forks, spoons pitchers, can openers, etc are prohibited under this type of license as no approved ware washing equipment is required. A dedicated hand washing sink and janitorial sink with hot and cold running water are required. Hot and cold running water is also required in the rest room handwashing sink utilized by the food service staff members.

Full Food/Catered- The center provides meals and snacks or has them brought in by a licensed caterer. The type of foods that can be prepared is dependent upon the types of food service equipment that is present, and may require the input of the local fire authority. The use of multi use utensils is permitted. A dedicated hand washing sink, janitorial sink, and approved ware washing equipment are required. Multi use utensils can be washed and sanitized with either a three compartment sink or a commercial style dish machine. Hot and cold running water is required at all previously mentioned sinks as well as at the employee use rest room hand washing sink.