

PINELLAS COUNTY LICENSE BOARD FOR CHILDREN'S CENTERS
AND FAMILY DAY CARE HOMES
Minutes for Regular Board Meeting for
May 3, 2006
APPROVED MINUTES

The Regular Board Meeting of the Pinellas County License Board for Children's Centers and Family Day Care Homes convened Wednesday, May 3, 2006, at 6698 68th Avenue North, Pinellas Park beginning at 7:00 p.m.

- Board Members Present: Richard J. French, Jr., Chairman; Barbara Backus; Terri Hajian, Commissioner Seel (arrived at 7:30 p.m.), Donna Rippley, Secretary; Ben F. Shirley, Jr.; Joseph A. Smith
- Board Members Absent:
- Advisory Members Present: Debra Ballinger, Ann Hofmeister, Bette Ra Ivey, Judy Macdonald, June Moody, Denise Roach
- Advisory Members Absent: Virginia Rowell
- County Attorneys Present: Christy Pemberton
- Staff Members Present: Linda Tamanini, Executive Director; Kathy Mulrennan, Program Manager Children's Centers; Jewel Waiters, Program Manager Family Day Care Homes; Dana Stajkowski, Recording Secretary; and other agency staff
- Call to order: The meeting was called to order at 7:00 p.m.
- Agenda: The amended agenda was accepted as presented.
- Minutes: A motion was made by Ben Shirley to approve the minutes from the regular meeting of March 6, 2006. Motion adopted.
- A. 1.
Motion: A motion was made by Terri Hajian that 5 new Children's Centers be approved for Regular Licenses. Motion adopted.
- A. 2.
Motion: (There were no new Children's Centers recommended for a Provisional License.)
- A. 3.
Motion: (There were no new Children's Centers recommended for a Probationary-Provisional License.)
- A. 4.
Motion: A motion was made by Barbara Backus that 17 new Family Day Care Homes be approved for Regular Licenses. Motion adopted.

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A. 5.

Motion: A motion was made by Donna Rippley that 5 new Family Day Care Homes be approved for Provisional Licenses. Motion adopted.

A. 6.

Motion: (There were no new Family Day Care Homes recommended for a Probationary-Provisional License.)

B. 1.

B.1 Motion: A motion was made by Barbara Backus that 12 License Changes for Children's Centers be approved for Regular Licenses. Motion adopted.

B. 2.

Motion: A motion was made by Barbara Backus that 2 License Changes for Children's Centers be approved for Provisional Licenses. Motion adopted.

B. 3.

Motion: (There were no License Changes for Children's Centers recommended for a Probationary-Provisional License.)

B.4.

Motion: A motion was made by Donna Rippley that 1 License Change for Family Day Care Homes be approved for a Regular License. Motion adopted.

B. 5.

Motion: (There were no License Changes for Family Day Care Homes recommended for a Provisional License.)

B. 6.

Motion: (There were no License Changes for Family Day Care Homes recommended for a Probationary-Provisional License.)

C.

Motion: (There were no Children's Centers recommended as a Religious Exempt Center.)

D.

Motion: (There were no County Attorney issues presented.)

E.

Bette Ra Ivey introduced for discussion the Variance Committee's recommendation to decrease the Limited Variance for Children To Exceed 12-Hours of Care in a Family Day Care Home. Ms. Tamanini presented the committee's recommendation to the Board adding in item 3. parentheses around the "s" in fine(s) – ". . . including imposition of fine(s) or . . ."

Motion: A motion was made by Joseph Smith to approve the committee's recommendation to decrease the Limited Variance for Children to Exceed 12-Hours of Care in a FDCH as follows:

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II. E. continued

I. PERSONNEL

D. Variance for Children to Exceed 12-Hours of Care in a Family Day Care Home

Each variance to exceed 12-hours of care will be approved by a minimum of 4 (four) members of the License Board. A variance granted pursuant to this section is specific to the provider solely for the child(ren) listed on the application and is non-transferable by either party.

1. The provider must:
 - a. Be licensed for a minimum of two years in Pinellas County and approved for overnight care.
 - b. Have within the past two (2) years received no noncompliances for capacity or lack of supervision, no Class I fines, and have not been placed on the Enforcement Plan. Any occurrence of high risk noncompliance or sanctions during the variance would result in immediate (within 7-days for parents to make other arrangements) loss of the variance.
 - c. Limit hours of care to less than twenty-four (24) hours; extended days are limited to no more than three (3) days in a 7-day period.
 - d. Have only one variance at a time per family day care home or large family child care home for children from one household.
 - e. Complete an application provided by the License Board which will include but not be limited to:
 - (1) The specific duration (dates) for the variance not to exceed one year. However, it may be renewed annually.
 - (2) The specific facts that would justify a variance including a statement from parent for need and employer's verification of current work schedule, stipulating the hours/days per week, name, and telephone number of employee's supervisor, or a physician's verification of a custodial parent or legal guardian's medical necessity, etc.
 - f. Notify the License Board staff prior to any schedule change(s).
2. A provider found to be caring for a child(ren) over 12 hours per day without exigent circumstances (compelling immediate emergencies) and without a variance in violation of these regulations will not be eligible to apply for a variance for two (2) years from the date of the violation.
3. Any violation of specific variance requirements, including imposition of fine(s) or placement on the enforcement plan will result in the revocation of the variance. A variance is a privilege and not a right; as such it can be revoked at any time, in accordance with these provisions, with or without cause and without the right to an administrative appeal.

Motion adopted.

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II. F. Ms. Tamanini presented the *Procedure for Granting a Variance to Exceed 12-Hour Care in Family Day Care Homes*. Attorney Pemberton suggested that following “. . . within 5 working days. . .” the words - or as soon thereafter as possible - be added. There was much discussion regarding the availability of Board members. Three Board members, Joseph Smith, Terri Hajian and Richard French volunteered to be part of the Board Variance Committee. The fourth Board member would be located as meetings become necessary.

These meetings will be noticed by a posting in the JWB building and on the PCLB website.

Motion: A motion was made by Joseph Smith to approve the amended recommendation for the following *Procedure for Granting a Variance to Exceed 12-Hour Care in Family Day Care Homes*. Motion adopted.

“A quorum of Board members (Board Variance Committee) will meet within 5 working days or as soon thereafter as possible of receipt of completed application to approve or deny the variance request. If not present at the meeting, the provider will be notified by phone of the Board Variance Committee’s decision within 1 working day. Written notification will be mailed to the provider.”

G. Ms. Tamanini reported that the License Board continues to wait for clarification in writing from JWB about the amount of money the agency is allowed to keep in the fund balance.

Motion: A motion was made by Joseph Smith to approve the JWB budget request. Motion adopted.

H. The following nominations were accepted for the Nomination Committee for Board Chairman: Board members Joseph Smith and Commissioner Seel; and Advisory Committee member Ann Hofmeister. Jewel Waiters was appointed by the Executive Director.

H. Motion: A motion was made by Joseph Smith to close the nominations and elect Board members Joseph Smith and Commissioner Seel; and Advisory Committee member Ann Hofmeister to the Nomination Committee for Board Chairman. Motion adopted.

II. I. Ms. Tamanini presented staff’s recommendation to revise the Board Policy for Addressing the Board.

Anne Hofmeister recommended the following change – “. . . individual will then take her/his seat. . .”

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II. I. continued

Commissioner Seel reported that citizens who speak at commission meetings prior to action items cannot direct comments to items on the agenda; she further recommended that it would be more appropriate to have citizens who had comments on agenda items to speak during the agenda item. She reported that citizens who represent a group who is present would receive more time (e.g. 5 – 10 min.) than an individual presenter (e.g. 2-3 min).

Joseph Smith reported that at the JWB Board meetings that typically the person who is making the request is the one who speaks to the Board during the action item and generally there is only one person. Mr. Smith reported that in his experience the person who introduces the action item is the primary speaker and may introduce others who would likely stand but not speak; that the time taken for each item should be a consideration.

Attorney Pemberton reported that it would not be appropriate for citizens to make comment on certain agenda items and to limit comments prior to action items to non-agenda items.

Attorney Pemberton recommended an item number 6. Citizens wishing to speak on agenda items, there will be a separate sign-up sheet and they will be recognized at the appropriate time. The time limits for public comment will still apply.

Commissioner Seel recommended that Attorney Pemberton consider changes to the proposed recommendation.

Motion:

A motion was made by Commissioner Seel to table the recommendation. Motion adopted.

J.

Motion:

A motion was made by Barbara Backus to approve staff's recommendation for Sharon Carder to serve as Advisory Committee member representing faith-based children's centers beginning June 2006. Motion adopted.

K.

Motion:

A motion was made by Joseph Smith and was seconded by Ben Shirley to approve the recommendation for a substitute in family day care homes as written. Discussion followed.

Barbara Backus strongly recommended that substitutes not be limited to four providers.

June Moody agreed with Barbara Backus stating that substitutes are not used that often. June Moody stated that the emergency person should be reinstated.

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II. K. continued

Attorney Pemberton reiterated that the emergency person is now the substitute; emergency people do not meet the state standard.

Ms. Tamanini reported that the state requires “a substitute” for each provider; June Moody disagreed with Ms. Tamanini’s interpretation stating that the state doesn’t indicate a separate substitute.

Attorney Pemberton recommended that staff look at the substitute and alternate substitute language.

Board discussion included statements that all providers should have a substitute and an alternate which exceeded staff’s recommendation that each provider have an individual substitute or a substitute that works for four providers and an alternate.

Terri Hajian recommended that if the same substitute is used for several providers, the provider must have at least one alternate substitute.

Ben Shirley suggested that each provider must have a substitute and may, if they wish, choose an alternate substitute.

Chairman French reminded Board that each provider’s agency file must contain the substitute and alternate substitute’s (if there is one) paperwork (screening and training documentation).

Ann Hofmeister expressed concern that in the case of different substitutes, the children may not know the substitute.

Motion: Ben Shirley removed his second to the first motion and therefore the first motion failed. Further discussion followed.

Motion: A motion was made by Ben Shirley that each provider have a designated substitute and if an alternate substitute is used that they be limited to 6 providers. This motion failed for lack of a second. Further discussion followed.

Motion: A motion was made by Ben Shirley that each provider have a designated substitute and Barbara Backus added that each provider would then list an alternate substitute who could provide services to several homes.

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II. K. continued

Ms. Tamanini reminded Board that the state requires only one substitute. She indicated that the last motion would require providers to have a substitute and an alternate, which is more than the state requires. Ms. Tamanini suggested that if Board does not want to limit the number of providers that a substitute can work for, then if the substitute is used by multiple providers, those providers have the duty to have an additional person in case their primary substitute is not available.

Motion: Ben Shirley withdrew his motion.

Motion: A motion was made by Commissioner Seel and seconded by Terri Hajian that providers must have a substitute; if the substitute is used by multiple providers then those providers must have an additional substitute in case their primary substitute is not available. Motion adopted.

Staff will draft a standard for substitutes for a future meeting.

III.

Ms. Tamanini reviewed informational items.

Attorney Pemberton reported to Board that the Department of Children and Families has not assigned a hearing officer for Alisiah Kelley's Chapter 120 appeal. The appeal was filed at the end of March; Board voted to revoke Ms. Kelley's license at the Special Meeting on March 6, 2006. Ms. Kelley continues to provide child care and staff monitors this provider weekly.

IV. Open Agenda

The following citizens made comments to the Board:

1. Chris Dziuban, 13300 Walsingham, RD #6, Largo, 33774
2. Sondra Harper, 3601 63rd Street North, St. Petersburg 33710
3. Anne Brooks, 2801 Dovewood Street, Clearwater 33759
4. Lynn Gibson, 8697 78th Avenue North, Largo 33777
5. Mary Roberts, 6761 22nd Way South, St. Petersburg 33712

Response: Board member Ben Shirley asked staff to bring the above issue back to Board.

Motion: A motion was made by Ben Shirley to adjourn the meeting at 9:30 p.m. Motion adopted.

Respectfully submitted by:

Donna Rippley, Secretary