

**CHILDCARE COMMISSION MINUTES
NOVEMBER 26, 2018
CITY HALL CONFERENCE ROOM 5**

Commissioners Present

Iris Siegler, Chair
Kim Torgerson
Andy Bjurstrom
Chris Bjurstrom
Susie Freligh
Jolie Wenglikowski
Jaiden Estep

Staff Present

Kelley Setters, Deputy City Clerk

Commissioner Absent

Kathleen Shriner
Samantha Tuskan

Call to Order -

Chairman Siegler called the meeting to order at 6:30 p.m.

Roll Call – All present with the exception of Kathleen Shriner and Samantha Tuskan

Approval of the Minutes from October 22, 2018 meeting (action item)

Motion by Kim second by Suzie to approve the minutes; Motion carried.

January Commission Meeting reschedule – (Action Item) Regular meeting date will be on January 28th.

Vacancies on the Commission Discussion - (Action item) Kelley Setters, Deputy City Clerk asked the commission if they wanted to keep the (9) members. Currently, on the commission there is (7) members that can vote. The commission asked to change language to shall consist of 7 to 9 members.

Motion by Freligh second by Chris Bjurstrom to change language to state the childcare commission shall consist of seven (7) to nine (9) members.

Commission Comments – None.

Public Comments – None.

Follow-up on Modifications to code section 5.68.100 of the code – (Action item) Kelley Setters, Deputy City Clerk presented the modifications provide by the City Attorney that were request by the commission for section 5.68.100 at the October 22nd 2018 meeting. It was determined to add the suggested language under 5.68.060: (NOTE: the new language is underlined)

13. Possession of marijuana or marijuana paraphernalia for personal use; **PROVIDED**, possession of marijuana or marijuana paraphernalia by a minor for personal use shall not be grounds for the denial of a childcare license under this Chapter.

F. Within five (5) days following the denial of a license or renewal thereof, written notice of the reason(s) for such denial shall be given to the licensee by the City Clerk or designee. Such notice shall state that a person may appeal the decision to deny a license by providing written notice of the intent to appeal to the City Clerk, stating the ground(s) therefor, within ten (10) calendar days of the date of the notice of denial. An applicant cannot request appeal if denied on basis of a disqualifying event disclosed in a required criminal history check. The appeal shall follow the procedures set forth in § 5.68.103.

G. Stay On Denial of License Renewal: Upon receipt of a notice of appeal, the denial of a license renewal shall be stayed. The City Clerk shall notify the applicant or licensee of the time and place of the hearing on appeal. The Childcare Commission shall hear such appeal within thirty (30) calendar days after the date the notice of appeal was filed. The Commission will provide written notice to the applicant or licensee of its decision and the stay shall expire as of the date of the notice decision.

H. Emergency Situations: Should an emergency exist and the chief of police or the fire chief certify that there is an immediate danger to the life or health of a child, there shall be no stay or, if a stay has commenced, it shall be lifted and the denial of a license renewal shall be in effect during the appeal.

A. Revocation: When it appears that any operator or licensee, any other person designated in Idaho Code section 39-1105, or any other person twelve (12) years of age or older that resides at the childcare facility has violated any provision of this chapter, any ordinance of the city with regard to the premises where the childcare facility is located, or any other ordinance of the city or statute of the state or of the United States involving controlled substances, physical or sexual abuse involving children, any offenses specified in section [5.68.060](#) of this chapter, or a crime of moral turpitude, the license shall be revoked; **PROVIDED**, the violation by a minor of an ordinance or statute involving the use of marijuana or marijuana paraphernalia or possession of either for personal use only shall not be grounds for revocation of a license under this Chapter

5.68.100: LICENSE ~~DENIAL AND~~ REVOCATION; NOTICE; APPEAL TO COMMISSION; STAY:

A. Revocation: When it appears that any operator or licensee, any other person designated in Idaho Code section 39-1105, or any other person twelve (12) years of age or older that resides at the childcare facility has violated any provision of this chapter, any ordinance of the city with regard to the premises where the childcare facility is located, or any other ordinance of the city or statute of the state or of the United States involving controlled substances, physical or sexual abuse involving children, any offenses specified in section [5.68.060](#) of this chapter, or a crime of moral turpitude, the license shall be revoked;

PROVIDED, the violation by a minor of an ordinance or statute involving the use of marijuana or marijuana paraphernalia or possession of either for personal use only shall not be grounds for revocation of a license under this Chapter

B. ~~Notice: Prior to the revocation of any license, or the denial of a license or renewal thereof,~~ written notice of the reason(s) for such action shall be given to the applicant or licensee by the eCity eClerk or designee. Such notice shall state that a person ~~wanting~~ may ~~to~~ appeal the decision to ~~deny or~~ revoke a license ~~shall make~~ by providing a written ~~application~~ notice of the intent to appeal to the City Clerk, upon a form prescribed by the city stating the grounds thereof, within ten (10) calendar days of the date of the notice of denial or revocation. The appeal shall follow the procedures set forth in § 5.68.103.

C. ~~Stay On~~Revocation: Upon receipt of ~~a n~~ an application notice of for appeal, the revocation of a license shall be stayed. The eCity eClerk shall notify the applicant or licensee of the time and place of the hearing on appeal. The eChildcare eCommission shall hear such appeal within thirty (30) calendar days after the date the ~~application for~~ notice of appeal was filed. The eCommission will provide written notice to the applicant or licensee of its decision and the stay shall expire as of the date of the ~~notice~~ decision.

5.68.103: APPEAL PROCEDURES:

A. Appeal Hearing: In hearing an appeal for denial of a license or license renewal, or revocation of a license, the Commission shall:

Motion by Freligh **to table** discussions of the proposed changes to the January 28th 2019 meeting **seconded by** Andy Bjurstrom

Representative Reports

NIAEYC – Jolie Wenglikowski shared that there will be a free 8 hour training at NIC in April of 2019. Registration will be in late February or early March. The topic will be on “Challenging Behaviors, Environment, and Disabilities.” The attendance is limited to 100 participates.

NAFCC – None.

CENTER – None.

STUDENT – Jaiden Estep stated currently the school is offering a teen pregnancy program focusing on all aspects of having and caring for a baby.

PANHANDLE HEALTH – None.

The December meeting is canceled the next meeting is on January 28th 2019.

Adjournment

Motion by Wenglikowski **to adjourn, seconded by** Torgesen **Motion carried.**

Meeting adjourned at 7:45 p.m.