

Nevada Division of Public & Behavioral Health (DPBH)
Child Care Licensing Advisory Council
Meeting Minutes
Date: September 8, 2015
Time: 1:30 PM

Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, Nevada 89701

Division of Health Care Finance & Policy
1210 S. Valley View Drive Room 104
Las Vegas, NV 89102

Also available via teleconference
CALL IN NUMBER: 1-888-398-2342
ACCESS CODE: 1530727

Committee Members Present

Carrie Paldi, Co-Chair, Creative Kids Learning Center (Las Vegas)
Tiffany Alston, Sunrise Children's Foundation (via phone)
Diane Nicolet, Co-Chair, E.L. Cord Child Care Center, TMCC (Carson City)
Laurie Ciardullo, Roots and Wings (Las Vegas)
Rachel Perez, Kids Quest (via phone)
Andrea Davis, Kids Kottage (Carson City)

Committee Members Not Present

Austin Olson, Adolescent Treatment Center
Mary Rocha, Peas and Carrots
Sue Joyner, Dayton Valley Learning Center

Child Care Licensing Staff Present

Anna Lisa Acosta, Supervisor (Carson City)
Tammy Hutchinson, Child Care Licensing (Carson City)
Rachel Netz, Surveyor (Elko)
Lisa Roberts, Surveyor (Carson City)
Alicia Mazy (Carson City)
Diane Hardy (Las Vegas)

Las Vegas Attendees:

David Walton
Sue Johnson
Denise Tanata Ashby
Itzel Siu Johnson

Carson City Attendees:

Sherry Waugh
LeAn Shelton

Teleconference Attendees:

Elise Enriquez
Ron Barakat

Jessica Lamb
Abbie Cohen (Child Care San Francisco Regional Manager)

1. Opening Remarks

Diane Nicolet: We are about to embark on an exciting adventure. We want to do right by our colleagues and the State of Nevada.

2. Approval of meeting minutes from June 9, 2015 meeting *Diane Nicolet, Co-Chairperson*

Motion: Diane asks for a motion. Carrie Paldi puts forth a motion to approve the minutes as written. Rachel Perez seconds motion.

All in favor no opposed.

3. Update from Child Care Licensing. – *Anna Lisa Acosta, Child Care Supervisor*

a. Capacity Report

Current Capacity of children
35,020 Children
470 facilities total

b. Open Meeting Law Update

Child Care Licensing understands that the group would like some more guidance regarding open meeting law. Latisha Brown, Child Care Program Manager, has reached out to attorney Linda Anderson and asked her to present regarding open meeting law. We are in the process of setting this up if the group would still like this.

Public Comment: Diane Nicolet request that Child Care Licensing continues communicating capacity report numbers and provides the written report detailing capacity and facility total.

4. Appointment of Rural Representative Committee Member-*Diane Nicolet, Chair*

Carrie Paldi discussed voting on appointing the rural representative. Andrea Doran is the rural representative candidate.

Diane Nicolet: Cannot vote Shelly in as the out of school time/recreation program, because it is not on the agenda. Shelly has submitted an application for this position. It was determined that for future agendas there would be a standing agenda item, appointment of council member. I know a little about Andrea that I will share. She is mine and Sherry's counterpart in the Nevada System of Higher Education. She is the director of Western Nevada Community College Child Care Center. She has a rich background in Special Needs Children, specifically in counseling young children and their families. Their center is accredited. They have an instructional program that has been very strong in the past. WNC struggled a little bit recently because they had to cut some of their funding. Also, it was just a few years ago that WNC considered closing the child care program. The community spoke about the disagreement. The public wrote letters, complained at community meetings and stormed the college. This resulted in WNC deciding to keep the center open.

Motion: Diane asks for a motion. Carrie Paldi puts forth a motion to nominate Andrea Doran to fill the current vacancy of Rural Representative. Lori Ciardullo seconds the motion.

All in favor. No opposed.

Public Comment: Diane Nicolet will email Andrea Doran welcoming her to the council.

5. Discussion regarding the review of NAC 432A.180-NAC 432A.416-Diane Nicolet, Chair

Diane Nicolet: Thank you Carrie and your team for putting together the spreadsheet.

Workgroup #1 NAC432A.240-NAC432A.304-Diane, Chair

Workgroup #2 NAC432A.306-NAC432A.326-Tiffany, Chair

Workgroup #3 NAC432A.340-NAC432A.430-Andrea, Chair

Workgroup #4 NAC432A.520-NAC432A.546-Carrie, Chair

Workgroup #5 NAC 432A.432-NAC432A.485-Rachel, Chair

How many committed to day and time to review work?

Workgroup #1 NAC432A.240-NAC432A.304-Diane, Chair

1st Wednesday of every month starting at 1:30p.m.-3:30p.m.

Workgroup #2 NAC432A.306-NAC432A.326-Tiffany, Chair

Tiffany will email the day and time that will work for her group by the end of the week of September 14, 2015.

Workgroup #3 NAC432A.340-NAC432A.430-Andrea, Chair

3rd Wednesday of every month starting at 10:00a.m.-12:00p.m. Child Care Licensing stated they are working on scheduling conference rooms.

Workgroup #4 NAC432A.520-NAC432A.546-Carrie, Chair

2nd Thursday of every month starting at 1:00p.m.-3:00p.m.

Workgroup #5 NAC 432A.432-NAC432A.485-Rachel, Chair

Rachel has not made a definite decision. She will email Anna Lisa Acosta by the first week in October with a day and time that will work for her group.

Public Comment:

LeAn Shelton: Why was Washoe County excluded from the process?

Anna Lisa Acosta: The direction that I received from the Program Manager, and she received from the Bureau, is this is the standard process that HCQC moves forward with. We look at the regulations internally, with the providers we license, and then we open the process.

LeAn Shelton: If I wanted to appeal that, who would I talk to?

Anna Lisa Acosta: You can talk to the Program Manager, Latisha Brown.

Carrie Paldi: Diane and I did request that other licensing entities be able to participate in the process because every program has to follow state regulations as the minimum standard. Latisha Brown did check to see if that was a possibility but it is not. Certainly, go forth with your appeal process but I do know that Latisha Brown tried.

LeAn Shelton: If this was already requested and received a reply, then who do I go to above her?

Anna Lisa Acosta: I will speak with Latisha Brown after this meeting and we will let you know.

Carrie Paldi: Also, just because you can't be a member of the workgroup, we encourage you to come. There will be public comment at every meeting. The meetings will follow Open Meeting Law.

Diane Nicolet: We need as many voices and minds as we can. We know that not everyone can commit to coming to every meeting. It would be nice if people could because if you don't sit at that seat and feel like you have some sort of influence, or even just to come once to share your research...please spread the word.

Denise Tenata Ashby: Is there any way to receive notification for the meetings?

Carrie Paldi: We are currently working on putting together a standard agenda for each group to use as a template and guide. Licensing will post the approved agendas to the Child Care ListServ, Nevada Registry website, the DPBH website, and all required posting locations. The agenda will go out on the ListServ which is a way to inform the public.

Anna Lisa Acosta: All meeting agendas are posted to the Child Care website, on the Nevada Registry blog, and emailed out on the ListServ.

Carrie Paldi: As long as someone is on the ListServ, they will receive all agenda's, correct?

Anna Lisa Acosta: All of the meetings will be posted via the ListServ. They will all follow Open Meeting Law.

Diane Nicolet: They will all be on the Departments website. Licensing will ensure that this will happen. The agenda's will remain consistent. The only thing that will change will be the content within the agenda every meeting.

Just to clarify, each meeting will have a location in Las Vegas, Carson City, and over the phone?

Anna Lisa Acosta: That's correct. There will be a location in Las Vegas, a location in Carson City and a call in number. The locations will vary depending upon availability of the rooms. Child Care Licensing is trying to keep each location consistent.

Carrie Paldi: Once all of the rooms have been booked for each Workgroup, it'd be great to get a list of where each meeting is being held.

Anna Lisa Acosta: We will do that, no problem.

6. Discussion of composition, focus areas and discussion of workgroup activities and workgroup schedule.-Diane Nicolet, Chair

Diane Nicolet: Carrie put together a spreadsheet that licensing can send out to participants that have already been identified. Where are we at with those numbers?

Lisa Roberts: Workgroup #1 has the most responses. Three people responded saying no because they are moving or other things have happened. There are quite a few responses that I have not received yet.

Carrie Paldi: The deadline on this was September 14, 2015, correct?

Lisa Roberts: Yes.

Carrie Paldi: Just so that everyone understands the process, people filled out applications and on the applications, individuals marked what type of facilities they have been affiliated with. They included their 1st, 2nd, and 3rd choice as a workgroup that they'd like to participate. We tried to accommodate everyone's 1st choice whenever possible. However, we also looked at what types of facilities the individuals were coming from because we didn't want any group to be comprised of all center care, they need to be diverse. Most people were able to get their first choice and some got their 2nd choice. We really tried to have each type of representative on each workgroup. We also tried to break up each group geographically. This way not each group would be all representation from the south or one group from the north. We wanted diversity geographically in each group as well. As far as what was sent out was pretty diverse but what yet is to come back, is yet to be seen. It was important to Diane and I to have an agreement to participate form because it's important to follow Open Meeting Law. We need to establish a quorum and it's important that we establish that everyone know and commit to meetings every month. Hopefully we will get the response we are looking for and the composition of the groups is well rounded. That was certainly the goal.

Diane Nicolet: There are a few additions and deletions that I'd like to add to this spreadsheet. I will make the changes and send to Lisa Roberts. If you can respond and indicate who has said yes and who has said no. One of my thoughts are the people that have said yes, for the individual workgroups, I would strongly suggest that the Chair's call them so that they have personal contact. What would happen if we called other people, even those who have said no, and ask why they would no longer like to participate? I'm not sure if this is a good idea or not. It could be considered pushy since they have already said no. What do you think?

Carrie Paldi: My concern is that if we contact them and they have already said no, that we would not get the commitment that we need. I want to make sure that we have a roster for each workgroup that is committed because of the open meeting law. If we start out with 12 people and they don't show up to meetings and they don't resign from the group, and then they will still be stuck on the roster. We will have an issue meeting quorum and Open Meeting Law.

Diane Nicolet: That's why it's good to have a resignation process. If that should happen, we would still need to establish a quorum. If you have a workgroup with a total of 4 people and 2 drop out, what would the process be to recruit others to join the workgroup? Or is that process closed?

Anna Lisa Acosta: It would be similar to this process. We could enlist others to join. I will find out the process.

Diane Nicolet: I will provide Lisa with the updated information. Lisa will provide to me what she has to date. I will then share that with Carrie, if that pleases the rest of the Council. I can then make separate lists to provide to each Chair and they can contact those who have said yes.

Carrie Paldi: That sounds great. There is a section on the spreadsheet for commitment to see if they have received their commitment form. If the girls at Licensing can just track that would make it easier for them. Were most emails regarding the forms that we sent out ok, or did some of the emails bounce back?

Lisa Roberts: Most of them went through fine. The ones that came back, I was able to find the correct email address to resend.

Carrie Paldi: Can you make sure that Diane and I get those email addresses that were bounced back so we can make sure they are corrected on our end?

Lisa Roberts: Yes.

Tiffany Alston has joined the conference over the phone.

Diane Nicolet: One of the things Anna Lisa will need from you is the day of the month that you'd like and the 2 hour timeframe.

Anna Lisa Acosta: The 3rd Wednesday of every month in the afternoon is not open. The afternoons tend to not be available. They are very busy. The mornings are open most times and Monday's and Friday's.

Carrie Paldi: I would recommend staying away from Monday's and Friday's because those are the day's people tend to take off.

Tiffany Alston: I would like to do the 2nd Thursday of every month from 1:30p.m.-3:30p.m.

Diane Nicolet: That will not work because Carrie's group is schedule on the 2nd Thursday's from 1:00p.m.-3:00p.m.

Tiffany Alston: I can do the 2nd Thursday of every month from 10:00a.m.-12:00p.m.

Anna Lisa Acosta: We will check availability.

Tiffany Alston: I will give a second option just in case. That would be the 1st Thursday of every month from 10:00a.m.-12:00p.m or 1:30p.m.-3:30p.m.

Diane Nicolet: One of the things Carrie and I have been working on and really need input, from Licensing as well is an integral system with commitment. This is an important process and each group only has 2 hours per meeting. Sometimes it's not enough and sometimes it may seem like it's too much. We have to have a mechanism for sharing research. I would like to be very careful because we have to abide by the Open Meeting Law. Let's say you're looking at training and you look at another state that has an incredible training document. We can share that information but we cannot share the information to make decisions through and email or phone conversation. In addition, we can use that information so

that we can do our homework. If we are doing our homework within the 2 hour meeting, we will never get this done. You have to follow Open Meeting Law. I have been through this quite a bit and it's not as scary as it seems. There has to be transparency. That means posting agenda's, posting how you can attend a meeting, how you can become part of a meeting, and committee members can talk outside of a meeting but they cannot make decisions. We cannot make decisions based on "if you give me this, I'll give you that". You cannot come to any open meeting that is open to any tax payer in Nevada and have already made a decision without a rich and honest discussion. The other thing is to keep thorough and authentic meeting minutes. How does Licensing want to receive that information? How do you want us to ensure continuity?

Anna Lisa Acosta: When we set up the meetings with the Las Vegas and Carson City locations, it will be recorded. We will either be provided with a disk or a link. We can provide that to the Chairs of each workgroup. It is understood that each of the workgroups will be taking their own minutes.

Diane Nicolet: I will strongly suggest that in the meeting, the only notes that are taken will be the decisions that are made.

Carrie Paldi: It is allowed under Open Meeting Law to have abbreviated minutes. If we stick with that format, then it should be ok. It is my understanding that if the person taking the minutes is not a part of the group, then the Chair's would have to review the minutes before submitting.

Diane Nicolet: I think that a member who has filled out the commitment form should take the minutes. I do not think that the Chair of each group should take minutes as the facilitator of the group. Do we want the same individual taking the minutes or share the duty?

Carrie Paldi: For the sake of continuity, I would suggest that one person take the minutes.

Ron Barakat: I would agree. I would also suggest that you have 2 back-ups just in case the regular note taker is not there you have a back-up. That person should also be identified.

Diane Nicolet: I am going to work with Lisa to get a list of participants that said they wanted to be in any workgroup. What happens if one group has 7 people and another group has 2 people; how, as a Council, do you want to make decisions about divvying up people?

Carrie Paldi: There is a specialized group. Workgroup #5, which Rachel agreed to Chair, and those regulations pertain to mostly Accommodation facilities. There were only a total number of 5 people that were interested in participating in that group. You will have groups with larger participation than others.

Lisa Roberts: The commitment for workgroup # 1 is 4. Workgroup #2 has 3. Workgroup #3 is 2. Workgroup #4 is 2, and Workgroup #5 is 1. The numbers do not count the Chair of each group.

Diane Nicolet: We should send it again.

Carrie Paldi: I would like a reminder a week before the deadline and if the deadline comes and we need more time, then we can extend it by another week.

Diane Nicolet: What would be considered a low number of participants on the workgroups?

Carrie Paldi: To me, we would need an uneven number to make a quorum. Again, we are making suggestions not changing the regulations.

Diane Nicolet: I think it would be a good idea for licensing to come to each of the first meetings. I'd like them to explain why we are doing this, why we have chosen to have to process completed by the end of May, and what happens after the process ends.

Carrie Paldi: Will there be able to be at least one person from licensing present at each workgroup meeting?

Anna Lisa Acosta: Yes. Latisha has stated that she would like at least one member from Licensing present at each meeting.

Carrie Paldi: Also, it would be nice to have one person from Licensing in the North and one in the South so that there are different interpretations.

Anna Lisa Acosta: Yes. We will attempt to have the same Licensing representative available at each workgroup.

Sherry Waugh: Create a summary of findings would help where to look, experiences, non-compliance areas, problem or not, or other problems with not being able to hold facilities accountable.

Diane Nicolet: Strongly ask licensing how we can let workgroup and council know to help the process.

LeAn Shelton: Are all the minutes from all of the meetings going to be posted and available to the public in a reasonable timeframe? If we wanted to come in and make public comment, will we have some notice? Where will the agenda's be posted, what's the timeframe and deadline for this information to be posted? We would like to decide which committee's we need to go to.

Anna Lisa Acosta: All of the meeting minutes will be posted. They will be posted to our website. The website is dph.nv.gov. All of agenda's will also be posted. The minutes have to be done before the next meeting, then at the next meeting, the minutes will be voted on and approved. Once approved, everything follows open meeting law. The minutes will then be posted and the agenda's need to be posted at least 3 days in advance prior to the meeting.

LeAn Shelton: If the minutes are not posted until after the discussion, how is the public supposed to participate?

Carrie Paldi: Can we post the minutes on the website in a draft format? If we post draft minutes in the meeting materials section? I think we will be ok if we do that but we cannot post in the council section until the minutes are approved.

Anna Lisa Acosta: I will find out.

LeAn Shelton: Is the schedule of the workgroups being posted as well? Also, if the anything changes, will those changes be posted so that the public will not have the incorrect information?

Anna Lisa Acosta: Yes, we will post the schedules once they are approved.

Carrie Paldi: Here are the items as discussed that will be put on each agenda:

- the locations and call in numbers
- make it a consent agenda so it can be taken out of order if desired
- Introductions and Opening Remarks
- Review and approval of the minutes
- Public comment
- Requirements of workgroups
- regulation review process
- review current regulations and related research
- Objectives
- Make recommendations or not regarding the regulations
- public comment again
- future agenda items
- maybe a public comment after each area or at the beginning or end of the meeting

Diane Nicolet: We also have to guide the meetings because of the timeframes that are given. Also, have minutes been made available to the public after 30 days of adjournment from that meeting. The public needs to be patient. We will do the best we can to be expedient and remain within the law. We have 30 days to complete the minutes. The workgroups can remain mindful and have the minutes done maybe a week or two before the next meeting. They will then be submitted to Lisa Roberts or Anna Lisa Acosta. They will then be posted. We will make sure to do the best we can to make sure that happens.

Carrie Paldi: We can ask to have the person taking the minutes have the minutes available for review within a week from the meeting. Then we could have the draft minutes to licensing so that we could possibly have a 2 week turnaround time.

Diane Nicolet: I would like to try and review the notes right after the meeting. Remember that the meetings are being recorded. Then if I have any questions of the minute taker, I can ask at that time. We can make that a process. Is licensing going to add to the minutes from the recording?

Anna Lisa Acosta: No. If one of Licensing's members was at the meeting and we see an error or we have a question, then we will come back to you.

Diane Nicolet: We would like licensing to provide committee members with a binder. The binder shall contain the NAC's, regulations review template, post blank template with materials, summary of requirements of what you need to change, dates of the meetings, and provisions of NRS.

Committee Packet:

1. NAC
2. Review template
3. Regulation changes and NRS provisions
4. Meeting dates
5. Who is on each group
6. OML checklist

Anna Lisa Acosta: I will discuss this request with Latisha Brown.

Carrie Paldi: If we were able to have just a Chair's meeting, to straighten out some of the details, does that have to follow open meeting law? Can just the 5 of us talk about issues?

Alicia Mazy: You must follow open meeting law, whether you are in this type of a setting or outside of this setting. Even it's your personal time, you have to follow the open meeting law.

Carrie Paldi: So we cannot do that because time has run out. In addition to the packet just have a group list.

Diane Nicolet: Who will be compiling this and how will it get to the Chair's etc.?

Anna Lisa Acosta: If I understand correctly, you would like Licensing to compile this information.

Diane Nicolet: Yes.

Anna Lisa Acosta: I will share this request with Latisha Brown.

Diane Nicolet: We should have this information available by the first meeting. It should be emailed but not everyone is going to print the information.

Carrie Paldi: I would still like the information emailed because the members should have this information to look at before the first meeting. Can we also send what regulations they need to look at so they don't have to feel overwhelmed with a huge document and not know where to start?

Diane Nicolet: I think the Chair's should do that when we make contact with our committee members. We can send the checklist and open meeting law again, the numbers, assignments, and the days and times.

We would like licensing to send the following to each Chair:

- checklist
- Open Meeting Law
- NAC in its entirety
- Specific requirements of the CCDBG
- Regulations changes that went through on the last legislative session
- a list of the meeting dates
- group member list of each workgroup
- template

7. Update from Council Members

Carrie Paldi: Urban League and Children's Cabinet have sent out market rate survey. They haven't been changes since 2004. Can Licensing send out and make the public aware.

Anna Lisa Acosta: I will discuss this request with the Program Manager and see if we can send out on the ListServ.

8. Future agenda items-*Diane Nicolet, Chair*

- a. Workgroup updates
- b. Revisit and review appointment of committee members
- c. Open Meeting Law: Will Linda Anderson or colleague be available?
- d. Non-action item only discussion whose terms coming to an end, etc. and who wants to continue for re-appointment.
- e. Schedule CCAC for 2016
- f. Workgroup updates
- g. By-Law review and discussion

9. Public Comments

Carrie Paldi: we should open the At Large position up to people. It should be posted to the ListServ.

Review and possibly revise By-Laws to include changing to council and addendum to allow members to serve until the end of the regulations review process.

Diane Nicolet: We need to review whose term is coming to an end and who would like to renew.

If a members term is ending and they choose not to renew their term, can they still be on a workgroup? Can there be an extension for them to be able to participate as a member on a workgroup?

Anna Lisa Acosta: I will find out.

Carrie Paldi: If a member does not want to renew their term, we need to know ahead of time so that we can start looking for a potential new member.

Diane Nicolet: I do not think Lori was asked if she would like a 2 year term or a 3 year term. We will have to look into this.

We need to put together a committee on board packet which would include:

- Member list
- NAC
- Open Meeting Law and checklist
- By-Laws

Carrie Paldi: I think it should be sent to current members. It would be beneficial.

Diane Nicolet: I will get that information out.

Carrie Paldi: Is someone else going to facilitate the Open Meeting Law in lieu of Latisha Brown.

Anna Lisa Acosta: Latisha has asked Linda Anderson to participate in a future meeting.

Ron Barakat: I have a 6 page document that explains in detail and is well written on open meeting law. Do you want me to send that to you?

Diane Nicolet: That would be great.

Carrie Paldi: If after the Chairs have reviewed the packet and you feel like you know it pretty well, do you feel comfortable proceeding.

Everyone was comfortable in proceeding if the process is clear.

10. Adjournment-*Diane Nicolet, Chair*

Motion: Diane asks for a motion. Tiffany puts forth a motion to adjourn the meeting. Carrie seconds the motion.

All in favor. No opposed. Meeting adjourned at 3:50p.m.