

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, AMENDING PORTIONS OF CHAPTER 5.28 "CHILDCARE" OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCATELLO, 1983, SPECIFICALLY AMENDING SECTION 5.28.020 "DEFINITIONS" AND SECTION 5.28.120 "STAFFING" TO CONFORM WITH IDAHO ADMINISTRATIVE PROCEDURES ACT RULES GOVERNING CHILDCARE LICENSING; AND PROVIDING THAT THIS ORDINANCE AND THE PROVISIONS CONTAINED HEREIN ESTABLISHED PURSUANT TO THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, City staff has reviewed certain sections of Pocatello Municipal Code ("PMC") regarding staffing requirements for childcare facilities; and

WHEREAS, it has been determined that particular PMC sections do not meet current standards for childcare facility staffing as required by the Idaho Administrative Procedures Act ("IDAPA"); and

WHEREAS, to comply with IDAPA childcare facility regulations, the Idaho Department of Health and Welfare has recommended certain changes to PMC; and

WHEREAS, Licensing staff presented the suggested code changes to the City Council at the June 10, 2021 Work Session; and

WHEREAS, the City Council deems that the resulting proposed changes are in the best interests of the health, welfare and safety of the citizens of the City of Pocatello;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF POCATELLO AS FOLLOWS:

Section 1: That Chapter 5.28.020 "Definitions" shall be amended to read as follows:

5.28.020: DEFINITIONS:

STAFF MEMBER: ~~For purposes of this chapter, each provider, employee, employee applicant, and licensed volunteer shall be considered a staff member of the facility.~~ A person sixteen (16)

years of age or older employed by an owner or operator to provide care and supervision at a childcare facility.

SUPERVISION: Being within sight and normal hearing range of the child or children being care for.

Section 2: That Chapter 5.28.120 “Staffing” shall be amended to read as follows:

A. Staff on Premises: Each childcare provider must ensure that one licensed staff member who is at least eighteen (18) years of age remains on the premises at all times when children are present at the facility. When providing direct care for a child or children, licensed staff members seventeen (17) years of age or younger must be under the direct supervision of an adult staff member. Staff members seventeen (17) years of age or younger may be counted as one (1) staff member for the purposes of complying with the staff/child ratio.

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Section 3: That all other sections of Chapter 5.28 shall remain in full force and effect.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this _____ day of _____, 2021.

CITY OF POCA TELLO, a municipal corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

KONNI R. KENDELL, City Clerk