

Minutes

Monday, June 9, 2008



Public Service Committee

4:50 p.m.
at the Carnegie Town Hall
235 West Tenth Street

Members Present: Vernon Brown, De Knudson, Kermit Staggers, Kenny Anderson Jr. and Greg Jamison

Staff Present: City Clerk, Debra A. Owen, Assistant City Clerk, Tamara M. Jorgensen and City Council Intern Alexander Gutnik

Guests: Health Department: Judy Buseman, Director; Jill M. Franken, Assistant Public Health Director, LuAnn Ford, Public Health Manager. HELP! Line Center: Carol Muller, Executive Director. City Council Member Bob Litz, Mark Peterson and Cindy Sheehan from the Sioux Empire Friends of Affordable Housing PAC, former City Council candidate Ron Sauby, and citizen Jeanne Gerken.

1. Call To Order

- Committee Chair Brown called the meeting to order at 4:50 p.m.

2. Review and approval of Minutes dated 05/12/08

- A motion was made by Council Member Knudson and seconded by Council Member Staggers to approve said minutes. A voice vote was taken, all members present voted yes.

3. Child Care Regulations

- A. Carol Muller, Executive Director of the 211HelpLine and Judy Buseman, Director of Health for the City of Sioux Falls.
- The following two documents were distributed at the meeting. 1) The proposed childcare ordinance with additional changes; 2) a copy of the database screen for Code Enforcement Citations Issued. Please reference them when reading the additional comments.

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- The proposed changes to the child care ordinance are showing in the red font. The following areas have been altered: Provider, Registered helper, substitute unregistered provider, registration, number of children allowed, unregistered substitute provider authorized in limited circumstances, reporting of incidents or changes in circumstances, master list, room heaters, dangerous materials and objects, CPR requirement, Inspections, suspension or revocation of registration.
 - The Health Department has done some additional revisions to the proposed ordinance. The discussion gave an update on suggestions that were made at a recent meeting with day care providers. Providers asked for improvements in the supervision requirements, specifically requesting that an additional registered helper is available if the day care has 4 or more children under the age of two years old.
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AGENDA for Public Services Committee

Monday, June 9, 2008

Page 2

- Parents have also stated that they are concerned regarding the number of children in a daycare and become more concerned when the six to eight children per provider ratio is increased. There is a much higher satisfaction rate when the child ratio is smaller.
- The Health Department has worked with the Webmaster to provide easier access to child care provider information. A copy of the citations page was distributed and the provider who has received three citations from the Health Department was discussed. Discussion was held regarding the procedure that is followed when citations are issued. Stagers stated that he felt that it was more of a parental responsibility to become aware of what to look for in daycares instead of the city mandating the basic requirements. Discussion was held regarding what past City Councils have approved regarding daycare requirements. The suggestion was made that the parents of a non-compliant daycare should receive a letter advising them of the non-compliance and the reason. The purpose of the letter is to hope this would bring the daycare provider into compliance without having to close the daycare. This procedure will be added with the proposed ordinance changes.
- Chairman Brown asked the Committee how they would like to proceed with this item.
 - Knudson made a motion and Anderson Jr. seconded it to bring this proposed ordinance to the City Council.
 - Stagers asked that a section be added to the ordinance that would stipulate that parents are notified when providers are in non-compliance (after 30-days) or if the daycare is going to close.
 - Knudson made a motion, to amend her initial motion, to include verbiage that would stipulate that parents are notified when providers are in non-compliance (after 30-days) or if the daycare is going to close and Anderson Jr. seconded it. **Roll Call: Yeses, Brown, Knudson, Anderson Jr. 3. Noes, Stagers 1. Motion Passed.**
- Stagers reiterated that he felt there were some portions of the population who would feel that if a daycare is registered by the city, that this is automatically a 'good' daycare. He felt that more emphasis should be placed on what the parents felt were a 'good' or 'bad' daycare based on what they see/feel, etc. when they are there.

4. Campaign Finance Ordinance Review

- Owen stated that the correspondence from candidates concerning the Council's changes to the financial reporting ordinances received to date have been more positive than negative. Owen shared comments from the following persons:
 - Candidate Dean Karsky thought the forms were fine and took a short amount of time to process.
 - The Committee for South Dakota's Future PAC representative Joel Rosenthal stated that he felt that the fine was too stiff (\$50/day). He also liked the clerk's office method of time stamping the received date on the forms when the office receives the filing. He would like the summary page of the accumulative totals deleted; lastly, he felt there were too many reports. If there was not any action, he felt there should be no report needed – particularly the report due at the end of the month and the report due the Friday before the Election.
- Ron Sauby stated he would like the option of filing a 'No Change form' if there were no changes from one month to the next regarding financial reports.
- Cindy Sheehan, Treasurer for the Sioux Falls Friends for Affordable Housing stated that this was the second election cycle that she has filed reports with the city. As the Treasurer for the Sioux Empire Friends of Affordable Housing PAC; she felt there was a lack of awareness and communication of the rules and regulations. Discussion was held regarding the fine/citation she received for late filing. She would like to see letters and forms mailed for each of the deadline dates both pre and post election. The suggestion was made that the PAC's file 30 days after the candidate in order to give the PAC time to update and file their reports. Discussion was held regarding past PAC discussions and regulations.

AGENDA for Public Services Committee

Monday, June 9, 2008

Page 3

- Owen stated that City ordinance has required PAC reporting since 2004 but may not have been enforced until 2006. All reporting forms and rules are online and available at the Clerk's office. The City Clerk's Office will keep a running database of PACs that have contributed to candidates in past elections to mail campaign finance reporting forms to should the PAC decide to contribute to candidates in the next election cycle. However, if the PAC is not familiar with the city's reporting ordinance AND they chose to contribute then the clerk's office, the clerk's office wouldn't know to contact the PAC until after the donation has been reported. The clerk's office, in the last election, received notice from the PAC contribution recorded on a candidates reporting form. The clerk's office then notifies the PAC of the local reporting rules. This happened several times in the 2008 Election. Because the PAC didn't file timely with the clerk's office, the PAC is in non-compliance with the ordinance and is subject to the fine of \$50 per day.
- Owen explained that the role of the clerk's office is to seek compliance with the reporting ordinances and that staff are available to meet with candidates and PACs about the reporting forms and are a resource to help all parties file timely. In addition, the clerk's office provides copies of the reporting forms and reminder memo's to candidates and PAC's. However, when a new PAC gives to a candidate and does not timely file with the clerk's office, the clerk's first contact with them is to inform the PAC that they are not in compliance.
- Brown asked if there were fines issued in the last election. Owen stated that the attorney's office enforces the ordinance and therefore issues the fines. The clerk's office turned over the names of the candidates or PAC's who were not in compliance but did not know who eventually paid. Brown asked Owen to report back to the committee concerning enforcement.
- Knudson stated that she would like to assist in negating the fine that has been imposed against the PAC Sioux Falls Friends for Affordable Housing. Discussion was held regarding the fine and the communication process with the PAC. Discussion was held regarding the interpretation of the end of the year report and whether or not it applied to PACs. This interpretation accounted for \$1,000 of the \$1,600 fine.
- Discussion was held regarding the steps taken to ensure that candidates understand the process and the forms. Owen explained that the City Clerk's staff takes significant one on one time to explain the paperwork to all candidates when they come in to state their intent to run for office. But the problem arises when a new PAC gives to a local candidate and is not aware of local reporting rules. The clerk's office receives information regarding the PAC *after* they are in non-compliance when the contribution is recorded in a candidates reporting form.
- Litz and Sauby discussed the need for the responsibility for PAC information to rest with the actual candidate. Should the fine be placed against the candidate if the PAC has not filed on time or should it be placed against the treasurer of the PAC? Brown suggested that Knudson work with the City Attorney's Office (as she did not participate in the last election) to determine what fines are going to be imposed. Discussion was held with Sheehan regarding the dates and amount of time missed on the reports.
- The Public Services Committee has requested to know what candidates and PAC's have been fined, what the totals of the fines are and if there were any reductions allowed. This information has never been requested by the City Clerk's Office. The Committee would like to see this information added to the city elections website.
- Sheehan provided a copy of the San Antonio ordinances regarding elections and the procedures they follow for imposing fines.
- This topic will be continued at the meeting scheduled for Monday, July 14, 2008, following the conclusion of the Informational Meeting.

AGENDA for Public Services Committee

Monday, June 9, 2008

Page 4

5. Open discussion: There was none.

6. Adjournment

- A motion was made by Council Member Anderson Jr. and seconded by Council Member Stagers to adjourn the meeting at 6:29 p.m. A voice vote was taken, all members present voted yes.

Tamara M. Jorgensen
Assistant City Clerk