

**HABEMATOLEL POMO OF UPPER LAKE**

**TITLE 5. COMMERCE**

**CHAPTER 5.5 EARLY CHILDHOOD EDUCATION  
AND CHILD CARE LICENSING ORDINANCE**

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## ARTICLE 1. TITLE

This Chapter shall be titled the Habematolel Pomo of Upper Lake Early Childhood Education and Child Care Licensing Ordinance and may be cited as the HPUL ECE Licensing Ordinance. This Chapter shall be codified as Chapter 5 of Title 5 of the Habematolel Pomo of Upper Lake Book of Codes.

## ARTICLE 2. PURPOSE

The purpose of this Ordinance is to authorize the Executive Council to license and outline standards for childcare facilities on Tribal trust land and to safeguard the well-being of children receiving care away from home on Tribal trust land.

## ARTICLE 3. JURISDICTION

The Habematolel Pomo of Upper Lake Tribal Court shall have authority to adjudicate matters relating to the licensure of childcare facilities by the Executive Council on Tribal Trust lands.

## ARTICLE 4. DEFINITIONS

### SECTION 4.1. DEFINED TERMS

For purposes of this Chapter, the following terms shall have the meanings ascribed below:

- (A) **"Administrator"** shall mean the individual designated to oversee an early childhood education program and/or child care facility. For any early childhood education program operated by the Tribe, that shall mean the Health and Human Services ("HHS") Administrator. If at any time the position of HHS administrator does not exist, Administrator shall refer to the position designated by the Executive Council to oversee any early childhood education program and/or child care facility operated by the Tribe.
- (B) **"Capacity"** shall mean the maximum number of children the Licensee is authorized to have on the Premises at any given time.
- (C) **"Chapter"** shall mean this Chapter 5 ECE Licensing Ordinance.
- (D) **"Child Care Center"** or **"Center"** shall mean a facility providing regularly scheduled care for a group of thirteen (13) or more children, within a one (1) month of age through twelve (12) years of age range exclusively, for periods less than twenty-four (24) hours.
- (E) **"Days"** shall mean calendar days unless specifically stated otherwise.

- (F) **“Department”** shall mean the Tribe’s Health and Human Services Department or the department of the Tribe that oversees a childcare center operated by the Tribe.
- (G) **“Executive Council”** or **“Council”** shall mean the governing body of the Habematolel Pomo of Upper Lake.
- (H) **“HPUL”** shall mean a short reference for the Habematolel Pomo of Upper Lake.
- (I) **“HPUL Tribal Youth Apprentice”** shall mean Tribal youth participating in the HPUL Tribal Member Apprentice Program.
- (J) **“Infant”** shall mean a child eleven (11) months of age and under.
- (K) **“License”** shall mean a permit issued by the Executive Council authorizing by law the licensee to operate a Child Care Center and certifying the licensee meets minimum requirements under licensure.
- (L) **“Licensee”** shall mean the entity, organization or individual that is licensed by the Executive Council to operate a Child Care Center.
- (M) **“Manager”** shall mean the individual designated to manage the day to day operations of an early childhood education program and/or child care facility. For any early childhood education program operated by the Tribe, that shall mean the ECE Generations Manager. If at any time the position of ECE Generations Manager does not exist, Manager shall refer to the position designated by the Executive Council to manage the day to day operations of any early childhood education program and/or child care facility operated by the Tribe.
- (N) **“Premises”** means the building where the Center is located and the adjoining grounds over which the Licensee has control.
- (O) **“Preschool Age Child”** means a child thirty (30) months of age through five (5) years of age not enrolled in kindergarten or an elementary school.
- (P) **“Reservation”** shall mean all lands within the exterior boundaries of the Habematolel Pomo of Upper Lake Reservation located in Lake County, California and all lands owned by the Tribe both fee and non-fee land and lands held in trust for individuals and all lands considered “Indian lands” under federal, state or tribal law.
- (Q) **“School Age Child”** shall mean a child five (5) years of age through twelve (12) years of age enrolled in kindergarten or an elementary school.
- (R) **“Toddler”** shall mean a child twelve (12) months of age through twenty-nine (29) months of age.

- (S) **“Tribal Court”** shall mean the Habematolel Tribal Court established pursuant to the Tribe’s Constitution. If a Tribal Court is not in operation, an established Inter-Tribal Court, contracted with the Tribe for that purpose, shall act as the Tribal Court.
- (T) **“Tribal Member”** shall mean an enrolled member of the Habematolel Pomo of Upper Lake according to the Tribe’s membership criteria as outlined in the Tribe’s Constitution and Enrollment Ordinance.
- (U) **“Tribal Trust Land”** shall mean all parcels of land placed in trust status by the United States of America for the benefit of the Habematolel Pomo of Upper Lake.
- (V) **“Tribe”** shall mean the Habematolel Pomo of Upper Lake, a federally recognized Indian tribe, or an authorized official or agency thereof.
- (W) **“Volunteer”** shall mean any person over the age of eighteen (18) who enters a child care facility to help with activities for no more than 10 hours per week. Volunteers may not be left alone with children and will be supervised by program staff at all times.

## **ARTICLE 5. LICENSING AUTHORITY**

### **SECTION 5.1. EXECUTIVE COUNCIL LICENSING AUTHORITY**

The Executive Council shall have the authority to consider applications for, issue and administer child care licenses to Child Care Centers operated by the Tribe on Tribal Trust Land and to assure the users of such Centers, their parents, the community at large and the Centers themselves that adequate minimum standards are maintained by all Centers caring for children, and to enforce compliance with such standards.

## **ARTICLE 6. LICENSING**

### **SECTION 6.1. SCOPE OF LICENSING**

The person or organization operating a Child Care Center on Tribal Trust Land shall be subject to licensing by authority of this Chapter.

### **SECTION 6.2. POLICIES AND PROCEDURES**

The Executive Council shall issue or deny a License on the basis of the applicant’s compliance with minimum licensing and procedural requirements as outlined here and in corresponding policies and procedures.

### **SECTION 6.3. LICENSING APPLICATION**

The person or organization applying for a License or re-licensure under this Chapter and responsible for operating the Center shall comply with the application procedures the Executive Council prescribes. Failure to provide all requested documentation or cooperate in an investigation shall be good cause to deny a license or re-licensure to the applicant.

- (A) At a minimum, the applicant must submit the following thirty (30) days or more before the expiration of a current License, opening date of a new Center, relocation of a Center, change of the Licensee, or change of License category:
- (1) Completed application;
  - (2) Completed criminal history and background inquiry form for each staff person having regular access to children in the Center;
  - (3) An employment and education resume of Administrator and Manager
  - (4) Copies of the diploma or educational transcript of the Administrator and Manager;
  - (5) Three (3) professional references (each) for the Administrator and Manager; and
  - (6) The Executive Council may, at any time, require additional information from the applicant and all staff persons that have access to children, as deemed necessary, including, but not limited to:
    - (a) Sexual deviancy evaluations;
    - (b) Substance and alcohol abuse evaluations;
    - (c) Psychiatric evaluations;
    - (d) Psychological evaluations; and
    - (e) Medical evaluations.
- (B) Failure to provide all requested documentation or cooperate in an investigation shall be good cause to deny a License or re-licensure to the applicant.

### **SECTION 6.4 INVESTIGATION AND INSPECTIONS**

The Executive Council, or its designee, may perform investigations or inspections of the applicant, Licensee, staff, and any person having access to children in care as the Executive Council deems necessary, including accessing criminal histories and law enforcement files. The Executive Council may engage the services of qualified professionals to assist with or perform such investigations or inspections.

### **SECTION 6.5 MAINTENANCE OF RECORDS**

The Executive Council shall maintain all records concerning an applicant or Licensee so that the confidentiality of substance abuse, psychiatric, psychological, medical and other private information is maintained in accordance with applicable law.

## **ARTICLE 7 LICENSED CAPACITY**

### **SECTION 7.1 LICENSED CAPACITY**

- (A) The Executive Council shall issue the applicant or Licensee a License for a specific number of children dependent on the:
  - (1) Executive Council's evaluation of the Center's premises, equipment and physical accommodations;
  - (2) Number and skills of the staff; and
  - (3) Ages and characteristics of the children served.
- (B) The Executive Council shall have the discretion to issue a License for fewer children than the Center's maximum capacity.

## **ARTICLE 8 LICENSE DENIAL, SUSPENSION OR REVOCATION**

### **SECTION 8.1 LICENSE DENIAL, SUSPENSION OR REVOCATION**

- (A) The Executive Council shall consider the application and all staff qualification jointly. As such, it may deny, suspend, revoke or not renew the License based on the failure of one (1) of the persons to meet the requirements. If the denial, suspension, revocation or non-renewal is based on the failure of one (1) or more persons to meet the requirements, the Executive Council shall state the exact person(s) which did not qualify and allow the applicant to reapply without them.
- (B) The Executive Council shall deny, suspend, revoke, or not renew the License of a person, organization or organization employing an individual that:
  - (1) Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person, or knowingly allows such a person onto the premises;
  - (2) Commits or was convicted of a felony reasonably related to the competence of the person to meet the requirements of this Chapter;
  - (3) Engages in illegal use of a drug or excessive use of alcohol;
  - (4) Commits, permits, aids, or abets the commission of an illegal act on the premises;
  - (5) Commits, permits, aids or abets the abuse, neglect, exploitation, or cruel or indifference care to a child in care;
  - (6) Refuses to permit an authorized representative of the Executive Council or the Department to inspect the premises; or

- (7) Refuses to permit an authorized representative of the Executive Council or the Department to access records related to the operation of the Center or to interview the staff or a child in care.
- (C) The Executive Council may deny, suspend, revoke or not renew a License of a person or organization that:
- (1) Seeks to obtain or retain a License by fraudulent means or misrepresentation, including, but not limited to:
    - (a) Making a materially false statement on the application; or
    - (b) Omitting material information on the application.
  - (2) Provides insufficient staff in relation to the number, ages or characteristics of children in care;
  - (3) Allows a person unqualified by training, experience or temperament to care for or be in contact with a child in care;
  - (4) Violates any condition or limitation on licensure including, but not limited to:
    - (a) Permitting more children on the premises than the number of which the Center is Licensed; or
    - (b) Permitting on the premises a child of an age difference for which the Center is Licensed.
  - (5) Fails to provide adequate supervision to a child in care;
  - (6) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the Center;
  - (7) Misappropriates property of a child in care;
  - (8) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;
  - (9) Refuses or fails to supply necessary, additional requested information; or
  - (10) Fails to comply with any provision of this Chapter.
- (D) The Executive Council shall not issue a License to a person or organization that has had denied, suspended, revoked, or not renewed a License to operate a facility for the care of children or adults, on the Reservation or elsewhere, unless the person or organization demonstrates by clear and convincing evidence the person or organization has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the Center in accordance with the rules of this Chapter.
- (E) The Executive Council's notice of denial, revocation, suspension, or modification of a License and the applicant's or Licensee's right to a hearing, may be appealed to the Tribal Court.



## **ARTICLE 9. PROGRAM AND POLICIES**

### **SECTION 9.1 CHILD CARE PROGRAMS AND POLICIES**

The Licensee shall have written policies established, implemented, maintained and available that, at a minimum, require compliance with all Tribal and federal standards. At a minimum, the policies shall address the following:

- (A) Child development;
- (B) Safety;
- (C) Child abuse prevention and reporting;
- (D) Health and Nutrition, including:
  - (1) Communicable disease prevention, reporting, and management;
  - (2) Handling of medical emergencies, including CPR;
  - (3) First aid/first response;
  - (4) Care of minor illnesses;
  - (5) Medication management and distribution;
  - (6) General hygiene practices;
  - (7) Food and food service; and
  - (8) Infant and young children care procedures, where applicable.
- (E) Discipline (including an outline of positive methods of guidance appropriate to various ages of children);
- (F) Caregiver health, including:
  - (1) Guidelines for exclusion for illness and the subsequent return to work;
  - (2) Information on the major occupational health hazards for staff;
  - (3) Stress management techniques;
  - (4) Ensuring that all staff are physically and emotionally able to care for children, which may include an option to request that a caregiver provide a statement of physical fitness to care for young children from his/her doctor or other primary health care provider.

## **ARTICLE 10. STAFFING**

### **SECTION 10.1 STAFF PATTERN AND QUALIFICATIONS**

- (A) General Qualifications. The Licensee, staff members, and any other person associated with the operation of the Center who has access to children in care shall:

- (1) Be of good character;
  - (2) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the children in care;
  - (3) Undergo a criminal and general background check;
  - (4) Undergo a drug screening; and
  - (5) Not have committed or been convicted of child abuse or any crime involving moral turpitude, drug involvement, or physical harm to another person.
  - (6) For any staff transporting a child in his or her official capacity, they shall provide proof of a valid driver's license and shall not have committed or been convicted of any misdemeanor or felony crime involving a vehicle, including but not limited to, DUI, reckless driving, hit and run, driving without a license or on a suspended license, or vehicular manslaughter.
- (B) Center Management. The Licensee shall serve as or employ an Administrator, responsible for the overall management of the Center's facility and operation. The Administrator shall:
- (1) Be twenty-one (21) years of age or older;
  - (2) Serve as administrator of the Center, ensuring compliance with minimum licensing requirements;
  - (3) Have knowledge of child development as evidenced by professional references, education, experience, and on-the-job performance;
  - (4) Have the management and supervisory skills necessary for the property administration of the Center, including:
    - (a) Record maintenance;
    - (b) Financial management; and
    - (c) Maintenance of positive relationships with the staff, children, parents, and the community.
  - (5) Have completed forty-five (45) or more college quarter credits in early childhood education/child development, or possess an equivalent educational or work experience background, or be a certified child development association;
  - (6) Have two (2) or more years of successful experience working with children of the same age level as those served by the Center as evidenced by professional references and on-the-job performance;
  - (7) Have planning, coordination and supervisory skills to implement a high quality, developmentally appropriate program; and
  - (8) Have knowledge of children and how to meet children's needs.
- (C) If the Administrator does not meet the qualifications listed in Subsection (B) above, the Administrator or Licensee shall employ a Manager, responsible for planning and supervising the Center's learning and activity program. The Manager shall:
- (1) Be twenty-one (21) years of age or older;

- (2) Meet the education, experience, and competency qualifications listed in Subsection 10.1(B)(5)-(8); and
  - (3) Discharge on-site program supervisory duties a minimum of twenty (20) hours weekly.
- (D) For the Center serving school age children only, the Manager may also substitute equivalent courses in education such as recreation or physical education for required education.
- (E) The Administrator and Manager may be one and the same person when qualified for both positions. The Manager shall normally be on the premises while the children are in care. If the Manager is not able to be on the premises while children are in care, they shall ask the Administrator to be on the premises in their place. If neither the Administrator or Manager are able to be at the Center, they shall leave a competent, designated staff person in charge for no longer than 48 hours.
- (F) The Administrator and Manager may also serve as child care staff when such role does not interfere with the Administrator's or Managers management and supervisory responsibilities.
- (G) Center Staffing. The Licensee shall ensure that all staff members caring for a child or group of children is at a minimum:
- (1) Eighteen (18) years of age, and
  - (2) Possesses a high school diploma or equivalent ; and
  - (3) Has child development knowledge and experience.
- (H) Support Service Personnel. The Licensee shall provide or arrange for fulfillment of administrative, clerical, accounting, maintenance, transportation, and food services responsibilities so the child care staff is free to concentrate on program implementation.
- (I) The Licensee shall ensure completion of support service duties occurs in a manner allowing the Center to maintain required staff-to-child ratios.
- (J) Changes in Staff. During the term of the License, the Licensee shall ensure that the Administrator, Manager and all staff hired to care for a child or group of children is approved by the Executive Council in accordance with this Chapter prior to any interactions with children. At any point, if the person's filling the Licensee's Administrator and/or Manager position are no longer employed by the Licensee, the Licensee may appoint currently approved staff to temporarily fill the position of Administrator or Manager if they meet the qualifications listed above until the Executive Council approves the permanent Administrator or Manager for the Licensee. The Licensee shall immediately notify the Executive Council of any temporary appointments.

- (K) Approval of licensure by the Executive Council in no way creates an employment agreement, or any promise of continued employment, between the Tribe and any employee(s) or potential employee(s) of a Child Care Center licensed under this Chapter.

**SECTION 10.2 GROUP SIZE AND STAFF-CHILD RATIOS.**

- (A) The Licensee shall conduct group activities within the following group size and staff-to-child ratio requirements, according to the age of the child:

AGE OF CHILDREN	STAFF-TO-CHILD RATIO	NAPPING STAFF-TO-CHILD RATIO	MAXIMUM GROUP SIZE
1m – 24m (Infant)	1:4	1:8	8
18m – 36m (Toddler)	1:7	1:14	14
30m - Entry into 1 <sup>st</sup> grade (Preschool)	1:12	1:24	24
1 <sup>st</sup> grade and older (School Age)	1:15	1:30	30

- (B) Subject to the provisions of Subsection (F) below, the Licensee shall conduct activities for each group in a specific classroom or other defined space within a larger area.
- (C) The Licensee shall ensure each group is under the direct supervision by sight and sound of a qualified staff person or team of staff involved in directing the children’s activities. Staff should always know the whereabouts of the children in their care.
- (D) The Executive Council may approve reasonable variations to group size limitations if the Licensee maintains require staff-to-child ratios, dependent on:
  - (1) Staff member qualifications;
  - (2) Program structure; and
  - (3) Usable square footage.
- (E) After consulting with a child’s parent, the Licensee may place the individual child in a different age group and serve the child within the different age group’s required staff-to-child ratio based on the child’s:
  - (1) Developmental level; and
  - (2) Individual needs.
- (F) In order to further clearly articulated and specific educational goals or cultural values, the Licensee may combine children of different age groups provided the Licensee maintains the staff-to-child ratio designated for the oldest child in the mixed group.

- (G) The Licensee shall ensure any staff person providing direct care and supervision of children is free of other duties at the time of care.
- (H) The Licensee shall maintain required staff-to-child ratios indoors, outdoors, on field trips, and during rest periods. During rest periods, staff persons may be involved in other activities if members of the staff remain on the Premises and each child is within continuous visual and auditory range of a staff person.
- (I) The Licensee shall ensure staff members:
  - (1) Attend individual children or groups of children at all times; and
  - (2) Keep each child within continuous visual and auditory range, except when a toilet-trained child uses the toilet.
- (J) When only one (1) staff person is present, the Licensee shall ensure a second staff person is readily available in case of an emergency.

## **ARTICLE 11. RECORDS, REPORTING AND POSTING**

### **SECTION 11.1. CHILD RECORDS AND INFORMATION**

The Licensee shall maintain on the Premises organized confidential records and information concerning the children in care. The Licensee shall ensure the children's record contains, at a minimum:

- (A) Registration Data.
  - (1) Name, birth date, dates of enrollment and termination, and other identifying information;
  - (2) Name, address and home and cell phone number of the parent(s) and at least one other person to be contacted in case of emergency;
  - (3) Child immunization record; and
  - (4) Completed enrollment application signed by the parent(s), legal guardian or responsible relative.
- (B) Authorizations.
  - (1) Name, address and telephone number of persons authorized to remove the children under care from the Center;
  - (2) Written parental consent for transportation provided by the Center, including field trips and events away from the Center. A general parent or legal guardian signed consent form may authorize the children's off-site travel; and
  - (3) Written parental consent, or court order, for providing medical care, emergency transport to a health care facility for emergency care, and emergency surgery,

except for such care authorized by law; with a designation by the parent or legal guardian of a hospital and physician of choice and, for a child with special health care needs (including allergies), an individualized emergency plan.

- (C) Medical and Health Data.
  - (1) Date and kind of illness and injury occurring on the Premises, including the treatment provided by staff members;
  - (2) Medication given indicating dosage, date, time and name of dispensing staff person; and
  - (3) A health history obtained when the Licensee or staff member enrolls the children for care. The history shall include:
    - (a) The date of the child's last physical examination;
    - (b) Allergies;
    - (c) Special health or developmental problems and other pertinent health information;
    - (d) Immunization history as required under this Chapter; and
    - (e) Name, address and telephone number of the children's health care provider or facility.

## **SECTION 11.2. PROGRAM RECORDS**

The Licensee shall maintain the following documentation on the Premises:

- (A) The daily attendance record;
  - (1) The parent(s), or other person(s) authorized by the parent(s) to take the children to or from the Center, shall sign in the children on arrival and shall sign out the children at departure, using a full, legal signature; and
  - (2) When the children leave the Center to attend school as authorized by the parent(s), the staff person shall sign out the children, and sign in the children on return to the Center.
- (B) A copy of the report sent to the Licenser about any illness or injury to the children in care requiring medical treatment or hospitalization;
- (C) Copies of meal and snack menus for a minimum of two (2) months;
- (D) The twelve (12) month record indicating the date and time the Licensee conducted the required fire evacuation drills;
- (E) A written plan for staff development, in areas including but not limited to the importance and implementation of the Licensee's policies, health and safety, child development, prevention and control of infectious diseases, child abuse prevention and reporting, first aid/first response, and choking prevention. The plan shall specify the content, frequency and manner of planned training. The Licensee shall document all such staff training; and

- (F) Activity program plan records.

### **SECTION 11.3. PERSONNEL POLICIES AND RECORDS**

- (A) Each employee having unsupervised or regular access to the children in care shall complete and submit the following to the Licensee or Administrator by the date of hire;
  - (1) An application for employment that required disclosure of prior employment and character references; and
  - (2) A criminal history and background inquiry form.
    - (a) The Licensee shall submit this form to its human resources office, if such exists and if not then to the Executive Council, prior to the first day of employment, permitting a criminal and background history check;
    - (b) The Licensee shall conduct a reasonable investigation of the disclosed employment history and character references; and
    - (c) The Executive Council shall discuss the results of the inquiry with the Licensee or Administrator, when applicable; and
  - (3) Drug test results.
- (B) The Licensee employing five (5) or more persons shall have written personnel policies describing staff benefits, if any, duties and qualifications; and
- (C) The Licensee shall maintain a personnel record-keeping system, having on file for the Licensee or staff person:
  - (1) An employment application, including work and education history;
  - (2) Documentation of criminal history and background inquiry form submission;
  - (3) A record of tuberculin skin test results, x-ray or an exemption to the skin test or x-ray;
  - (4) Documentation of HIV/AIDS education and training;
  - (5) A record of participation in staff development training;
  - (6) Documentation of orientation program completion;
  - (7) Documentation of a valid food handler permit, when applicable; and
  - (8) Documentation of current first aid and CPR training, when applicable.

### **SECTION 11.4 REPORTING OF DEATH, INJURY, ILLNESS, EPIDEMIC, OR CHILD ABUSE**

The Licensee or staff members shall report immediately;

- (A) A death, serious injury requiring medical treatment or illness requiring hospitalization of a child in care, by telephone and in writing, to the parent(s), licenser and child's social worker, if any;

- (B) Any instance when the Licensee or staff member has reason to suspect the occurrence of physical, sexual or emotional child abuse, child neglect or child exploitation, to the appropriate child protective services or local law enforcement agency in accordance the Tribe's Children, Elders and Disabled Adults' Protection Code. If there is immediate danger to child a report must be made to local law enforcement; or
- (C) An occurrence of food poisoning or communicable disease, by telephone, to the local public health department.

### **SECTION 11.5 REPORTING OF CIRCUMSTANTIAL CHANGES**

A child day-care License is valid only for the address, person or organization named on the License. The Licensee shall promptly report to the licensor major changes in staff, program or Premises affecting the Center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the:

- (A) Center's address, location, space or phone number;
- (B) Maximum number, age ranges, and sex of children the Licensee wishes to serve as compared to current License specifications;
- (C) Number and qualifications of the Center's staffing pattern that may affect staff competencies to implement the specified program including;
  - (1) Change of ownership, chief executive, Administrator, or Manager; and
  - (2) The death, retirement or incapacity of the licensee.
- (D) Name of the Licensed corporation, or name by which the Center is commonly known, or changes in the Center's articles of incorporation and bylaws;
- (E) Occurrences of a fire, major structural change or damage to the Premises; and
- (F) Plan for major remodeling of the Center, including planned use of space not previously approved by the Executive Council.

### **SECTION 11.6 POSTING REQUIREMENTS**

- (A) The Licensee shall post the following items, clearly visible to the parent(s) and staff members;
  - (1) The Center's Child Care License issued under this Chapter;
  - (2) A schedule of regular duty hours with the names of care giving staff;
  - (3) A typical activity schedule, including operating hours and scheduled mealtimes;
  - (4) Meal and snack menus;



- (5) Emergency plans and procedures addressing potential disasters such as fire, earthquake, flood, etc. with evacuation plans and procedures, including a diagram of exit routes, but excluding child-specific information; and
  - (6) Emergency telephone numbers.
- (B) For the staff members, the Licensee shall post:
- (1) Dietary restrictions and nutrition requirements for particular children;
  - (2) Handwashing practices; and
  - (3) Diaper changing procedures, if applicable.

## **ARTICLE 12. OTHER PROVISIONS**

### **SECTION 12.1. SOVEREIGN IMMUNITY**

Nothing in the provisions of this Chapter constitutes consent by the Habematolel Pomo of Upper Lake or its sub-organizations to be sued in any court. Neither this Chapter nor any action (or inaction) taken by the Habematolel Pomo of Upper Lake or its sub-organizations pursuant to this Chapter represent a waiver of the Tribe's sovereign immunity for any purpose.

### **SECTION 12.2. AMENDMENTS**

This Chapter, or any section herein, may be amended by a Majority vote of the Executive Council at any properly called meeting, general or special, with a Quorum present.

### **SECTION 12.3. SEVERABILITY**

If any part of this Chapter is found void and without legal effect, the remainder shall continue in full force and effect, as though such part had not been contained therein.

### **SECTION 12.4. EFFECTIVE DATE**

This Chapter shall take effect on the date it is approved by the Executive Council.

*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.  
CERTIFICATION & SIGNATURES APPEAR ON FOLLOWING PAGE.]*

**CERTIFICATION**

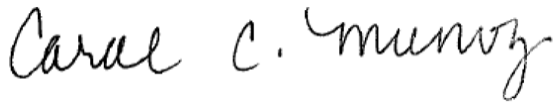
As a duly elected official of the Habematolel Pomo of Upper Lake, I do hereby certify that, at a meeting duly called, noticed, and convened on the 15th day of December 2023, at which time a quorum of 7 was present, this Chapter 5.5. Child Care Licensing and Standards Ordinance was duly adopted by a vote of 6 FOR, 0 AGAINST, 1 ABSTAINED, and said Chapter has not been rescinded or amended in any form.



\_\_\_\_\_  
Sherry Treppa, Executive Council Chairperson

03/15/2024  
DATE

ATTEST:



\_\_\_\_\_  
Carol Muñoz, Executive Council Secretary

03/15/2024  
DATE