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ORDINANCE NO. 82-3

AN ORDINANCE CREATING THE TIPPECANOE COUNTY  
CHILD CARE COMMISSION

WHEREAS, in the interest of the health, safety and welfare of the residents of Tippecanoe County, Indiana, and to promote the betterment of the quality of care provided by day nurseries to the children of Tippecanoe County, Indiana, day nurseries and the operation thereof should be carefully and strictly scrutinized;

BE IT ORDAINED BY THE COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, that:

Section 1. Definitions.

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Day Nursery" - means any institution, except a school or other bona fide education institution, operated for the purpose of providing care and maintenance of children separated from their parents, guardian or custodian during a part of the day for two (2) or more consecutive weeks.

(b) "Commission" - means the Tippecanoe County Child Care Commission created by this ordinance.

(c) "Tippecanoe County Child Protection Team" - means the Community Child Protection Team for the County of Tippecanoe, State of Indiana, as defined by I.C. 31-6-11-14.

Section 2. Purpose.

This ordinance is enacted for the purpose of improving the quality of care provided by day nurseries to the children of Tippecanoe County, Indiana; to assist the State Department of Public Welfare and the State Board of Health in performing inspection and investigation functions as provided by law; to encourage and promote education of the public as to the appropriate standards of child care; and to encourage and promote the voluntary improvement of the quality of child care within day nurseries in the community.

Section 3. Jurisdiction and Authority.

(a) Jurisdiction. This ordinance shall apply to all day nurseries located within Tippecanoe County, Indiana.

(b) Authority. This ordinance is enacted under authority of I.C. 12-3-2-11 as amended by the acts of 1981, Public Law 142.

Section 4. Creation of Child Care Commission.

(a) Appointment of Original Members. The Tippecanoe County Commissioners shall appoint, within ninety (90) days after the effective date of this ordinance, nine (9) members of a Child Care Commission, serving without compensation, known as the Tippecanoe County Child Care Commission. The appointment shall be made after consideration of a written list of twelve (12) individuals made by the Tippecanoe County Child Protection Team within thirty (30) days after the effective date of this ordinance and thereafter annually for successor appointees by December 1 of each year. These recommendations shall be advisory and not mandatory. Such recommendations shall be made to the Mayor of Lafayette, the Mayor of West Lafayette and the Board of Commissioners. After receipt of such list by the Mayors of Lafayette and West Lafayette, each of them shall submit to the Board of Commissioners a written list of three recommended residents of their City for appointment. After the receipt of such recommendations, the Board of Commissioners shall make their appointments, three (3) of whom shall be residents of the City of Lafayette and three (3) of whom shall be residents of the City of West Lafayette and three (3) of whom shall be residents of Tippecanoe County, outside the boundaries of the two Cities. The members of the Commission shall be chosen based on their background, education, experience and expertise in the area of child care, welfare and development.

(b) Terms of Members. Of the nine (9) members first appointed, three (3), (being one who is a resident of each of the three areas from which appointments are made) shall serve for a period of one (1) year, three (being one from each of the areas from which appointment is made) shall serve for a period of two years and three (3), (being one who is a resident of each of the three areas from which appointments are made) shall serve for a period of three years. Thereafter, each appointment to the Commission shall be for a period of three years.

(c) Appointment of Successors. When appointing successor members, the Tippecanoe County Commissioners shall, when applicable, consider the recommendations of the original executive authority who recommended the appointment of the member being replaced. Such recommendation shall be made not more than thirty (30) days before the expiration of the term of the member to be replaced. The person or persons recommended shall be residents of the same political subdivision as that served by the executive authority making the recommendation.

(d) Replacement of Members. In the event of the death, resignation or removal of any member, his replacement shall be appointed by the Tippecanoe County Commissioners within thirty (30) days after such death, resignation or removal. Such appointment shall, when applicable, be made after consideration of the recommendation of the original executive authority who recommended the appointment of the member being replaced. The person recommended shall be a resident of the same political subdivision as that served by the executive authority making the recommendation. Such appointment shall be made after consideration of a written list of three (3) individuals submitted within thirty (30) days after such death, resignation or removal by the Tippecanoe County Child Protection Team. Such individuals recommended by the Child Protection Team shall be residents of the same political subdivision as that served by the executive authority which made or recommended the appointment of the member to be replaced, except that a recommended replacement of a member residing outside the boundaries of the cities of Lafayette or West Lafayette shall be of an individual residing outside those cities. The recommendations of the Tippecanoe County Child Protection Team shall be advisory and not mandatory.

(e) Officers and Meetings. The Commission shall elect from its members, once each year, a Chairman, Vice-Chairman and Secretary. The Commission shall hold one regular meeting each month and such special meetings as the Chairman may deem necessary and shall keep minutes of its meetings. All meetings shall be open to the public and conducted in a public facility selected by the Commission and with adequate notice to the public of the time and place of such meetings as required by law. The Commission may go into executive session to receive and discuss information which is deemed confidential by law and for other appropriate purposes as provided by law.

Section 5. Duties and Powers of Commission. The duties and powers of the Commission are:

- (a) To assist, and to employ a person or persons to assist, the State Department of Public Welfare and the State Board of Health in performing inspection and investigation functions in day nurseries as provided by law.
- (b) To promote the betterment of the quality of care provided by day nurseries to the children of the community:
  - (1) by education of the public as to the appropriate standards of child care in day nurseries;
  - (2) by assisting in the inspection and investigation of day nurseries to ensure compliance with laws and regulations of the State Department of Public Welfare and State Board of Health;
  - (3) by enlisting the aid of professionals in the areas of child care and development; and

(4) by creating and implementing voluntary programs to assist day nurseries in improving the quality of child care in their institutions.

(c) To take action by majority vote; a quorum consists of a majority of members.

(d) To make written reports and recommendations based on the information the Commission receives in performing inspection and investigation functions and to forward the same to the State Department of Public Welfare or the State Board of Health, as the case may be, to the day nursery which is involved and to any other person if to do so would not violate the confidentiality provisions of Section 6 of this ordinance.

(e) To do any and all things necessary and desirable in furtherance of its duties and obligations under this ordinance.

Section 6. Periodic Inspections; Confidentiality.

(a) The Commission shall periodically, and may at any time, visit and inspect, or designate a person or persons to visit and inspect, day nurseries to assist the State Department of Public Welfare and State Board of Health in performing inspection and investigation functions as provided by law.

(b) The Commission, and its agents and employees, shall keep all records regarding children and all facts learned about children and their parents or relatives confidential, except with regard to its duties and powers set forth in Section 5(d).

Section 7. Reporting Instances of Child Abuse or Neglect.

The Commission shall report any instance of child abuse or neglect, as defined by I.C. 31-6-11-2, occurring on the premises of a day nursery, to the Tippecanoe County Child Protective Service, as defined by I.C. 31-6-11-10.

Section 8. Separability.

(a) If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(b) All ordinances in conflict herewith are hereby repealed.

Section 9. Effective Date of Ordinance.

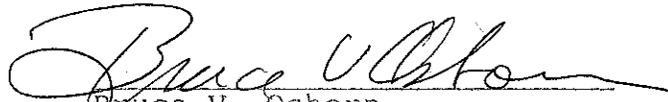
This Ordinance shall be in full force and effect from and after its passage.

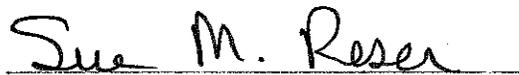
ADOPTED AND PASSED by the Tippecanoe County Commissioners this

22 day of February, 1982.

THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF TIPPECANOE  
STATE OF INDIANA

  
William G. Vanderveen, President

  
Bruce V. Osborn

  
Sue M. Reser

ATTEST:

  
Michael E. Smith, Auditor