

ORDINANCE NO. 20210413-010

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING CHAPTER 17 - PARKS AND RECREATION, ARTICLE I. – IN GENERAL OF THE CODE OF ORDINANCES OF THE CITY OF ANGLETON, TEXAS; ADDING “SECTION 17-2. - STANDARDS OF CARE” TO CHAPTER 17 – PARKS AND RECREATION, ARTICLE I. – IN GENERAL OF THE CODE OF ORDINANCES OF THE CITY OF ANGLETON, TEXAS; DEFINING MINIMUM STANDARDS OF CARE BY WHICH THE CITY OF ANGLETON, TEXAS, AND ITS PARKS AND RECREATION DEPARTMENT WILL OPERATE ITS YOUTH RECREATIONAL PROGRAMS; PROVIDING FOR AN ANNUAL REVIEW AND ADOPTION DATE THEREAFTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Angleton seeks to promote to protect the health, safety, and well-being of the children of the City of Angleton, Texas; and

WHEREAS, Section 42.041 of the Texas Human Resources Code provides that no person may operate a child-care facility or a child -placing agency without a license issued by the Texas Department of Family and Protective Services; and

WHEREAS, the City of Angleton desires to operate a recreation program for elementary-age (ages 5 through 13) children, pursuant to Section 745.115 of the Texas Administrative Code; and

WHEREAS, Section 42.041(b)(14) of the Texas Human Resources Code provides an exception from licensure for an elementary-age (ages 5 through 13) recreation program operated by a municipality, provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs, that such standards are provided to the parents of each program participant, and that the ordinances shall include at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; and further provided that parents be informed that the program is not licensed by the state and the program may not be advertised as a child-care facility; and

WHEREAS, the City of Angleton, Texas, wishes to meet the requirements of Human Resources Code Section 42.041(b)(14) and adopt youth program standards of care to provide definitions and serve as the minimum standards of care by which the City of Angleton, Texas, through its Parks and Recreation Department, will operate its youth recreational programs; and

WHEREAS, the City of Angleton, Texas, will each year conduct a public hearing and adopt the standards of care for its youth recreational programs as required by Texas Human Resources Code Section 42.041(b)(14); and

WHEREAS, the City of Angleton, Texas, has conducted a public hearing for the adoption contained herein and finds it appropriate, and in the public interest, to now adopt the youth recreational program standards of care.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. In accordance with the language of Section 1-11. – Amendments or Additions to Code of the Code of Ordinances of the City of Angleton, Texas, Chapter 17- Parks and Recreation, Article I. – In General, of the Code of Ordinances is hereby amended to add Section 17.2. – Standards of Care to the Code of Ordinances of City of Angleton, Texas.

SECTION 3. In accordance with the language of Section 1-11. – Amendments or Additions to Code of the Code of Ordinances of the City of Angleton, Texas, the Code of Ordinances, City of Angleton, Texas is hereby amended by adding a section, to be numbered 17-2. – Standards of Care, which said section reads as follows:

Sec. 17-2. – Standards of Care for Youth Recreational Programs. The Standards of Care for Youth Recreational Programs are intended to be minimum standards by which the City of Angleton’s Parks and Recreation Department will operate its youth recreational programs. The Texas Human Resources Code provides an exception to licensure for elementary-age (ages 5 through 13) recreation program operated by a municipality. The programs operated by the City are for elementary aged (ages 5 through 13) children, recreational in nature, and are not daycare programs. This allows the City to qualify as being exempt from the requirements of the Texas Human Resources Code. The City is not licensed by the State of Texas to offer daycare programs.

1. Definitions. As used in this Section, and in accordance with Human Resources Code, Section 42.002, “Definitions,” the following terms and phrases shall have the meanings ascribed to them in this Section, unless the context requires otherwise.

- (a) “Child” means a person under eighteen (18) years of age.
- (b) “Department” means the Parks and Recreation Department of the City of Angleton, Texas.
- (c) “Director of Parks and Recreation” means the full-time City of Angleton departmental employee who performs the functions responsible for administration and implementation of the youth recreational programs.
- (d) “Parent” means one parent, both parents, or other adult with legal custody and authority to enroll their child in a youth recreational program.
- (e) “Participant” means a child age five (5) to thirteen (13) whose parent has completed all required registration procedures and has been determined eligible to participate in a youth recreational program.

- (f) “Program Manual” means the notebook of policies, procedures, required forms, and organizational and programming information relevant to the City of Angleton’s youth recreational programs.
- (g) “Program Site” means the physical location where the youth recreational program is being conducted.
- (h) “Program Staff” means the person or persons who have been hired or have volunteered to work for the City of Angleton and have been assigned responsibilities for managing, administering, or implementing some or all portions of a youth recreational program.
- (i) “Recreational Facility/Recreation Center” means a building, which is open to the public, where meetings are held, sports are played, and there are activities available for all ages.
- (j) “Site(s)” means Angleton Recreation Center at 1601 N Valderas, Angleton, TX 77515.
 - i. The City of Angleton may, from time-to-time, designate other Site areas.
 - ii. This Section establishes the Standards of Care for Youth Recreational Programs of current and future Site areas within the City of Angleton.
- (k) “Site Superintendent” or “Site Assistant Superintendent” means the person who has been hired to directly administer and oversee the daily operations of the youth recreational program to include, but not be limited to, the supervision of staff, safety of participants, and programming.
- (l) “Youth Recreational Program” or “Program” means:
 - i. a non-fee-based or fee-based children’s program or activity offered and supervised by the department that requires a Participant to enroll or register in order to participate.
 - ii. the City of Angleton’s summer program and activities which last one week (five days) or longer.

2. Organization.

- (a) The governing body of the Youth Recreational Program is the City Council of the City of Angleton, Texas.
- (b) Implementation of the Youth Recreational Program’s Standards of Care for Youth Recreational Programs is the responsibility of the Director of Parks and Recreation and Program Staff.
- (c) Each Program Site will have a current copy of the Standards of Care for Youth Recreational Programs available for the public and Program Staff to review.
- (d) Parents will be provided a copy of the current Standards of Care for Youth Recreational Programs during the registration process.

3. Inspection, Monitoring, Enforcement.

- (a) The Site Superintendent or Site Assistant Superintendent will perform weekly inspections of the Program to confirm adherence to the Standards of Care for Youth Recreational Programs.

- i. Inspection reports will be sent to the Director of Parks and Recreation for review and kept on record in accordance with the City of Angleton's record retention policy.
 - ii. The Director of Parks and Recreation will review the inspection report and establish deadlines and criteria for compliance with the Standards of Care for Youth Recreational Programs.
- (b) Complaints regarding enforcement of the Standards of Care for Youth Recreational Programs will be directed to the Site Superintendent or Site Assistant Superintendent. The Site Superintendent or Site Assistant Superintendent will be responsible for taking the necessary steps to resolve the reported complaints. The Site Superintendent or Assistant Superintendent will record complaints regarding enforcement of the Standards of Care for Youth Recreational Programs and their resolution. The Director of Parks and Recreation will address serious complaints regarding enforcement of the Standards of Care for Youth Recreational Programs. Complaints and related resolutions will be noted.
- (c) The Director of Parks and Recreation shall make a report during the annual budget process to the City Council of the City of Angleton on the overall status of the Youth Recreational Program.

4. Registration and Enrollment.

- (a) Before a Child may become a Youth Recreational Program Participant, the Parent must complete and sign registration forms that contain information pertaining to the Participant and their Parent. The following information must be provided:
 - i. Name, address, and home telephone number;
 - ii. Name, address, and telephone number of Parent during Program hours;
 - iii. In case of emergency, contact names and telephone numbers during Program hours;
 - iv. Disclosure of disability or required special care;
 - v. Emergency medical authorization; and
 - vi. A liability release that encompasses all personal injury claims, including death and property damage resulting from participation in the Program.

5. Suspected Abuse. Program Staff will receive basic training related to child abuse prevention and how to report suspected abuse.

6. Staffing Responsibilities and Training.

- (a) Program Site Superintendent and Site Assistant Superintendent Qualifications.
 - (1) Must be an employee of the City of Angleton;
 - (2) Must be at least 19 years of age;
 - (3) Must have a High School Diploma, GED, or equivalent;
 - (4) Must have two (2) years' experience planning and implementing recreational activities;

- (5) Must have previous experience in supervising children and possess knowledge of recreational games, crafts, and activities;
- (6) Must be skilled in supervising children of varying age levels in a group setting;
- (7) Must pass a background investigation, including a test for illegal substances;
- (8) Must have a current certification in first aid cardio pulmonary resuscitation ("CPR") based on either American Heart Association or American Red Cross standards; and
- (9) Must have a valid Texas State Driver's License or Identification.

(b) Program Site Superintendent and Program Assistant Superintendent Responsibilities.

- (1) Program Site Superintendent or Program Assistant Superintendent administers the daily operations of the program in compliance with the adopted Standards of Care for Youth Recreational Programs.
- (2) Program Site Superintendent or Program Assistant Superintendent recommends for hire, supervises, and evaluates program coordinators, part-time employees, and other Program Staff as needed.
- (3) Program Site Superintendent or Program Assistant Superintendent plans, implements, and evaluates the daily activities of programs.

(c) Program Staff.

- (1) Program Staff may be full-time, part-time, or temporary employees of the City of Angleton's Parks and Recreation Department.
- (2) Program Staff working with children must be sixteen (16) years of age or older; however, each site will have at least one employee, eighteen (18) years or older, present at all times.
- (3) Program Staff must pass a background investigation, including a test for illegal substances.
- (4) Full-time Program Staff must have successfully completed a course in first aid and CPR based on either American Heart Association or American Red Cross standards. An exception can be made for no more than one (1) staff person at each Site and that person shall successfully complete a first aid and CPR course within four (4) weeks of his or her first date of employment.

(d) Program Staff Responsibilities.

- (1) Program Staff must be able to consistently exhibit competency, tolerance, and patience.
- (2) Program Staff must relate to children with courtesy, respect, tolerance, and patience.

- (3) Program Staff will provide Participants with an environment in which they can feel safe, can enjoy wholesome recreational activities, and can participate in appropriate, social opportunities with peers.
- (4) Program Staff will be responsible to know and follow all City of Angleton departmental and program standards, policies, and procedures that apply to City of Angleton programs.
- (5) Program Staff shall not be responsible for those Participants who voluntarily leave the program Site, whether or not the Participant has signed out.

(e) Training/Orientation.

- (1) The Parks and Recreation Department will provide orientation and training to Program Staff in working with Participants and for specific job responsibilities.
- (2) Program Staff will be trained in appropriate procedures to handle emergencies.
- (3) Full-time Program Staff are required to receive a training course to include City of Angleton departmental and program policies and procedures, provision of recreational activities, safety issues, and city organization.
- (4) Program Staff will be required to sign an acknowledgment that they received the required training and are expected to conduct activities in accordance with training and the Standards of Care for Youth Recreational Programs.

7. Staff-Participant Ratio. In a Youth Recreational Program, the standard ratio of participants to Program Staff will be a maximum of ten (10) Participants to one (1) Program Staff member. In the event a Program Staff member is unable to report to the Program Site, a replacement Program Staff member will be assigned.

8. Discipline.

- (a) Program Staff will implement discipline and guidance in a consistent manner based on the best interests of program Participants.
- (b) There shall be no cruel, harsh, or unreasonable punishment or treatment,
- (c) Corporal punishment shall not be utilized, under any circumstances, even at a Parent's request.
- (d) Program Staff may use brief supervised separation from the group if necessary.
- (e) As necessary, Program Staff will initiate discipline reports to the Parents of Participants. Parents will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
- (f) A significant number of discipline reports or repeated instances of severe or aggressive behavior may result in a Participant being suspended from the Program.
- (g) In instances where there is a danger to Participants or Staff, the offending Participant will be removed from the Program Site as soon as possible.

- 9. Programming.** Program Staff will attempt to provide activities for each group according to the Participants' ages. The activities must be appropriate to Participants' health, safety, and well-being. The activities also must be flexible and attempt to promote the Participants' emotional, social, and mental growth. Programs will include indoor and outdoor activities.

10. Communication.

- (a) The Program Site will have a mobile phone or radio to allow the Site to be contacted by department personnel, and each Site will have access to a telephone or radio for use in contacting the municipal complex or making emergency calls.
- (b) A Participant is not allowed to use the telephone unless it is an emergency. In the case of an emergency, Program Staff should make the call for the Participant.
- (c) The Program Site Superintendent or Program Assistant Superintendent will post the telephone numbers of the following organizations, adjacent to a telephone accessible to all Program Staff, at each site:
 - i. the City of Angleton's ambulance or Emergency Medical Services;
 - ii. the City of Angleton Police Department's dispatch and emergency telephone numbers;
 - iii. the Fire Department;
 - iv. the City of Angleton's Parks and Recreation Department; and
 - v. the telephone number for the Site itself.

- 11. Transportation.** The Program does not offer transportation to or from the Program Site(s) to Participants. The Program does and will transport Participants to and from any off-site or between-site event or activity utilizing Angleton Independent School District buses..

12. Facility Standards.

- (a) Safety.
 - (1) Program Staff will inspect Program Sites daily to detect sanitation and safety concerns that might affect the health and safety of the Participants.
 - (2) Buildings, grounds, and equipment at the Program Site will be inspected, cleaned, repaired and maintained to protect the health and safety of the Participants.
 - (3) Program equipment and supplies must be safe for Participant use.
 - (4) Program Staff must have first aid supplies and a guide to first aid and emergency care readily available at each site.
- (b) Fire.
 - (1) In case of fire, danger of fire, explosion, or other emergency, the first priority of Program Staff is to evacuate the Participants to a designated safe area.

- (2) Emergency evacuation and relocation plans will be posted at each Program Site.

(c) Health.

- (1) Illness or Injury to Participant.
 - i. A Participant who is considered to be a health or safety concern to other Participants or Program Staff will not be admitted to the program.
 - ii. Illnesses and injuries will be handled in a manner to protect the health of all Participants and Program Staff.
 - iii. Program Staff will follow plans to provide emergency care for injured Participants with symptoms of an acute illness as specified in the Program Manual.
- (2) Program Staff will follow the recommendation of the state department of health concerning the admission or readmission of any participant after a communicable disease.
- (3) Medication.
 - i. Program Staff will not administer medication except in the case of emergency.

(d) Toilet Facilities.

- (1) The Program Site(s) will have inside toilets located and equipped so Participants can use them independently, and Program Staff can supervise as needed.
- (2) There shall be at least one (1) toilet for every fifteen (15) females and one (1) toilet for every fifteen (15) males. In each male toilet facility, up to seventy (70) percent of the toilets required may be urinals. In facilities with more than one toilet, some means of privacy must be provided for each toilet.
- (3) Exceptions to the toilet-to-Participant ratio may be adjusted when program activities take place at primitive or outdoor park locations.

(e) Sanitation.

- (1) The Program Site(s) must have adequate light, ventilation, and heat.
- (2) The program must have an adequate supply of water, meeting the standards of the state department of health, for drinking water and ensure that the water will be supplied to the Participants in a safe and sanitary manner.

13. **Personal Assistance.** Participants requiring personal assistance (e.g. feeding themselves, dressing themselves, using the restroom) must provide an attendant for the duration of the program. Program Staff cannot provide personal assistance. The Participant's attendant will be admitted to the program free of charge.

SECTION 4. The City Council finds that the City of Angleton shall annually review, revise as necessary, and adopt an Ordinance for Youth Services Standards of Care by which the City of Angleton and its Parks and Recreation Department will operate the City of Angleton's youth recreational programs. Any subsequent amendments of the Youth Services Standards of Care require approval by the City Council and shall take effect the first day of January of each year or at such other time as the City Council deems appropriate to comply with state law.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon passage and approval by the City Council of the City of Angleton, Texas, and shall be enforceable when published, as required by law.

SECTION 6. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional whether there be one or more parts.

SECTION 8. Repeal. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED AND APPROVED THIS THE 13TH DAY OF APRIL 2021.

CITY OF ANGLETON, TEXAS

Jason Perez
Mayor

ATTEST:

Frances Aguilar, TRMC, CMC
City Secretary