

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE STANDARDS OF CARE FOR 2023 FOR YOUTH PROGRAMS OFFERED BY THE CITY OF MONTGOMERY, TEXAS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to section 42.041(b)(14) of the Texas Human Resources Code, the City of Montgomery, Texas ("City") is not required to obtain a license from the Department of Family and Protective Services to operate an elementary – age (ages 5-13) recreation program provided that the governing body of the City annually adopts standards of care by ordinance after a public hearing; and

WHEREAS, Section 42.041(b)(14) of the Texas Human Resources Code requires that the standards of care adopted by the City are provided to the parents of each program participant and that the standards of care include: 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 finds that a public hearing was held prior to the adoption of this ordinance.

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

SECTION 1. In accordance with section 42.041(b)(14) of the Texas Human Resources Code, the City of Montgomery City Council hereby adopts the Standards of Care for 2023 for the elementary-age recreation programs operated by the City of Montgomery that are attached hereto as **Exhibit A** and incorporated by reference as if fully set out herein.

SECTION 2. The ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Montgomery, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. This ordinance shall take effect upon adoption.

Adopted and Effective: _____

CITY OF MONTGOMERY, TEXAS

Byron Sanford, Mayor

APPROVED AS TO FORM

Alan P. Petrov, City Attorney

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