

**City Council  
Agenda Memo**



**City Council  
Meeting Date: 11/20/14**

**TO: David A. Vela, Interim City Manager**

**FROM: James W. Childers, Director of Community Services**

**SUBJECT: Ordinance: (First Reading) Amending the Standards of Care for 2014; and setting a public hearing on December 4<sup>th</sup> 2014.**

**GENERAL INFORMATION** In August of 1997 the 74<sup>th</sup> Legislature enacted Section 42.041(14) of the Texas Human Resources Code, which exempts youth programs operated by a municipality from state child-care licensing requirements. The Texas Human Resources Code provides that in order for a municipality to be exempt from the state’s licensing requirements, the governing body of the municipality must annually adopt standards of care by ordinance after a public hearing. The major difference in the City’s standards is that we have established standards for 6-13 years of age, whereas the state’s standard is for 0-6 years of age, a population we do not serve.

**SPECIAL CONSIDERATIONS** The Standards of Care require three inspections/review levels be performed each year to insure compliance. The first level is performed by the Recreation Coordinator to confirm adherence to the Standards themselves. The second is a visual inspection of the facilities to be conducted by the program Administrator with the assistance of a Parks and Recreation Professional not associated with the City of Abilene. That visual inspection was conducted on October 20, 2014. The Parks and Recreation Professional who assisted was Kathy Geil from Wichita Falls, Texas. The third level is an annual inspection by both the Fire Department and Environmental Health. All of these inspections and reviews were satisfactorily completed and the program is in compliance. A copy of the Standards of Care will be online for additional access.

**FUNDING/FISCAL IMPACT** No funding or fiscal impact.

**STAFF RECOMMENDATION** Staff recommends that City Council approve the attached ordinance.

**BOARD OR COMMISSION RECOMMENDATION** The City of Abilene Parks and Recreation Board approved the Standards of Care at the board meeting held on November 4, 2014.

**ATTACHMENTS**

Ordinance  
Exhibit “A”

Prepared by:

Name: James W. Childers

Title: Director of Community Services

6.5

Item No. \_\_\_\_\_

Disposition by City Council

- Approved    Ord/Res# \_\_\_\_\_
- Denied        \_\_\_\_\_
- Other         \_\_\_\_\_

\_\_\_\_\_  
City Secretary

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, ESTABLISHING STANDARDS OF CARE FOR CITY OF ABILENE YOUTH PROGRAMS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND CALLING A PUBLIC HEARING.**

**WHEREAS**, the City of Abilene, through the Division of Recreation, provides youth programs that contribute to the overall well being of youth and families of the City of Abilene; and

**WHEREAS**, these youth programs are presently held at the Recreation Centers and designated school sites; and

**WHEREAS**, the 74<sup>th</sup> Legislature enacted Section 42.041(b)(14) of the Texas Human Resources Code, which would exempt youth programs operated by a municipality from child-care state licensing requirements provided the governing body of the municipality annually adopts standards of care by ordinance after a public hearing; and

**WHEREAS**, The City of Abilene has had Standards of Care in place for fourteen years which have functioned well; and

**WHEREAS**, the Administrator of Recreation for the City of Abilene recommends that the Standards of Care as set forth in Exhibit “A” be adopted by the City of Abilene:

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

- Section 1.** That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.
- Section 2.** That the Youth Programs’ Standards of Care for the City of Abilene, as detailed in Exhibit “A” attached hereto and incorporated herein for all purposes, are hereby approved and adopted.
- Section 3.** That all ordinances or parts of ordinances in conflict with the provisions of the ordinance are hereby repealed.
- Section 4.** That, if any provision of this ordinance will be held to be invalid or unconstitutional, the remainder of such ordinance will continue in full force and effect, the same as if such invalid or unconstitutional provision had never been a part hereof.
- Section 5.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required.

**PASSED ON FIRST READING this 20th day of November, 2014.**

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 23rd day of November 2014, to permit the public to be heard prior to final consideration of this ordinance.

**PASSED ON SECOND AND FINAL READING this 4th day of December 2014.**

**ATTEST:**

\_\_\_\_\_  
CITY SECRETARY

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
CITY ATTORNEY

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## ABILENE YOUTH PROGRAMS

### STANDARDS OF CARE

Approved by Council – November 20, 2014

Ordinance –

Exhibit A

The following Standards of Care have been adopted pursuant to Texas Human Resources Code Section 42.041 (b) (14). The Standards of Care are the minimum standards by which the City of Abilene Recreation Division will operate the City's Youth Programs.

#### General Administration

##### 1. Organization

- A. The governing body of the City of Abilene Youth Programs is the Abilene City Council.
- B. Implementation of the Youth Program's Standards of Care is the responsibility of the Recreation Administrator and departmental employees.
- C. Youth Programs ("Program") to which these Standards apply are the programs held at the City Recreation Centers and designated school sites currently operated by the City of Abilene. Other programs may be subsequently designated by the City of Abilene.
- D. Each of the City of Abilene Youth Program sites will have a current copy of the Standards of Care available for public and staff review.
- E. Parents of participants will be provided a current copy of the Standards of Care during the registration process or the Standards of Care can be accessed on the City of Abilene website at [www.abilenetx.com/recreation](http://www.abilenetx.com/recreation). Parents of participants will be informed that the City of Abilene Youth Programs is not licensed by the State.
- F. Criminal background checks will be conducted on prospective Youth Program employees. If results of the criminal checks indicate that an applicant has been arrested for any of the following offenses, he or she may not be considered for employment:
  - (1) A felony or a misdemeanor classified as an offense against a person;
  - (2) A felony or misdemeanor classified as public indecency;

- (3) A felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance or any violation of the City Policy;
- (4) Any offense involving moral turpitude;
- (5) Any offense that would potentially put the City of Abilene or participants of the Program at risk.

## 2. Definitions

- A. City: City of Abilene.
- B. City Council: City Council of the City of Abilene.
- C. Department: Community Services Department of the City of Abilene.
- D. Director: City of Abilene Director of Community Services Department or designee.
- E. Division: Recreation Services Division of the City of Abilene.
- F. Employee: Someone who has been employed by the City of Abilene and has been assigned responsibility for managing, administering, or implementing some portion of the City of Abilene Youth Programs.
- G. Parent(s): A parent or guardian who has legal custody and authority to enroll a child in the City of Abilene Youth Programs.
- H. Participant: A youth whose parent has completed all required registration procedures and who has been determined to be eligible for the City of Abilene Youth Programs.
- I. Program Manual: A notebook of policies, procedures, required forms, and organizational and programming information relevant to City of Abilene's Youth Programs.
- J. Program Site: Any area or facility where the City of Abilene Youth Programs is held.
- K. Recreation Coordinator: City of Abilene Recreation Division full-time Programmer who has been assigned administrative responsibility for the City of Abilene Youth Programs.
- L. Recreation Specialist or Recreation Leader: Any City of Abilene Recreation Division employee (full-time or part-time) who has been assigned responsibility to implement the City of Abilene Youth Programs.
- M. Playground Supervisor or Playground Aide: Any City of Abilene Recreation Division temporary employee who has been assigned responsibility to implement the City of Abilene Youth Programs.
- N. Administrator: City of Abilene Administrator of Recreation Services or his or her designee.

O. Youth Program(s) or Program: City of Abilene Youth Programs held at the City's Recreation Centers and designated school sites currently operated by the City of Abilene. Other programs may be subsequently designated by the City of Abilene. These programs are not child-care facilities.

### 3. Objective of Youth Programs

- A. To provide Youth with the opportunity of recreational activities which may include sports, games, arts and crafts, education, dance, drama, special events, field trips, etc...
- B. To provide an encouraging atmosphere by emphasizing the positive development of physical skills, emotional development, and growth of self-confidence.
- C. To provide a safe environment by promoting good health and welfare for all participants.
- D. To teach Youth how to spend leisure time wisely in an effort to meet the emotional, physical, and social needs of Youth.

### 4. Inspections/Monitoring/Enforcement

- A. An annual facility inspection report will be initiated by the Recreation Coordinator of each Program to confirm adherence to the Standards of Care. This report will be submitted in March.
  - (1) Inspection reports will be sent to the Administrator for review and kept on record for at least two years.
  - (2) The Administrator will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Administrator will make visual inspections of the facilities, based on the following schedule. A Parks and Recreation Professional that is not associated with the City of Abilene will assist on one of the following inspections.
  - (1) A pre-summer check in April of each year; and
  - (2) A fall check in October of each year.
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Recreation Coordinator. The Recreation Coordinator will be responsible for taking the necessary steps to resolve the problems. Complaints regarding enforcement of the Standards of Care and

their resolution will be recorded by the Recreation Coordinator and forwarded to the Administrator, the complaint and the resolution will be noted.

D. The Administrator will provide an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

## 5. Enrollment

A. Before a child may be enrolled, a parent/guardian must sign registration forms that contain:

- (1) Name, address, and telephone number of the child;
- (2) Name and address of parents/guardian and telephone numbers during program hours;
- (3) The names and telephone numbers of people to whom the child may be released;
- (4) A statement of the child's special needs;
- (5) Proof of residency, when appropriate; and
- (6) A liability waiver which also includes permission for field trips and emergency medical authorization.

## 6. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family Code. In a situation where an Employee is involved in an incident with a child that could be considered child abuse, the incident shall immediately be reported to the Recreation Supervisor. The Recreation Supervisor will immediately notify the Police Department and any other agency, as may be appropriate.

### Staffing – Responsibilities and Training

#### 1. Recreation Center Coordinators

A. Qualifications

- (1) Recreation Coordinators will be full-time, professional employees of the City of Abilene Recreation Division
- (2) Recreation Coordinators must meet the minimum education/experience requirements for employment with the City of Abilene to plan and implement recreation activities.
- (3) Recreation Coordinators must be able to pass a background investigation, including testing for illegal substances.



- (4) Recreation Coordinators must have current certifications in First-Aid and Cardiopulmonary Resuscitation (CPR) offered by American Red Cross and/or American Heart Association.
- (5) Recreation Coordinators must communicate effectively with the public.
- (6) Recreation Coordinators must complete City of Abilene mandatory training.

B. Job Functions

- (1) Recreation Coordinators are responsible for administering the Youth Programs daily operations in compliance with the Adopted Standards of Care.
- (2) Recreation Coordinators are responsible for hiring, supervising, and evaluating Recreation Specialist/Leaders.
- (3) Recreation Coordinators are responsible for planning, implementing, and evaluating programs.
- (4) Recreation Coordinators maintain supplies, equipment and all necessary documentation for the operation of the Youth Programs.
- (5) Recreation Coordinators must communicate with Parent(s) as necessary.
- (6) Recreation Coordinators provide reports to Recreation Supervisor on a weekly basis regarding Youth Program activities.
- (7) Recreation Coordinators know and follow all City of Abilene, Division, and Program Manual standards, policies and procedures that apply to Youth Programs.
- (8) Recreation Coordinators ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

2. Recreation Specialist, /or Recreation Leaders

A. Qualifications

- (1) Recreation Specialist/Leaders may be full-time, part-time, or temporary employees of the City of Abilene Recreation Division.
- (2) Recreation Specialist/Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- (3) Recreation Specialist/Leaders must relate to children with courtesy, respect, tolerance, and patience.

(4) Recreation Specialist/Leaders must have current certifications in First-Aid and Cardiopulmonary Resuscitation (CPR) offered by American Red Cross and/or American Heart Association.

(5) Recreation Specialist/Leaders must pass a background investigation, including testing for illegal substances.

(6) Recreation Specialist/Leaders will be responsible for understanding and following all City of Abilene, Departmental, Division, and Program standards, policies, and procedures that apply to the City of Abilene Youth Programs.

B. Job Functions

(1) Recreation Specialist/Leaders will be responsible for providing participants with an environment in which they can feel safe, enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.

(2) Recreation Specialist/Leaders will directly lead activities using a method that will provide opportunities for involvement of all participants on an equal basis.

(3) Recreation Specialist/Leaders must exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.

(4) Recreation Specialist/Leaders will promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.

(5) Recreation Specialist/Leader must be with participants at all times while they are participating in the Program.

(6) Recreation Specialist/Leaders ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

3. Playground Supervisor and/or Playground Aide

A. Qualifications

(1) Playground Supervisor/Aides may be full-time, part-time, or temporary employees of the City of Abilene Recreation Division.

(2) Playground Supervisor/Aides should be able to consistently exhibit competency, good judgment, and self-control when working with children.

(3) Playground Supervisor/Aides must relate to children with courtesy, respect, tolerance, and patience.

- (4) Playground Supervisor/Aides must pass a background investigation, including testing for illegal substances.
- (5) Playground Supervisor/Aides will be responsible for understanding and following all City of Abilene, Departmental, Division, and Program standards, policies, and procedures that apply to the City of Abilene Youth Programs.
- (6) Playground Supervisor / Aides must have current certifications in First-Aid and Cardiopulmonary Resuscitation (CPR) offered by American Red Cross and/or American Heart Association.

B. Job Functions

- (1) Playground Supervisor/Aides will assist in leading activities using a method that will provide opportunities for involvement of all participants on an equal basis.
- (2) Playground Supervisor/Aides must exhibit enthusiasm for the activity to impart a feeling of excitement in the participants.
- (3) Playground Supervisor/Aides will promote a non-competitive, positive, image-enhancing environment for each participant through the direction of fun, varied, and well-organized activities.
- (4) Playground Supervisor/Aides will be responsible for picking-up the areas used by their group area each activity.
- (5) Playground Supervisor/Aides must be with participants at all times while they are participating in the Program.
- (6) Playground Supervisor/Aides ensure that participants are released only to a Parent(s) or an adult designated by the Parent(s).

4. Training/Orientation

- A. The Division is responsible for providing training and orientation to Program employees in working with children and for specific job responsibilities. Recreation Coordinators will provide each Recreation Specialist/Leaders and Playground Supervisor/Aides with a Program manual specific to each Youth Program.
- B. Program employees must be competent with the Standards of Care for Youth Program operation as adopted.
- C. Program employees must be competent with the Program's policies, including discipline, guidance, and release of participants as outlined in the Summer Playground Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.

E. Program employees will be trained in areas including City, Departmental, Division and Program policies and procedures; provision of recreation activities; safety issues; and organization.

## Operations

### 1. Staff-Participant Ratio

A. The City of Abilene Youth Programs, the minimum employee to participant ratio will be 1 to 20 for participants from ages 6-13.

B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special needs as identified by the participant's parent during the registration process.

### 2. Notification

A. Parents must be notified immediately when Program employees are aware of the following:

(1) Participant is injured; or

(2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, and/or illness).

B. All parents must be notified if there is an outbreak of any communicable disease. The disease will be reported to the Abilene Taylor County Public Health District.

### 3. Discipline

A. Program employees will implement discipline and guidance in a consistent manner, based on the best interests of Program participants.

B. There will be no cruel or harsh punishment or treatment.

C. Program employees may use brief, supervised separation from the activity if necessary.

D. As necessary, Program employees will initiate discipline reports to the parents of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident. Copies of these reports will be kept on file with the Administrator.

E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended and/or expelled from the Program.

F. In instances where there is a danger to other participants or staff, offending participants will be removed from the Program site as soon as possible.

G. Any person(s) creating a nuisance, causing a disturbance, or creating an unsafe environment at any Program Site will be subject to ejection from the site and possible arrest and legal action.

#### 4. Programming

A. Program employees will provide activities for each group according to the participants' ages, interests, and abilities. The activities will be appropriate to participants' health, safety, and well-being. The activities also will be flexible and designed to promote the participants' emotional, social, and mental growth.

B. Program employees will provide indoor and outdoor time periods to include:

- (1) Alternating active and passive activities;
- (2) Opportunity for individual and group activities; and
- (3) Outdoor time each day that weather permits.

C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program. Participants must be counted before leaving the Program Site and before boarding the transportation to return to the Program Site.

- (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
- (2) Program employees will have transportation cards of the participants in the group and must check the roll frequently.
- (3) Program employees should have First-Aid supplies and a guide to First-Aid and emergency care available on field trips.
- (4) Notice of any field trips will be displayed at a prominent location at each Program site.

#### 5. Communication

A. Each Program site will have access to a telephone for use in contacting the Recreation Center or making emergency calls.

B. The Recreation Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:

- (1) Ambulance or emergency medical services.
- (2) City of Abilene Police Department.
- (3) City of Abilene Fire Department.
- (4) Poison control.
- (5) The telephone number for the site itself.
- (6) Numbers at which parents/guardian may be reached.

#### 6. Transportation

A. First- Aid supplies and a First-Aid emergency care guide will be available in all Program vehicles that transport children.

B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher located in the passenger compartment of the vehicle which will be accessible to the adult occupants.

C. Transportation cards with the names and telephone numbers of participants' parents and physicians will be available in all Program vehicles that transport participants.

### Facility Standards

#### 1. Safety

A. Program employees will inspect Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A monthly inspection report will be completed by the Program staff and kept on file at the center.

B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.

C. Program equipment and supplies should be safe for the participants use.

D. Program employees should have First-Aid supplies available at each site, during transportation and for the duration of any off-site activity.

E. Program employees should have first-aid supplies readily available to staff in a designated location. Program employees should have an immediately accessible guide to First-Aid and emergency care.

F. Program air conditioners, electric fans, and heaters should be mounted out of participants reach or have safeguards that keep participants from being injured.

## 2. Fire

A. In case of fire, danger of fire, explosion, or other emergency, Program employee's first priority is to evacuate the participants to a designated safe area.

B. The Program site will have an annual fire inspection by the City of Abilene Fire Department, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Administrator who will review and establish deadlines and criteria for compliance. Information from this report will be included in the Director's annual report to the City Council.

C. Each Program site must have at least one (1) fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Recreation Center Coordinator, and a monthly report will be kept at the center, who will keep the report on file for a minimum of two years. All of the City of Abilene Youth Program employees will be trained in the proper use of fire extinguishers.

## 3. Health

### A. Illness or Injury

(1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.

(2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees. Paramedics will be notified in the event of an injury that cannot be remedied through basic first aid. An accident report shall be completed and copy the Recreation Supervisor.

(3) An ill Youth will not be allowed to attend or participate if the Youth is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until a medical evaluation indicating that the Youth can return to the Youth Program.

(4) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.

(5) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

B. Program employees will administer medication only if:

- (1) A parent/guardian completes and signs a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a “hold harmless” clause to protect the City.
- (2) Prescription medications are in the original containers labeled with the child’s name, a date, directions, and the physician’s name. Program employees will administer the medication only as stated on the label. Program employees will not administer medication after the expiration date.
- (3) Non-prescription medications are labeled with the child’s name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. The Program staff will administer it only according to label directions.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) Program employees must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available), medications will be kept separate from food.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and Program employees can supervise as needed.
- (2) There must be at least one flush toilet for every thirty (30) children. Urinals may be counted in the ratio of toilets to children but must not exceed fifty percent (50%) of the total number of toilets.
- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.



(2) The Program must have an adequate supply of water, meeting the standards of the Texas Department of Health for drinking water, and ensure that it will be supplied to the participants in a safe and sanitary manner.

(3) Program employees must see that garbage is removed from Program sites daily.

(4). The Program site will have an annual health inspection by the City of Abilene Health Department, and the resulting report will detail any health concerns observed. The report will be kept on file at the center. Information from this report will be included in the Director's annual report to the City Council.

#### 4. Participants

A. All participants must wear tennis shoes daily. Sandals or flip flops are not permitted.

B. Shoes must be worn at all times, unless the Youth is in the swimming pool or participating in an activity that requires no shoes to be worn.

C. Youth must respect the Employees, Program Site, and each other.