

**City Council  
Agenda Memo  
November 22, 2013**



**City Council  
Meeting Date: 12-05-13**

**TO: Larry D. Gilley, City Manager**  
**FROM: James W. Childers, Director of Community Services**  
**SUBJECT: Standards of Care for 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 16, 2013. The Parks and Recreation Professional who assisted was David Withers from Brownwood, 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. Changes were made to job descriptions to better define duties. 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 5, 2013.

**ATTACHMENTS**

Ordinance  
Exhibit “A”

Prepared by:  Name: James W. Childers Title: Director of Community Services	Item No. <u>7.1</u>	Disposition by City Council <input type="checkbox"/> Approved    Ord/Res# <input type="checkbox"/> Denied  <input type="checkbox"/> 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 thirteen 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 21st day of November, 2013.**

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 24th day of November 2013, to permit the public to be heard prior to final consideration of this ordinance.

**PASSED ON SECOND AND FINAL READING this 5th day of December 2013.**

**ATTEST:**

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

\_\_\_\_\_  
MAYOR

APPROVED:

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