

ORDINANCE 21-I

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, ESTABLISHING STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS CONDUCTED BY THE CITY OF ALVIN PARKS AND RECREATION DEPARTMENT FOR ELEMENTARY AGE CHILDREN AGES FIVE (5) THROUGH THIRTEEN (13); PROVIDING FOR COMPLIANCE WITH STATE LAW; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvin, Texas (the “City”), is a home rule municipal corporation to article 11, section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, the City operates recreation programs for children, including elementary age children (ages 5 through 13); and

WHEREAS, Chapter 42 of the Texas Human Resources Code exempts certain after-school and summer recreation programs from state licensing requirements as identified in Subsection 42.041(14) stating “an elementary-age (ages 5-13) 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 Council held a public hearing on April 15, 2021, regarding the Standards of Care for its Youth Recreation Programs for elementary age children (ages 5 through 13) before passing and approving this Ordinance 21-I, adopting such Standards of Care;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ALVIN, TEXAS, THAT:

Section 1. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. The standards of care set forth in Exhibit A attached hereto and made a part of this Ordinance for all purposes (the “Standards of Care”) are hereby adopted as the standards of care for all elementary age (ages 5 through 13) recreation programs operated by the City of Alvin, Texas (collectively “Programs” and each a “Program”), including without limitation, any summer camp program.

Section 3. All Programs are to be operated by the City of Alvin’s Park and Recreation Department (“Department”). The Director of the Department, or the Director’s designee, (individually or collectively, the “Director”), shall administer the Programs in accordance with

the Standards of Care. The Director may adopt rules in writing relating to the operations of Programs, which rules may be more restrictive than the Standards of Care. The Programs shall be operated in accordance with the Standards of Care (or, in the event the Director adopts rules that are more restrictive than the Standards of Care, in accordance with such rules).

Section 4. The Director shall provide the Standards of Care to the parents of each Program participant (and, in the event the Director adopts rules that are more restrictive than the Standards of Care, shall provide such rules to the parents of each Program participant). Further, the Director, or the Director's designee, shall inform the parents of each Program participant that the Program is not licensed by the State of Texas.

Section 5. The Program shall not be advertised as a child-care facility.

Section 6. The Director is authorized to take any and all steps, if any, as may be necessary to confirm the Program's exemption from State law as set forth in Section 42.041 of the Texas Human Resources Code.

Section 7. This Ordinance shall be cumulative of all other ordinances of the City of Alvin, Texas, and shall not repeal any of the provisions of these ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 8. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.


Section 9. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 10. This Ordinance shall take effect upon its passage and approval.

PASSED on the first and final reading on the 15th day of April 2021.

CITY OF ALVIN, TEXAS

ATTEST:

By: 

Paul A. Horn, Mayor

By: 

Dixie Roberts, City Secretary

**EXHIBIT A
TO ORDINANCE 21-I**

**STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS
ELEMENTARY AGE (5-13)**

The following Standards of Care are adopted in compliance with Section 42.041(b)(14) of the Texas Human Resources Code. The Standards of Care herein set forth are intended to be minimum standards applicable to all elementary age (ages 5 through 13) recreation Programs operated by the City of Alvin Parks and Recreation Department, including without limitation, any summer camp program and any spring break program. The Programs are recreational in nature and not designated as childcare programs nor licensed by the State of Texas.

GENERAL ADMINISTRATION

1. **Organization.**

- A. The governing body of the Youth Recreation Programs is the City Council of the City of Alvin, Texas.
- B. Implementation of the Youth Recreation Programs Standards of Care is the responsibility of the Parks and Recreation Department Director or his or her designee and Department employees.
- C. These Standards of Care will apply to all Programs, including, without limitation, the Summer Camp Program.
- D. Each Program Site will have available for public and staff review a current copy of the Standards of Care.
- E. Parents of participants will be provided a current copy of the Standards of Care during the registration process for a Program. Further, a copy of the Standards of Care shall be placed online on the City's primary website.
- F. Criminal background checks will be conducted on prospective camp program staff. The following convictions, including deferred adjudication and pretrial diversions, regardless of when the conviction occurred, will render applicant's ineligible for participation with the City of Alvin's Parks and Recreation Camp Programs:
 - (1) Any drug distribution activity, including misdemeanor or felony;
 - (2) Sexual Assault;
 - (3) Aggravated Assault;
 - (4) Child Abuse or Molestation;
 - (5) Murder;
 - (6) Kidnapping; and

- (7) Any other felony or crime involving moral turpitude, which involves acts of physical violence.

G. The following convictions within ten (10) years from the date of application for employment will render applicant's ineligible for participation with the City of Alvin's Parks and Recreation Camp Programs:

- (1) Any drug possession, including misdemeanor or felony;
- (2) Assault; or
- (3) Any other felony or crime involving moral turpitude which does not involve acts of physical violence.

2. **Definitions.** For purposes of these Standards of Care, the following words shall have the respective meaning ascribed to them:

"Camp Program Staff" means a person responsible for the direct care or supervision of participants, including volunteers and contractors. The term excludes a person whose primary duties include administration, clerical support, or facility maintenance.

"City" means the City of Alvin, Texas.

"Department" means the City of Alvin Parks and Recreation Department.

"Director" means the director of the Parks and Recreation Department.

"Designee" means a person appointed by the director to act on the director's behalf.

"Facility" means a building or improvement operated or used by the department in conducting a recreational program.

"Parent" means legal guardian of a participant.

"Participant" means a child age 5 to 13 years old that is enrolled in a recreational program and is under the supervision of department staff.

"Recreational Program or Program" means a fee-based children's program or activity offered and supervised by the department that requires a participant to enroll or register to participate.

"Staff" means a person who is employed by the department to work in a recreational program.

OPERATIONS

A. Camp Staff-Participant Ratios.

- (1) Camp programs shall have no greater than a 15/1 ratio of participant to camp program staff for children 5-9 years of age.
- (2) Camp programs shall have no greater than a 17/1 ratio of participants to camp program staff for children 10-13 years of age.
- (3) 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 problems as identified by the participant's parents during the registration process.

B. Minimum Camp Program Staff Qualifications.

- (1) Camp program staff must be at least sixteen (16) years of age.
- (2) At least fifty percent (50%) of camp program staff must possess certification from a nationally recognized body in:
 - (a) First Aid; and
 - (b) Community CPR or equivalent.
- (3) Camp program staff must complete a camp program staff orientation including but not limited to:
 - (a) An overview of the City of Alvin's Standards of Care;
 - (b) Policies including discipline, guidance, and the release of participants;
 - (c) An overview of symptoms of child abuse, neglect, and sexual abuse and the responsibility of reporting these;
 - (d) The procedures to follow in handling emergencies, including but are not limited to fire, explosion, tornado, toxic fumes, volatile persons, and severe injury or illness of a child or adult; and
 - (e) The use and locations of fire extinguishers and first aid equipment.

C. Minimum Building Standards.

- (1) The facility and equipment used shall not present any known fire, health, or safety hazards and shall be kept free of accumulations of objectionable debris.
- (2) The facility shall be subject to an annual safety inspection.

- (3) The facility shall reasonably be kept free of insects, rodents, and stray animals.
- (4) Facility buildings shall maintain clearly marked emergency exits.
- (5) A disaster and evacuation procedure shall be posted at the facility.
- (6) First-aid kits and infection control kits shall be available at the facility and taken to other locations at which the participants are engaged in program activities.
- (7) First-aid guidelines shall be on file and available at the facility.
- (8) The facility shall have a sufficient number of restrooms maintained in good repair and equipped for independent use by children and designed to permit staff supervision as needed.

D. Minimum Health and Safety Standards.

- (1) A participant who is ill or injured shall be supervised until the participant is released to a parent or other authorized person.
- (2) A participant whose illness or medical condition requires a degree of supervision by staff that would compromise the health or safety of the other participants shall be kept separate from the other participants until the participant is removed from the facility.
- (3) A participant whose illness or medical condition prevents the participant from comfortably participating in program activities or places other participants at risk may not be admitted or readmitted to the facility for the duration of the illness or condition.
- (4) A staff member may not administer medication to a participant without a written parental medication authorization. Staff may not knowingly administer medication that is not in its original container or that is past the expiration date on the container.
- (5) A staff member may not administer an amount of medication that is inconsistent with the prescribed dosage and parental direction. A staff member shall return the unused medication to the parent on the last program day.
- (6) Medication should be kept in a secured location that is not accessible by participants.
- (7) A staff member shall maintain a medication and first aid log.

E. Mechanisms for Monitoring and Enforcing Standards.

The director or designee shall monitor the camp programs for performance. Compliance with these standards will be a factor in rating the performance of the youth program.

F. Standards of Care Review.

Standards of Care will be reviewed annually and brought to the City Council for the City of Alvin, Texas, no later than April 1 for approval after a public hearing is held to pass an ordinance regarding Section 42.041(b)(14) of the Texas Human Resources Code. Childcare Licensing will not regulate these programs nor be involved in any complaint investigation related to the program.

Any parent, visitor, or staff may register a complaint by contacting the Alvin Parks and Recreation Department – Recreation Manager at 281-388- 4327.