

**TOWN OF TROPHY CLUB, TEXAS
ORDINANCE NO. 2019-11**

AN ORDINANCE OF THE TOWN OF TROPHY CLUB, TEXAS, RENEWING SECTION 1.08.001, YOUTH PROGRAMS STANDARDS OF CARE, OF DIVISION 1, GENERALLY, OF ARTICLE 1.08, PARKS AND RECREATION, OF CHAPTER 1, GENERAL PROVISIONS, OF THE TOWN OF TROPHY CLUB CODE OF ORDINANCES TO ESTABLISH YOUTH PROGRAMS STANDARDS OF CARE TO PROVIDE BASIC CHILD CARE REGULATIONS FOR DAY CAMP ACTIVITIES OPERATED BY THE TOWN OF TROPHY CLUB PARKS AND RECREATION DEPARTMENT; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENT; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN ENGROSSMENT AND ENROLLMENT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to the Charter of the Town, State law, the Town Council of the Town is empowered to adopt ordinances and rules that are for the good government of the Town; and

WHEREAS, the Human Resources Code, Section 42.041(b)(14), establishes requirements for exempting recreational programs operated by municipalities for elementary age (5-13) children from childcare licensing requirements; and

WHEREAS, in order to receive exempt status for a youth recreation program, a municipality must adopt a Youth Programs Standards of Care by Ordinance after a public hearing for the program; and

WHEREAS, a public hearing was conducted and the Town of Trophy Club Youth Programs Standards of Care was originally adopted on April 11, 2017; and

WHEREAS, the Town of Trophy Club Youth Programs Standards of Care provides basic child care regulations for day camp activities operated by the Trophy Club Parks and Recreation Department in accordance with Section 42.041(b)(14) of the Human Resources Code; and

WHEREAS, the Town Council hereby finds that renewing Section 1.08.001, Youth Programs Standards of Care, of Division 1, Generally, of Article 1.08, Parks and Recreation, of Chapter 1, General Provisions, of the Town of Trophy Club Code of Ordinances establishes Youth Programs Standards of Care that serves the best interest of the health, safety, and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TROPHY CLUB, TEXAS:

**SECTION 1.
INCORPORATION OF PREMISES**

That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
AMENDMENT**

2.01 Section 1.08.001, Youth Programs Standards of Care, of Division 1, Generally, of Article 1.08, Parks and Recreation, of Chapter 1, General Provisions, of the Town of Trophy Club Code of Ordinances is hereby renewed to establish Youth Programs Standards of Care to read in its entirety as follows:

“Chapter 1 General Provisions

...

Article 1.08 Parks and Recreation

...

Division 1. Generally

Section 1.08.001 Youth Programs Standards of Care

- (a) **Purpose.** The following Standards of Care are intended to be minimum standards by which the Town Parks and Recreation Department will operate the Town’s Youth Programs. These programs operated by the Town are recreational in nature and are not licensed by the State of Texas nor operated as day care programs. Adoption of these Standards of Care will allow the Town to qualify as being exempt from the requirements of the Texas Human Resources Code, section 42.041(b)(14).
- (b) **Definitions.** For the purpose of this division, the following terms, phrases, words and their derivation shall have the meaning given herein:

Department. Parks and Recreation Department.

Director. Town of Trophy Club Parks and Recreation Director or designee.

Employee or Counselor. Someone who has been hired to work for the Town of Trophy Club and has been assigned responsibility for managing, administering, or implementing some portion of the Town of Trophy Club’s Youth Programs.

Parent(s). A parent or guardian who has legal custody and authority to enroll a child in the Town of Trophy Club’s Summer programs.

Parent Handbook. Booklet of camp policies, procedures, required forms, organizational, and programming materials relevant to the Summer programs.

Participant. A youth whose parent(s) have completed all required registration procedures and who has been determined to be eligible for the Town of Trophy Club's Summer programs.

Program Site. Medlin Middle School or Beck Elementary

Recreation Specialist. Town of Trophy Club's full time programmer who has been assigned administrative responsibility for the Town of Trophy Club's Summer program or designee.

Recreation Superintendent. Who will handle administrative responsibility for the Town of Trophy Club's Summer program in the Recreation Specialist's absence or designee.

Summer Adventure Camp. Town of Trophy Club youth camp program during the summer.

Town. Town of Trophy Club.

Town Council. Town Council of the Town of Trophy Club.

Youth Program or Program. A town-sponsored recreational program for youth that may be offered by the park and recreation department after school, during the summer, during holidays, or during inter session. The term does not include any program or activity to which attendees are free to come and go at will without regard to the presence of a parent or other responsible adult to care for them.

(c) General Information/Administration

- (1) The governing body of the Town of Trophy Club Youth Programs is the Town of Trophy Club Town Council.
- (2) Implementation of the Standards of Care for Youth Programs is the responsibility of the Parks and Recreation Director and Parks and Recreation Department employees.
- (3) The Standards of Care apply to all Youth Programs operated by the Department including but not limited to: Summer Adventure Camp Programs.
- (4) Town Hall will have available for public review a current copy of the Standards of Care.
- (5) Parents of participants will be provided access to a current copy of the Standards of Care through the Town's web site.

- (6) Criminal background checks will be conducted on prospective Youth Program employees, when applicable. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:
- (A) A felony or misdemeanor classified as an offense against a person or family;
 - (B) A felony or misdemeanor classified as public indecency;
 - (C) A felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
 - (D) Any offense involving moral turpitude;
 - (E) Any offense that is deemed to potentially put the Town of Trophy Club or Youth Program participants at risk.
- (7) Standards of Care Review: Standards will be reviewed annually and approved by the Town Council after a public hearing is held to pass an ordinance regarding section 42.041(b)(14) of the Human Resources Code.

(d) Inspection/Monitoring/Enforcement

Standards of care established by the Town of Trophy Club will be monitored and enforced by Town Departments responsible for their respective areas as identified.

- (1) Health and safety standards will be monitored and enforced by the Town's Police, Fire and Code Enforcement Departments as required.
 - (2) The Recreation Specialist will make twice weekly visual inspections of the program.
 - (3) Complaints regarding enforcement of the Standards of Care shall be directed to the Program Coordinator. The Recreation Specialist will be responsible to take the necessary steps to address the complaint and resolve the problem, if any. Complaints regarding enforcement of the Standards of Care and resolution of complaints arising under the Standards of Care shall be recorded by the Recreation Specialist. All complaints regarding enforcement of the Standards of Care where a deficiency is noted will be forwarded to the Recreation Superintendent with the complaint and the resolution noted.
- (e) **Enrollment.** Before a child may become a participant, a parent/guardian must complete and sign registration forms that contain information pertaining to the participant and their parent(s). The following information must be provided:

- (1) Name, address, home telephone number
- (2) Parent/Guardian's name, address and telephone numbers during program hours
- (3) Emergency contacts including names and phone number during program hours
- (4) Names and driver's license numbers of people to whom the child may be released
- (5) A statement of the child's special problems, needs or medical conditions
- (6) Emergency medical authorization
- (7) Permission for field trips
- (8) Liability Waiver

(f) **Suspected Abuse.**

- (1) Program employees will report suspected child abuse or neglect in accordance with the Texas Family Code. In the case where a Town employee is involved in an incident with a child that could be construed as child abuse, the incident must be reported immediately to the Recreation Specialist and Recreation Superintendent. The Recreation Superintendent will immediately notify the Police Department and any other agency as may be appropriate.
- (2) Texas state law requires the staff of these youth programs to report any suspected abuse or neglect of a child to the Texas Department of Protective and Regulatory Services or a law enforcement agency. Failure to report suspected abuse is punishable by fine up to \$1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.

(g) **Staffing – Responsibilities and Training**

- (1) Recreation Specialist and Recreation Superintendent:
 - (A) Recreation Specialist and Recreation Superintendent are full-time, professional employees of the Town of Trophy Club Parks and Recreation Department and will be required to have all the same qualifications as outlined in Subsection (g)(2).
 - (B) Recreation Specialist and Recreation Superintendent must meet the minimum education/experience requirements for employment with the Town of Trophy Club to plan and implement recreation activities.

- (C) Recreation Specialist and Recreation Superintendent must be able to pass a background investigation including a test for illegal substances.
- (D) Recreation Specialist and Recreation Superintendent must have a current certification in First Aid, Cardiopulmonary Resuscitation (CPR) and AED. All certifications must be current during the camp operation.
- (E) Recreation Specialist is responsible for administering the programs' daily operations in compliance with the adopted Standards of Care.
- (F) Recreation Specialist is responsible for hiring, supervising, and evaluating the Summer Director, Summer Assistant Directors, and Summer Counselors.
- (G) Recreation Specialist is responsible for planning, implementing, and evaluating programs.

(2) Youth Program Staff:

- (A) Program employees include Director, Assistant Director(s), and Counselors.
- (B) Program employees may be full-time, part-time, or seasonal employees of the Parks and Recreation Department.
- (C) Program employees shall be age 16 or older. However, each site will have at least one employee age 21 or older on site at all times.
- (D) Program employees should consistently exhibit competency, good judgment, and self-control when working with participants.
- (E) Program employees must relate to participants with courtesy, respect, tolerance, and patience.
- (F) Program employees must have a current certification in First Aid, Cardio Pulmonary Resuscitation (CPR) and AED. All certifications must be current during the camp operation.
- (G) Program employees must pass a background investigation when applicable, including testing for illegal substances.
- (H) Program employees will be responsible for providing participants with an environment in which they can feel safe, enjoy wholesome recreation activities, and participate in appropriate social opportunities with their peers.

- (I) Program employees will be responsible to know and adhere to all Town, Departmental, and youth program standards as well as policies and procedures that apply to the youth programs.
- (J) Program employees must ensure that participants are only released to a parent or authorized person, designated by the parent or guardian. If a parent wishes their child to sign himself in or out the parent must provide specific, written authorization.

(3) Training and Orientation

- (A) The department is responsible for providing training and orientation to program employees in working with children and for specific job responsibilities.
- (B) Program employees will be provided with a staff manual.
- (C) Program employees must be familiar with the Standards of Care for Youth Programs as adopted by the Town Council.
- (D) Program employees must be familiar with the program policies including discipline, guidance, and release of participants as outlined in the staff manual.
- (E) Program employees will be trained with appropriate procedures to handle emergencies.
- (F) Program employees will be trained in areas including Town departmental program policies, procedures, leading activities, and safety issues.
- (G) Program employees will be required to sign an acknowledgement that they have received the required training.

(h) Operations

(1) Staff to Participant Ratio

- (A) The standard ratio of participants to staff is 1:15 based on average daily attendance. In the event a program employee is unable to report to the program site, the Recreation Specialist will assign a replacement.
- (B) Program employees are responsible for being aware of the participants' habits, interests, and special needs as identified by the participant's parent/guardian during the registration process.

(2) Discipline

- (A) Program employees will implement discipline and guidance in a consistent manner based on the best interest of program participants.
- (B) There will be no cruel treatment or harsh punishment.
- (C) Program employees may use brief, supervised separation from the group if necessary.
- (D) As necessary, program employees will initiate behavior reports to the parents of participants. Parents will be asked to sign the behavior reports to indicate they have been advised about specific problems or incidents.
- (E) A sufficient number and/or severe nature of a discipline report(s) as indicated in the program manual may result in a participant being suspended 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.

(3) Programming

- (A) Program employees will attempt to provide activities for each group according to participants' age, interests, and abilities. The activities will be appropriate to participants' health, safety, and well-being. The activities must be flexible and promote the participants' emotional, social, and mental growth.
- (B) Program employees will attempt to provide indoor and outdoor time periods to include:
 - (i) Alternating active and passive activities;
 - (ii) Opportunity for individual, small and large group activities, and
 - (iii) Outdoor time each day as 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.

- (i) During trips, program employees must have access to emergency medical forms and emergency contact information for each participant;
- (ii) Program employees must have a written list of participants in the group and must check the roll frequently, specifically before departure to and from location; and
- (iii) Program employees must have first aid supplies and emergency care available on field trips.

(4) Communication

- (A) Each program site will have access to a telephone for use in contacting Department staff or making emergency calls.
- (B) The Recreation Specialist will make available the following telephone numbers to all employees at each site:
 - (i) Emergency services
 - (ii) Trophy Club Police Department dispatch
 - (iii) Parks and Recreation Department
 - (iv) Poison Control
 - (v) Numbers at which parents/guardians may be reached
 - (vi) Recreation Specialist
 - (vii) Recreation Superintendent
 - (viii) Telephone and address for the program site itself
 - (ix) Field trip destinations

(5) Transportation

- (A) Before a participant can be transported to and from Town-sponsored activities, the field trip release statement must be marked by the parent/guardian on the registration form.
- (B) First aid supplies will be available in all program vehicles that transport children.

(C) All program vehicles used for transporting participants must have available a portable fire extinguisher and must be accessible to the adult occupants.

(D) Seatbelts must be worn when provided.

(i) Facility Standards

(1) Safety

(A) Program employees will inspect the program site daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A weekly inspection report will be completed by the program employees and kept on file by the Recreation Specialist.

(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 must have first aid supplies readily available at each site, during transportation to an off-site activity, and for the duration of the off-site activity.

(E) Air conditioners, electric fans, and heaters must be mounted out of participants reach or have safeguards that keep participants from being injured.

(2) Fire

(A) In case of fire, danger or fire, explosion or other emergency, program employees' first priority is to evacuate the participants to a designated safe area.

(B) Each program site must have at least one fire extinguisher approved by the fire marshal readily available to all program employees.

(C) All program employees will be trained in proper use of fire extinguishers as well as locations of fire extinguishers through the program site.

(3) Illness or Injury

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

(B) Illnesses or injuries will be handled in a manner to protect the health of all participants and employees.

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

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

(4) Medication

(A) Parent/guardian must complete and sign a medication release that provides authorization for program staff to dispense medication with details as to times and dosages. The release will include a hold harmless clause to protect the Town.

(B) Prescription medications must be in the original containers labeled with the participants' name, a date, directions, and the physician's name. The prescribing physician must provide written guidelines. Program employees will administer medication only as stated on the label. Program employees will not administer medication after the expiration date.

(C) Non-prescription medications are labeled with the participant's name and the date the medication was brought to the youth program. Non-prescription medication must be in the original container. The program employees will administer medication only according to the label directions and with written parental permission.

(D) Medications dispensed will be limited to those not requiring special knowledge or skills on the part of the program employees.

(E) Program employees will ensure medications are inaccessible to participants. If necessary, medication will be kept in the refrigerator.

(5) Special Needs

(A) Every reasonable accommodation will be made to address special needs participants.

(B) For health and safety reasons, special needs participants must provide a personal attendant for assistance in feeding, changing of clothes, and using the restroom if needed.

(6) Toilet Facilities

(A) The program site will have toilets located inside and equipped so participants can use them independently and program employees can monitor as needed.

(B) There must be one flush toilet for every 30 participants. Urinals may be counted in the ratio of toilets to participants, but must not exceed 50% of the total number of toilets.

(C) An appropriate and adequate number of lavatories will be provided.

(7) Sanitation

(A) Program sites must have adequate light, ventilation, air conditioning, and heat.

(B) 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 in a safe and sanitary matter.

(C) Employees must see that garbage is removed from buildings daily.”

**SECTION 3.
SAVINGS AND REPEALER**

This Ordinance shall be cumulative of all other ordinances of the Town affecting setting Fee Schedules and shall not repeal any of the provisions of such ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; whether such ordinances are codified or uncodified, and all other provisions of the Ordinances of the Town of Trophy Club, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. Notwithstanding the foregoing, any complaint, action, cause of action or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such repealed Ordinance(s) shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall be deemed to remain and continue in full force and effect.

**SECTION 4.
SEVERABILITY**

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or its application to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the Town Council hereby declares it would have passed such remaining portions of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 5.
ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Trophy Club is hereby directed to engross and enroll this Ordinance in accordance with the Town Charter.

**SECTION 6.
EFFECTIVE DATE**

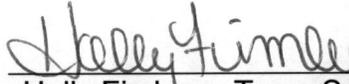
PASSED AND APPROVED by the Town Council of the Town of Trophy Club, Texas this 9th day of April 2019.



C. Nick Sanders, Mayor
Town of Trophy Club, Texas

[SEAL]

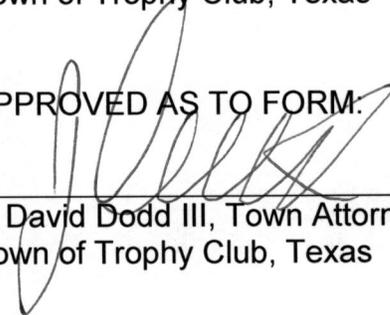
ATTEST:



Holly Fimbres, Town Secretary
Town of Trophy Club, Texas



APPROVED AS TO FORM:



J. David Dodd III, Town Attorney
Town of Trophy Club, Texas