ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ESTABLISHING STANDARDS OF CARE NECESSARY FOR A DAY CARE LICENSING EXEMPTION FOR YOUTH CAMP PROGRAMS OPERATED BY THE CITY OF ALLEN PARKS AND RECREATION DEPARTMENT; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, in order to receive exempt status for a youth recreation program, a municipality must adopt standards of care by ordinance after a public hearing for the program; and requirements; and,

WHEREAS, the Allen Parks and Recreation Youth Program Standards of Care will provide basic child care regulations for day camp activities operated by the City of Allen Parks and Recreation Department in accordance with Texas Human Resources Code § 42.041(b)(14); and,

WHEREAS, the City Council after conducting a public hearing on March 13, 2018, and affording full and fair citizen feedback for the Allen Parks and Recreation Youth Programs; and,

WHEREAS, the City Council after conducting a public hearing for the Allen Parks and Recreation Youth Programs was held on March 13, 2018.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The City Council of the City of Allen adopts the Allen Parks and Recreation Youth Program Standards of Care for providing basic child care regulations for day camp activities operated by the City of Allen Parks and Recreation Department, which include staffing ratios, minimum qualifications, minimum facility, health and safety standards, and mechanisms for monitoring and enforcing the adopted local standards.

SECTION 2. A copy of the Allen Parks and Recreation Youth Program Standards of Care, herein adopted, are attached hereto as Exhibit A and incorporated as if set forth in full.

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, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

SECTION 4. This ordinance shall take effect immediately from and after its passage and publication of the caption in accordance with the provisions of the Charter of the City of Allen, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 13TH DAY OF MARCH 2018.

APPROVED:

Stephen Terrell, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(PGS:4-21-16:TM 76568)

ATTEST:

Shelley B. George, TRMC, City Secretary

CITY OF ALLEN CAMP PROGRAMS STANDARDS OF CARE

The Standards of Care are intended to be minimum standards by which the City of Allen Parks & Recreation Department will operate the City's Camp Programs. The following Standards of Care are required by the Texas Human Resources Code, Section 42.041 (b) (14), as approved by the Texas Legislature during the 85th legislative session.

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.

The following basic childcare regulations are the minimum Standards of Care by which the City of Allen Parks and Recreation Department will operate Camp Programs. Standards of Care are adopted annually as an ordinance by the Allen City Council. The programs operated by the City are recreational in nature and are not child or day care programs. The City is exempt from the requirements of the Texas Human Resources Code and is not licensed by the State to offer daycare programs.

GENERAL ADMINISTRATION

1. Organization
    - A. The governing body of the Camp Program is the City Council of the City of Allen, Texas.
    - B. Implementation of the Camp 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 Camp Programs, including, without limitation, the Summer Camp Program, Spring Break Program and Holiday 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 website.
    - F. Criminal background checks will be conducted on prospective Program employees. If results of a criminal background check indicate that a prospective Program employee has been arrested, charged with, or convicted of any of the following offenses, the prospective Program employee will not be considered for employment:
        - i. a felony or a misdemeanor classified as an offense against a person or family member;
        - ii. a felony or misdemeanor classified as public indecency;
        - iii. any offense for which a person is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure;
        - iv. a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance and;
        - v. any offense involving moral turpitude.

2. Definitions

For purposes of these Standards of Care, the following words shall have the respective meanings ascribed to them:

A. *City* means the City of Allen, Texas.
B. *City Council* means the City Council of the City.
C. *Department* means the Parks and Recreation Department of the City.
D. *Director* means the Parks and Recreation Department Director of the City or his or her designee.
E. *Employee(s)* means people who have been hired to work for the City of Allen and have been assigned responsibility for managing, administering, or implementing some portion of a Program.
F. *Parent(s)* means one or both parent(s) or adults who have legal custody and authority to enroll their child(ren) in a Program.
G. *Participants* means a youth whose parent(s) have completed all required registration procedures and determined to be eligible for a Program.
H. *Camp Programs* means the Summer Camp Program, Spring Break Camp Program and the Holiday Camp Program.
I. *Center Supervisor or Recreation Program Supervisor* means a full-time Department employee who is a supervisor and has been assigned administrative responsibility for the Programs.
J. *Program Employee* means a Department part-time or seasonal employee who has been assigned responsibility by the Center Supervisor or Recreation Program Supervisor to implement the City's camp programs.
K. *Program Manual* means a notebook of policies, procedures, required forms, and organizational and programming information relevant to each Program.
L. *Program Site* means area and facilities where a Program is held, consisting of but not limited to the Joe Farmer Recreation Center, 1201 E. Bethany, Allen, Texas, 75002.

3. Inspections/Monitoring/Enforcement
    A. A written inspection report will be prepared by the Recreation Program Supervisor each month to confirm the Standards of Care are being adhered to.
        i. Each monthly inspection report will be sent by the Recreation Program Supervisor to the Center Supervisor for review and kept on record in accordance with the City's records retention policy
        ii. The Center Supervisor will review the report and establish deadlines and criteria for compliance with the Standards of Care where failure to comply is determined.
    B. The Recreation Program Supervisor will make visual inspections of the Programs based on the following schedule:
        i. The Summer Camp Program will be inspected a minimum of two times during the Summer Camps' Program schedule.
        ii. The Spring Break Camp Program will be inspected at least once during the Spring Break Camp Program schedule.
        iii. The Holiday Camp Program will be inspected at least once during the Holiday Camp Program schedule.
        iv. Each other Program will be inspected at least once each week during the schedule for the Program.
    C. Complaints regarding enforcement of the Standards of Care should be directed to the Recreation Program Supervisor. The Recreation Program Supervisor will be responsible to take the necessary steps to address any complaints and to resolve the problem(s), if any. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded in writing by the Recreation Program Supervisor. All complaints regarding enforcement of the Standards of Care where a deficiency is

determined will be forwarded to the Center Supervisor, in a timely manner, with the complaint and the resolution noted.

4. Enrollment
   Before a child can be enrolled in a Program, the parents must sign registration forms that contain the following information about the child:
   A. name, address, home telephone number;
   B. name and address of parent(s) and telephone number(s) during Program hours;
   C. the names and telephone numbers of people to whom the child can be released;
   D. proof of residency within the City when appropriate; and
   E. a fully executed liability waiver and release.

5. Suspected Abuse
   A. Program Employees will report suspected child abuse or neglect in accordance with the Texas Family Code. In the case where an employee is involved in an incident with a child that could be construed as child abuse, the incident must be reported immediately to the Center Supervisor. The Center Supervisor will then immediately notify the Recreation Manager, the City Police Department and any other agency as may be appropriate.
   B. Texas state law requires the employees of the 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 fines up to $1,000 and/or confinement up to 180 days. Confidential reports may be made by calling 1.800.252.5400.

STAFFING - RESPONSIBILITIES AND TRAINING

1. Center Supervisor
   A. Qualifications
      i. The Center Supervisor will be a full-time, professional employee of the Department.
      ii. Work experience requires broad knowledge in a general profession or technical field. Knowledge is normally acquired through four years of college resulting in a Bachelor's Degree in Parks and Recreation or related field preferred or equivalent experience in Parks and Recreation or related field in lieu of education. Related Fields/Experience including but not limited to: Parks, Recreation and Tourism Therapeutic Recreation; Gerontology/Nutrition; Kinesiology, Sports Management or Physical Education; Ice Rink Operations or Management; Golf Operations or Programming.
      iii. The Center Supervisor must have over two years up to and including three years of relevant experience.
      iv. The Center Supervisor must successfully complete pre-employment screenings, which consist of a drug test, criminal background check and driving record check.
      v. The Center Supervisor must have successfully completed a course in first aid and cardio pulmonary resuscitation (CPR) and possess a Texas Class C Driver’s License within 4 months of hire.
   B. Responsibilities
      The information listed below is intended to describe the general nature and level of work being performed by individuals assigned to this position. They are not intended to be an exhaustive list of all responsibilities, duties and skills required of this position.
      i. Oversees operation of Recreation Center, its staff and its related programs by developing and maintaining budget for facility programs and personnel. Reconciles financial transactions and records, makes daily deposits, processes

and approves refunds, monitors payroll activities, maintains inventory, procures maintenance services for facility and equipment, ensuring quality of programs and enforcing and developing policies and procedures.

ii. Provides computer related support by troubleshooting computer problems, training staff on new and existing computer systems, diagnosing Class/ActiveNet Software and online registration issues and providing computer assistance to department staff. Operates in all applicable system modules pertinent to job assignment, trains staff on use of computer systems and compiles data from computer systems.

iii. Ensures customer service by addressing and resolving complaints from the public, makes discretionary decisions regarding customer related issues, educates and trains staff on customer service practices, and holds staff accountable for expected customer service delivery goals.

iv. Supervises personnel by conducting the hiring process including selecting candidates and interviewing for open positions, training staff, promoting and maintaining positive work environment for optimum staff morale, evaluating staff performance and conducting performance reviews, administering staff meetings, scheduling staff, holding staff accountable for expectations, handling staff concerns and suggestions and administering disciplinary actions as needed.

v. Ensures safe and proper maintenance of facilities by coordinating preventative maintenance, repairs and capital improvements with appropriate personnel and/or vendors and ensures cleanliness of facility and premises.

vi. May work varied shifts including opening, closing and weekend hours as assigned.

2. Recreation Program Supervisor

A. Qualifications

i. The Recreation Program Supervisor will be a full-time, professional employee of the Department.

ii. Work experience requires broad knowledge in a general profession or technical field. Knowledge is normally acquired through four years of college resulting in a Bachelor's Degree in Parks and Recreation or related field preferred or equivalent experience in Parks and Recreation or related field in lieu of education. Related Fields/Experience including but not limited to: Parks, Recreation and Tourism; Therapeutic Recreation; Gerontology/Nutrition; Kinesiology, Sports Management or Physical Education; Ice Rink Operations or Management Golf Operations or Programming.

iii. The Recreation Program Supervisor must have over two years up to and including three years of relevant experience.

iv. The Recreation Program Supervisor must successfully complete pre-employment screenings, which consist of a drug test, criminal background check and driving record check.

v. The Recreation Program Supervisor must have successfully completed a course in first aid and cardio pulmonary resuscitation (CPR) within four months of hire and possess a Texas Class C Driver’s License within 4 months of hire.

B. Responsibilities

The information listed below is intended to describe the general nature and level of work being performed by individuals assigned to this position. They are not intended to be an exhaustive list of all responsibilities, duties and skills required of this position.

i. Supervises personnel and contract instructors by interviewing applicants for open positions, coordinating training, observing and monitoring work tasks, developing program staff, evaluating work performance, writing performance

evaluations, assisting employees to correct deficiencies, scheduling the necessary employees for facility operations and submitting time sheets for payroll. Position has direct oversight of Recreation Specialist II's at the center.

ii. Develops and implements various programs by assessing the needs of citizens, identifying the types of programs to offer, recruiting and hiring qualified instructors for new programs, negotiating class and instructor fees, preparing goals and cost analysis for 110% plus cost recovery, scheduling program dates, reserving facilities for programs, purchasing and maintaining equipment and materials needed, and advertising programs to the general public. This position will act in a liaison role to civic organizations and community partners on events; will research and lead the coordination of partnership of national/state affiliated programs as well as corporate partnerships that benefit the division.

iii. Assists with facility operations by addressing and resolving complaints and concerns from the public, responding to emergencies when required, preparing facilities for programs, rentals and special events and ensuring the cleanliness of facilities.

iv. Monitors the allocation of resources by ensuring that the supplies necessary for the operation of the facility are maintained, ordering new supplies and equipment, evaluating and recommending the budgetary needs for operations and creating vendor lists. Position is responsible for vendor and instructor payment processing and budget oversight of relevant to such.

3. Camp Counselor
    A. Qualifications
        i. The Camp Counselor will be a temporary seasonal Program Employees of the Department.
        ii. The Camp Counselor must have a High School Diploma or G.E.D.
        iii. Must have a desire to work with children and be able to work all eleven weeks of summer camp. Prior day camp experience or experience programming camp activities preferred. Experience working with youth preferred.
        iv. The Camp Counselor must successfully complete pre-employment screenings, which consist of a drug test, criminal background check and driving record check.
        v. Required to have a CPR Certification and First Aid Certification before June 1st (training provided), Valid Texas Class C Driver's License
    B. Responsibilities
        i. Camp Counselors will be responsible for the supervision and activities of approximately 10-12 children ages 6-12 in an outdoor and indoor nature environment.
        ii. Counselor will plan and carry out such activities as hiking, arts and crafts, sports, drama, swimming, and field trips.

4. Training/Orientation
    A. The Department is responsible for providing training and orientation to Program Employees working with children and for specific job responsibilities. The Recreation Program Supervisor will provide each Program Employee with a Program manual specific to the applicable Program.
    B. Program Employees must be familiar with the Standards of Care for Program operation as adopted by the City Council.
    C. Program Employees must be familiar with the Program's policies, including discipline, guidance, and release of Program participants as outlined in the Program Manual.
    D. Program Employees will be trained in appropriate procedures to handle emergencies.

E. Program Employees will be trained in areas including City, Department, and Program policies and procedures, provision of recreation activities, safety issues, and organization goals.
F. Program Employees will be required to sign an acknowledgement that they received the required training.

OPERATIONS

1. Staff-Participant Ratio
    A. The standard ratio of Program participants to Program Employees will be no greater than 15 to 1. In the event an employee assigned to a Program is unable to report to the Program Site, a replacement will be assigned.
    B. Program Employees are responsible for being aware of the participant's habits, interests, and any special problems as identified by the participant's parent(s) during the registration process.

2. Discipline
    A. Program Employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
    B. There must be no cruel, harsh or corporal punishment or treatment used as a method of discipline.
    C. Program Employees may use brief, supervised separation from the group if necessary.
    D. As necessary, Program Employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
    E. A sufficient number and/or severe nature of discipline reports as detailed in the Program Manual may result in a participant being suspended or removed from the Program or all Programs.
    F. In instances where there is a danger to participants or employees, 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 Program according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and wellbeing. The activities also must be flexible and promote the participants' emotional, social, and mental growth.
    B. Program Employees will attempt to provide indoor and outdoor time periods that include:
        i. alternating active and passive activities;
        ii. opportunity for individual and group activities, and
        iii. outdoor time each day weather permits.

4. Communication
    A. The Program Site will have a cell phone and land line to allow the Program Employees to be contacted by Department employees and vice versa.
    B. The Recreation Program Supervisor will post the following telephone numbers adjacent to a telephone accessible to all Program employees:
        i. City ambulance or emergency medical services;
        ii. City Police Department
        iii. City Fire Department
        iv. Joe Farmer Recreation Center front desk;
        v. Parks and Recreation Administrative office and;
        vi. Numbers at which parents may be reached.

5. Transportation
    A. Program Employees will be attentive and considerate of the Participant's safety on field trips and during any transportation provided by the Program.
    B. Transportation for field trips is provided by school buses through the Allen Independent School District. In the event said school district buses are unavailable, department will ensure suitable transportation is provided.
    C. During field trips, Program Employees will have emergency contact information for each Participant.
    D. Program Employees will have a roster of Participants in their group and must account for all participants frequently, specifically before departure to and from destination.
    E. Before a participant may be transported to and from City-sponsored activities, participants must be registered for the field trip.
    F. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
    G. Designated Program Employees will carry a cell phone at all times during the duration of the field trip.
    H. Participants will be oriented to expected behavior and safety rules.

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.
    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 must be safe for the participants' use.
    D. Program Employees must have first aid supplies readily available at the Program Site, during transportation to an off-site activity, and for the duration of any off-site activity.

2. Fire
    A. An emergency evacuation plan will be posted at the Program Site. In a situation where evacuation is necessary, the first priority of Program Employees is to make sure all participants are in a safe location.
    B. The Program Site will have an annual fire inspection by the local Fire Marshal, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Center Supervisor who will review and establish deadlines and criteria for compliance if any deficiencies or concerns are determined to exist.
    C. The Program Site must have at least one fire extinguisher readily available to all Program employees. All Program Employees will be trained in the proper use of fire extinguishers.
    D. Fire drills will be initiated at Program Sites based on the following schedule:
        i. Summer Camp Program: A fire drill twice during the session.
        ii. Spring Break Camp and Holiday Camp Program: A fire drill once during the session.

3. Health
    A. Illness or Injury.
        i. A participant who is considered to be a health or safety concern to other participants or Program Employees will not be admitted to a Program.
        ii. Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.

iii. Program Employees will follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the Program Manual.
iv. Program Employees will follow the guidelines of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

4. Medication Administration
    A. A Medication Consent Form must be completed and on file for each prescription the child receives during the hours of operation.
    B. Staff will administer medication only with written parental permission through a Medication Consent Form and will administer medication only as stated on the label directions or as amended by the physician.
    C. Over-the-counter medications will be administered only if a Medication Consent Form has been completed, are in the original container and by label directions only.
    D. If medication dosage has changed during the summer, a new Medication Consent Form must be completed.
    E. All medication must be in the original container and be labeled with the child's name, the date (if prescription), include directions on how to administer, and include the physician's name (if prescription).
    F. Medications requiring refrigeration must be noted on the Medication Consent Form.
    G. Inhalers and peak flows must have instructions.
    H. Staff will store and administer medications at the prescribed time as noted on the Medication Consent Form.
    I. Parents/Guardians are responsible for removing medication at the end of the program or when the child is withdrawn. Any medication left on-site will be properly disposed of two weeks after the completion of Camp S.T.A.R.
    J. Epinephrine-Pens
        i. Summer staff is trained to assist children in administering their Epinephrine-Pens in case of an Anaphylactic Shock. If a child is not able to self-administer the injection, staff will do so if a completed Medication Consent Form is on file. A separate Medication Consent Form is required specifically for Epinephrine-Pens including information about the allergy(s) and the administration of the Epinephrine-Pen.
        ii. If an Epinephrine-Pen is administered, 911 and the parent/guardian will be contacted immediately.

5. Toilet Facilities
    A. The Program Site will have indoor toilets located and equipped so participants can use them independently.
    B. An appropriate and adequate number of lavatories will be provided.

6. Sanitation
    A. The Program site will have adequate light, ventilation, and heat.
    B. The Program site will 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.
    C. Program Employees will ensure that garbage is removed from buildings daily.