



## **ORDINANCE NO. 3449**

**AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING STANDARDS OF CARE FOR YOUTH PROGRAMS OFFERED BY THE FARMERS BRANCH PARKS AND RECREATION DEPARTMENT ADOPTED BY ORDINANCE NO. 3397; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Human Resource Code, Section 42.041(b)(14) establishes requirements to exempt recreational programs operated by municipalities for elementary age (5-13) children from State child care 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, then submit a copy of program standards, a notice of the public hearing for the program and a copy of the ordinance adopting the standards to the State; and

**WHEREAS**, the City Council after conducting a public hearing and affording a full and fair hearing to all citizens, and in the exercise of legislative discretion, has concluded that the standards of care previously adopted should be amended as set forth in Exhibit "A" attached hereto and should be approved;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:**

**SECTION 1.** The standards of care for youth programs offered by the Parks and Recreation Department of the City of Farmers Branch, Texas, attached hereto as Exhibit "A", are hereby adopted. As required by Texas Human Resource Code, Section 42.041(b)(14), the Standards adopted by this ordinance include staffing ratios; minimum staff qualifications; minimum facility, health, and safety standards; and mechanisms for monitoring and enforcing the adopted local standards.

**SECTION 2.** All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 3.** If any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this Ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

**SECTION 4.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,  
TEXAS, ON THIS THE 21<sup>ST</sup> DAY OF JUNE, 2017.**

**ATTEST:**

**APPROVED:**

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**Amy Piukana, City Secretary**

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**Robert C. Dye, Mayor**

**APPROVED AS TO FORM:**

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**Peter G. Smith, City Attorney**  
(PGS:6-7-17:102.86873)

## **EXHIBIT “A”**

### **FARMERS BRANCH YOUTH PROGRAMS’ STANDARDS OF CARE**

The following Standards of Care have been adopted by the City Council of the City of Farmers Branch, Texas in order to comply with Senate Bill 212 as approved by the Texas Legislature during the 74th legislative session. The Standards of Care are intended to be minimum standards by which the City of Farmers Branch Parks and Recreation Department will operate the City's Youth Programs. The programs operated by the City are recreational in nature and are not day care programs.

#### **GENERAL ADMINISTRATION**

##### **1. Organization**

- A. The governing body of the City of Farmers Branch Youth Programs is the Farmers Branch City Council.
- B. Implementation of the Youth Programs Standards of Care is the responsibility of the Parks and Recreation Department Director and Departmental employees.
- C. Youth Programs ("Program") to which these Standards of Care will apply are the Summer Funshine Program and the Holiday Craze Program.
- D. The Youth Program site will have available for public and staff review a current copy of the Standards of Care. The Standards of Care are also available on the City's website.
- E. Parents of participants will be provided a current copy of the Standards of Care during the registration process if requested.
- F. Criminal background checks will be conducted on prospective Youth Program employees (ages 18 and older). 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:
  - (1) a felony or a misdemeanor classified as an offense against a person or family;
  - (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;
  - (4) any offense involving moral turpitude;
  - (5) any offense that would potentially put youth participants or the City of Farmers Branch at risk.

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### **2. Definitions**

- A. City: City of Farmers Branch
- B. City Council: City Council of the City of Farmers Branch
- C. Department: Parks and Recreation Department of the City of Farmers Branch
- D. Youth Programs or Program: City of Farmers Branch Youth Programs consisting of the Summer Funshine Program and the Holiday Craze Program
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Farmers Branch Youth Programs
- F. Director: City of Farmers Branch Parks and Recreation Department Director or his or her designee
- G. Program Supervisor: City of Farmers Branch Parks and Recreation Department full-time Programmer who has been assigned administrative responsibility for a Farmers Branch Youth Program
- H. Program Supervisor/Leader or Supervisor/Leader: City of Farmers Branch Parks and Recreation Department part-time employee who has been assigned responsibility to implement the City's Youth Programs
- I. Program Site: Area and facility where Farmers Branch Youth Programs are held consist of the Farmers Branch Community Recreation Center.
- J. Participant: A youth whose parent(s) have completed all required registration procedures and determined to be eligible for a Farmers Branch Youth Program
- K. Parent(s): This term will be used to represent one or both parent(s) or adults who have legal custody and authority to enroll their child(ren) in Farmers Branch Youth Programs
- L. Employee(s): Term used to describe people who have been hired to work for the City of Farmers Branch and have been assigned responsibility for managing, administering, or implementing some portions of the Farmers Branch Youth Programs
- M. Recreation Center: The Farmers Branch Community Recreation Center located at 14050 Heartside in Farmers Branch and which hosts the Summer Funshine Program and the Holiday Craze Program

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### **3. Inspections/Monitoring/Enforcement**

- A. A monthly inspection report will be initiated by the Supervisor of each Program to confirm the Standards of Care are being adhered to.
  - (1) Inspection reports will be sent to the Director for review and kept on record for at least two years.
  - (2) The Director will review the report and establish deadlines and criteria for compliance with the Standards of Care.
- B. The Director will make visual inspections of the Program based on the following schedule:
  - (1) The Summer Funshine Program will be inspected twice during its summer schedule.
  - (2) The Holiday Craze Program will be inspected once during the winter break and once during the spring break.
- C. Complaints regarding enforcement of the Standards of Care will be directed to the Supervisor. The Supervisor will be responsible to take the necessary steps to resolve the problems. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Supervisor. Serious complaints regarding enforcement of the Standards of Care will be addressed by the Director and the complaint and the resolution will be noted.
- D. The Director will make 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.

### **4. Enrollment**

- A. Before a child can be enrolled, a parent must sign registration forms that contain the child's:
  - (1) name, address, phone number;
  - (2) name and address of parents and phone number during Program hours;
  - (3) the names and phone numbers of people to whom the child can be released;
  - (4) a statement of the child's special problems or needs;
  - (5) emergency medical authorization;
  - (6) proof of residency when appropriate; and
  - (7) a liability waiver.

### **5. Suspected Abuse**

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Program employees will report suspected child abuse or neglect in accordance with the Texas Family Code. In the case where a City 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 Superintendent. The Superintendent will immediately notify the Police Department and any other agency as may be appropriate.

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 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**

6. Youth Program Supervisor ("Supervisor") Qualifications
  - A. Supervisors will be full-time, professional employees of the Farmers Branch Parks and Recreation Department and will be required to have all Program Leader qualifications as outlined in Section 7 of this document.
  - B. Supervisors must be at least 21 years old.
  - C. Supervisors must have a bachelor's degree from an accredited college or university. Acceptable degrees include:
    - (1) Recreation Administration or General Recreation
    - (2) Physical Education
    - (3) Any other comparable degree plan that would lend itself to working in a public recreation environment
  - D. Supervisors must have two years experience planning and implementing recreational activities.
  - E. Supervisors must pass a background investigation including testing for illegal substances.
  - F. Supervisors must have successfully completed a course in first aid and Cardio Pulmonary Resuscitation (CPR) based on either American Heart Association or American Red Cross standards.
  - G. Supervisors must be able to furnish proof of a clear tuberculosis test within 12 months prior to their employment date.
7. Supervisor's Responsibilities
  - A. Supervisors are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.
  - B. Supervisors are responsible to recommend for hire, supervise, and evaluate Leaders.

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- C. Supervisors are responsible to plan, implement, and evaluate programs.
- 8. Youth Program Leader ("Leader") and Youth Program Supervisor ("Program Supervisor") Qualifications
  - A. Leaders/Program Supervisors will be part-time or temporary employees of the Parks and Recreation Department.
  - B. Leaders/Program Supervisors working with children must be age 16 or older; however, each site will have at least one employee 18 years old or older present at all times.
  - C. Leaders/Program Supervisors should be able to consistently exhibit competency, good judgement, and self- control when working with children.
  - D. Leaders/Program Supervisors must relate to children with courtesy, respect, tolerance, and patience.
  - E. Leaders/Program Supervisors must have successfully completed a course in first aid and CPR based on either American Heart Association or American Red Cross standards. An exception can be made for no more than one staff person at each site, and that person shall successfully complete a first aid and CPR course within four weeks of starting work.
  - F. Each Leader/Program Supervisors applicant must be able to furnish proof of a clear tuberculosis test within the 12 months prior to their employment date.
  - G. Leaders/Program Supervisors must pass a background investigation including testing for illegal substances.
- 9. Leader/Program Supervisors Responsibilities
  - A. Leaders/Program Supervisors will be responsible to provide participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
  - B. Leaders/Program Supervisors will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to Farmers Branch Youth Programs.
  - C. Leaders/Program Supervisors must ensure that participants are released only to a parent or an adult designated by the parent. All Program sites will have a copy of the Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Leader.
- 10. Training/Orientation
  - A. The Department is responsible for providing training and orientation to Program employees in working with children and for specific job responsibilities. Supervisors will provide each Leader with a Program manual specific to each Youth Program.
  - B. Program employees must be familiar with the Standards of Care for Youth Program operation as adopted by the City Council.

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- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of 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, Departmental, and Program policies and procedures, provision of recreation activities, safety issues, child psychology, and organization.
- F. Program employees will be required to sign an acknowledgement that they received the required training.

### **OPERATIONS**

#### **11. Staff-Participant Ratio**

- A. In a Farmers Branch Youth Program, the standard ratio of participants to Leaders will be 20 to 1. In the event a Leader is unable to report to the Program site, a replacement will be assigned.
- B. Each participant shall have a Program employee who is responsible for him or her and who is aware of the participant's habits, interests, and any special problems as identified by the participant's parent(s) during the registration process.

#### **12. 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 or harsh punishment or treatment.
- 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 from the Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program site as soon as possible.

#### **13. Programming**

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also must be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide that indoor and outdoor time periods include:



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- (1) alternating active and passive activities;
    - (2) opportunity for individual and group activities, and
    - (3) outdoor time each day 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.
    - (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 must have a written list of the participants in the group and must check the roll frequently.
    - (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
14. Communication
- A. Program Employees will have access to a telephone for making emergency calls.
  - B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at the Recreation Center.
    - (1) Farmers Branch ambulance or emergency medical services.
    - (2) Farmers Branch Police Department.
    - (3) Farmers Branch Fire Department.
    - (4) The Farmers Branch Community Recreation Center.
    - (5) Child Protective Services.
    - (6) Poison Control.
15. Transportation
- A. Before a participant may be transported to and from city sponsored activities, a transportation form, completed by the parent of the participant, must be filed with the Coordinator.
  - B. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
  - C. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and must be accessible to the adult occupants.

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### FACILITY STANDARDS

#### 16. 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 daily inspection report will be completed by Program employees and kept on file by the Coordinator.
- 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 each site, during transportation to an off-site activity, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.

#### 17. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- 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 Director 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 Council.
- C. The Program site must have at least one fire extinguisher approved by the Fire Marshal readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Coordinator's supervisor who will keep the report on file for a minimum of two years. 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:
  - (1) Summer Funshine Program: A fire drill twice during the session.
  - (2) Holiday Craze: A fire drill once during the fall and spring sessions.

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### 18. Health

#### A. Illness or Injury

- (1) A participant who is considered to be a health or safety concern to other participants or employees 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.
- (3) Program employees will follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the Program manual.
- (4) 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) Parent(s) complete and sign 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) Nonprescription 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. Program employees will administer it only according to label direction.
- (4) Epinephrine-Pens
  - a. Staff is trained to assist children in administering their Epinephrine-Pen in case of Anaphylactic Shock. If a child is not able to self-administer the injection, staff may do so if a completed Medicine Form is on file. A separate Medicine Consent Form is required specifically for Epinephrine-Pens including information about the allergy(s) and the administration of the Epinephrine Pen. In addition, if an Epinephrine Pen is administered, 9-1-1 will be called and the parent/guardian will be contacted immediately.

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- (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 staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be counted in the ratio of toilets to children, but they must not exceed 50% of the total number of toilets.

### **D. Sanitation**

- (1) An appropriate and adequate number of lavatories will be provided.
- (2) The Program facilities must have adequate light, ventilation, and heat.
- (3) 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.
- (4) Program employees must see that garbage is removed from buildings daily.