

CITY OF SEGUIN

AN ORDINANCE OF THE SEGUIN CITY COUNCIL AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 74, PARKS, CREATING ARTICLE IV, STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES.

WHEREAS, the Parks and Recreation Department (“Department”) operates a recreation program for elementary age children as a service to residents of the City of Seguin (“City”), and surrounding communities; and

WHEREAS, the State of Texas has adopted licensing requirements and regulations under Chapter 42 of the Texas Human Resources Code for facilities providing care to children, with which all facilities must comply, unless an exemption under Section 42.041(b) applies; and

WHEREAS, Section 42.041(b)(14) of the Texas Human Resources Code provides an exemption from the requirements of Chapter 42 to a municipality operating a recreation program for elementary age children (5-13 years); and

WHEREAS, on November 5, 2014, the City received an exemption from the requirements of Chapter 42 of the Texas Human Resources Code from the Texas Department of Family and Protective Services (“TDFPS”) regarding the Jammin’ After-School Adventures for Me and Camp Spring Break programs; and

WHEREAS, on April 17, 2015, the City received an exemption from the requirements of Chapter 42 of the Texas Human Resources Code from the TDFPS regarding the Just for Kids Summer Day Camp program; and

WHEREAS, the TDFPS will not monitor the City’s Department’s youth recreation programs because the exempt status has been granted, and the TDFPS will not be responsible for investigating complaints regarding the City’s Department’s youth recreation programs, so that any complaints shall be made to the City’s Department; and

WHEREAS, the City’s standards of care for the City’s Department’s youth recreation programs must be adopted annually by the City Council, after public hearing, in order to maintain the exemption under Section 42.041(b)(14) of the Texas Human Resources Code; and

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

SECTION 1. All of the above premises are found to be true and correct and are adopted into this Ordinance as if fully set forth therein.

SECTION 2. The Seguin Code of Ordinances, Chapter 74, Parks and Recreation, is hereby amended to create a new Article IV to read as follows:

Article IV. Standards of Care for Youth Recreation Programs

Sec. 74-90. – Applicability

(a) The City of Seguin operates several Youth Recreational Programs that could be regulated by the Texas Department of Family and Protective Services.

(b) The City may remain exempt from direct regulation and monitoring by the Texas Department of Family and Protective Services by annually adopting Standards of Care that shall apply to all city Youth Recreation Programs and insuring that its programs comply with the standards of care.

Sec. 74-91. - Adoption and Compliance

(a) The City Council hereby adopts local standards of care for the Department’s youth recreation programs in compliance with the requirements of Texas Human Resources Code Section 42.041(b)(14). The standards of care adopted by this Ordinance are available for inspection in the office of the Department Town.

(b) The local standards of care (“Standards of Care”), as set forth in Exhibit “A” which is attached to the ordinance adopting the Standards of Care are incorporated by reference for all purposes as if written word for word herein, and are hereby adopted by the City Council as the Standards of Care for Department of the City. The Standards of Care are available for inspection in the office of the Department.

(c) The Parks and Recreation Department shall operate all youth recreation programs in compliance with the Standards of Care adopted through this Ordinance.

(d) The Standards of Care shall be provided to the parents of children who participate in the City’s Youth Recreation Programs.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

SECTION 6. This ordinance shall be effective upon ten (10) days following passage on second reading.

PASSED AND APPROVED on first reading on the 15th day of December, 2015.

PASSED AND APPROVED on second reading on the 5th day of January, 2016.

DON KEIL, Mayor

ATTEST:

Thalia Stautzenberger, City Secretary