

STATE OF TEXAS

Ordinance No. _____

CITY OF SEGUIN

AN ORDINANCE OF THE SEGUIN CITY COUNCIL AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 74, PARKS, AMENDING ARTICLE IV, STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, the City’s standards of care for the City’s Department’s youth recreation programs were adopted by Ordinance, after a public hearing, on January 5, 2016, as set forth in Exhibit “A”; 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. A public hearing to take comments and testimony on the revised Standards was conducted on the 21st of February.

SECTION 3. The Seguin Code of Ordinances, Chapter 74, Parks and Recreation, is hereby updated with a revised Exhibit "A" which is attached to this Ordinance.

SECTION 4. 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 5. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

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

PASSED AND APPROVED on first reading on the 21st day of February, 2017.

PASSED AND APPROVED on second reading on the 7th day of March, 2016.

DON KEIL, Mayor

ATTEST:

Naomi Manski, City Secretary