

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 readopted by Ordinance, after a public hearing, on March 7, 2017, 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 20<sup>th</sup> 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 20<sup>th</sup> day of February, 2018.**

**PASSED AND APPROVED on second reading on the 27<sup>th</sup> day of February, 2018.**

---

**DON KEIL, Mayor**

**ATTEST:**

---

**Naomi Manski, City Secretary**