

**ORDINANCE NO. 1624-24-04-23**

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE  
READOPTING CODE OF ORDINANCES TITLE IX GENERAL  
REGULATIONS, CHAPTER 95 PARKS AND RECREATION  
SUBCHAPTER 95.50 YOUTH PROGRAMS STANDARDS OF  
CARE; REPLACING ALL ORDINANCES IN CONFLICT;  
CONTAINING A SAVINGS CLAUSE AND DECLARING AN  
EFFECTIVE DATE.**

WHEREAS, Human Resources Code Section 42.041 (b)(14) provides exemption to childcare licensure requirements for 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; and

WHEREAS, the City of Pflugerville wishes to meet the requirements of Human Resources Code Section 42.041 (b)(14) and to adopt youth program standards of care to serve as the minimum standards by which the parks and recreation department will operate the city's youth programs; and

WHEREAS, the City of Pflugerville will each year conduct a public hearing and adopt the standards of care for its youth programs as required by Texas Human Resources Code §42.041 (b) (14); and

WHEREAS, the City of Pflugerville has conducted a public hearing for this adoption and finds it appropriate to now adopt these youth program standards of care.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

I.

Miscellaneous

THAT the City Council of the City of Pflugerville hereby readopts the following: **Chapter 95.50 Youth Programs Standards of Care** to the Code of Ordinances of the City of Pflugerville, Texas attached as Exhibit A; and

THAT the City Council will annually adopt Youth Program Standards of Care by ordinance following a public hearing for such programs in accordance with Human Resources Code Section 42.041 (b)(14).

II.

Severability.

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.


III.

Effective Date.

This Ordinance shall take effect upon its passage and adoption by the City Council.

PASSED AND APPROVED this 23rd day of April, 2024.

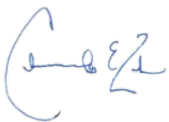
CITY OF PFLUGERVILLE, TEXAS

By:   
Victor Gonzales, Mayor

ATTEST:

  
Trista Evans, City Secretary

APPROVED AS TO FORM:

  
Charles Zech, City Attorney

## EXHIBIT A

### RECREATIONAL PROGRAMS STANDARDS OF CARE

#### § 95.50 PURPOSE AND INTENT

This article and the standards of care established in this article are adopted by the City of Pflugerville in compliance with Human Resources code 42.041(b)(14) in order to exempt Pflugerville Parks and Recreation Programs from state child care licensing requirements. These standards of care are intended to be minimum standards by which the city will operate its parks and recreation department recreation programs. The programs operated by the city are recreational in nature and are not child-care programs. Texas law requires the adoption of health and safety standards to insure the safety of children in our City programs.

#### § 95.51 DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means the Parks and Recreation Department of the City.

Parent means a person who:

1. Is a natural parent, an adoptive parent, or a step parent of a youth;
2. Is, under court order, the guardian of a youth or is a public or private agency with whom a youth has been placed by a court; or
3. Otherwise has legal custody or is the primary caregiver and has the authority to enroll a youth in the recreation program.

Participant means a youth whose parent has completed all required registration procedures and who is determined by the director to be eligible to participate in the recreation program.

Program Director means the Director of the Parks and Recreation Department or the Director's authorized representative.

Program manual means a notebook of policies, procedures, required forms, and organizational and programming information relevant to the city's recreation program, as promulgated or otherwise approved by the director.

Program site means facilities and or administrative sites for the recreation programs.

Recreation program means a city-sponsored recreational program for youth that may be offered by the parks and recreation department after school or at other hours. The term also includes any program or activity to which attendees are free to come and go at will without regard to the presence of a parent or other responsible adult to care for them.

Program Employee means a full-time professional employee of the department who is responsible for managing the recreational facility where the recreation program is conducted and managing the daily or seasonal operations of the recreation program including activity planning, staff training, scheduling and supervision, enforcement of all rules, and is responsible for managing overseeing planning, and administration, of the Pflugerville Recreation Center and implementation of the recreation program. They are also responsible for scheduling and

providing a developmentally appropriate, safe recreational environment for the youth participating in recreation programs. In addition, Program Employee means any person hired to work for the department who is assigned responsibility for managing, administering, or implementing some portion of the recreation program. The term includes program director and program employee.

Standards of care means all provisions contained in this article.

Youth means a person who is no more than 15 years of age.

## **§ 95.52 ADMINISTRATION**

1. The Program Director shall implement, administer, and enforce the recreation program standards of care. The Program Director may, by written order establish such rules, regulations, and policies, not inconsistent with this article, as the director determines are necessary to discharge any duty under to effectuate the policies of this article.
2. No recreation program may be advertised as a child care program or facility.
3. When registering for the recreation program, each participant's parent will be provided an opportunity to read and/or have a copy of these standards of care and will be informed that the recreation program is not licensed by the state. A current copy of the standards of care shall also be available at the program site for inspection and review by the public and by program employees.
4. The Program Director, through the Human Resources department of the city, shall cause a criminal background check to be conducted on each prospective after-school or recreation program employee who is 16 years or older. If results of that criminal background check indicate that an applicant has been convicted of any of the following offenses, the applicant will not be considered for employment:
  - a. A felony or a misdemeanor classified as an offense against a person or family;
  - b. A felony or a misdemeanor classified as public indecency;
  - c. A felony or a misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;
  - d. Any offense involving moral turpitude; or
  - e. Any offense that would potentially put participants or the city at risk.
5. The provisions of this article are administrative in nature and are not subject to criminal penalties.

## **§ 95.53 INSPECTION, MONITORING AND ENFORCEMENT**

1. The Program Employee shall initiate an inspection report for the recreation program to confirm that the standards of care are being met. Each inspection report will be sent to the Program Director for review and kept on record for at least three years.
2. When programs are in session, a Program Employee shall make a monthly inspection of the recreation program site for compliance with the standards of care and shall provide a report to the Program Director. The Program Director shall review the report and establish deadlines and criteria for program compliance with the standards of care, as necessary.
3. Any complaint regarding enforcement of the standards of care at the recreation program must be directed to the Program Employee. The Program Employee shall take necessary steps to resolve each problem. The complaint and its resolution must be recorded with the Program Director. The Program Director shall address any complaint regarding enforcement of the standards of care that cannot be resolved by the Program Employee.

## **§ 95.54 ENROLLMENT**

Before a youth is enrolled in the recreation program, a parent must sign registration forms that contain the following information:

1. The youth's name, date of birth (with proof of age), age, address, home telephone number, grade level, and school name. Children are to be no more than 15 (fifteen) years of age;
2. The name and address of each parent, a home telephone number, and a telephone number where each parent may be reached during program hours;
3. The name and telephone number of the youth's physician;
4. The name and telephone number of the person that can be contacted in case of an emergency if the parent cannot be reached;
5. The name, telephone number, and relationship to the youth of each person to whom the child may be released;
6. A statement of the youth's special accommodations or limitations if any;
7. A statement of the youths allergic reactions;
8. A list of medications the youth is taking
9. Transportation authorization;
10. Photo release;
11. An emergency medical authorization;
12. A liability waiver; and
13. An acknowledgement that the parent has been informed and understands that the program is not licensed by the state as a child care facility.

## **§ 95.55 SUSPECTED ABUSE**

Every program employee shall report child abuse or neglect in accordance with the Texas Family Code.

## **§ 95.56 PROGRAM DIRECTOR**

The Program Director must meet all of the following qualifications:

1. Be at least 21 years of age;
2. Have a bachelor's degree from an accredited college or university or the equivalent in one of the following areas:
  - a. Recreation administration or general recreation;
  - b. Elementary education; Physical education; or Any other comparable degree plan that lends itself to working in a public recreation environment;
3. Have 2-3 years of experience in providing recreation or leisure time services;
4. Have a minimum of one year administrative and supervisory experience;
5. Pass a background investigation including but not limited to testing for illegal substances; and
6. Have a valid Texas driver's license and a driving record which meets current city auto liability insurance requirements.

The Program Director is responsible for:

1. The overall operation of the Pflugerville Recreation Center,

2. Planning, developing and implementing programs, while managing daily facility and staff operations;
3. Providing staff assistance to the director;
4. Monitoring program compliance with appropriate federal, state and local rules and regulations;
5. Monitoring and evaluating city sponsored recreation programs;
6. Maintaining appropriate records and preparing requested reports; and
7. Knowing and following all city, departmental, and program standards, policies and procedures that apply to city sponsored recreation programs.

#### **§ 95.57 PROGRAM EMPLOYEE QUALIFICATIONS AND RESPONSIBILITIES**

1. Each Program Employee must meet all of the following qualifications;
  - a. Be 16 years of age or older;
  - b. Have successfully completed a course and obtained certification for the current year in first aid and cardiopulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards;
  - c. Pass a background investigation including but not limited to testing for illegal substances; and
  - d. Must have received their High School Diploma or GED, or be actively working toward their High School Diploma or GED.
  - e. Conducting activities, while interacting and supervising youth; and
  - f. Knowing and following all city, departmental, and program standards, policies and procedures that apply to the recreation program

#### **§ 95.58 TRAINING AND ORIENTATION**

1. The department shall provide training and orientation to program employees relating to working with youth in general and relating to the specific job responsibilities of each employee. The Program Director and/or Program Employee shall provide staff with a program manual specific to the recreation program.
2. Each program employee will be trained in appropriate procedures for handling emergencies and in other areas including but not limited to city, departmental, and program policies and procedures, provisions of recreation activities and safety issues.
3. Each program employee will be required to sign an acknowledgement that the employee received the training required under this section.

#### **§ 95.59 STAFF PARTICIPANT RATIO**

1. In the seasonal camp recreation program, the maximum ratio of participants to staff will be 12:1.
2. At all times at least one employee who is 16 years of age or older must be present at the program site.

#### **§ 95.60 DISCIPLINE**

1. A program employee shall implement discipline and guidance in a consistent manner based on the best interests of program participants.
2. No corporal punishment or treatment may be used. A program employee may use brief, supervised separation of a participant from the group, if necessary.

3. As necessary, program employees shall provide discipline reports to the parents of participants. A parent will be asked to sign a participant's discipline report to indicate that the parent has been advised about a specific problem or incident.
4. An excessive number of discipline reports or discipline reports of a severe nature, as described in the program manual, may result in a participant being suspended from a program.
5. Any participant who poses a danger to other participants or staff will be removed from the program site as soon as possible.

#### **§ 95.61 PROGRAMMING**

1. A program employee shall plan, organize, instruct, direct and provide activities according to the participant's ages, interests and abilities. The activities shall be appropriate, structured, and well prepared to each participant's health, safety, and well-being.
2. A program employee shall encourage all youth to participate in the various program activities.
3. A program employee shall stress friendliness, fair play and good sportsmanship to all participants.
4. A program employee shall be attentive and considerate of the participants' safety on field trips and during any transportation provided by the program. A program employee must have a written list of all participants in each group and shall check the roll frequently.
5. During trips, each program employee who supervises participants shall maintain immediate access to the emergency medical forms and emergency contact information for each participant. First aid supplies and a guide to first aid and emergency care must be readily available to each program employee on every field trip.

#### **§ 95.62 COMMUNICATION**

The program site must have a mobile telephone/radio for use in contacting department personnel and making emergency calls.

#### **§ 95.63 TRANSPORTATION**

1. Before a participant may be transported to or from a city-sponsored activity, a transportation form, completed by a parent of the participant, must be filed with a coordinator.
2. Every program vehicle used for transporting youth participants must be equipped with:
  - a. First aid supplies and a first aid emergency care guide that are easily accessible to program employees in the vehicle; and
  - b. An operable fire extinguisher that is installed in the passenger compartment of the vehicle and that is easily accessible to program employees in the vehicle.

#### **§ 95.64 RELEASE OF PARTICIPANTS**

1. A participant will be released from the recreation program only to a parent or to a person designated by the parent in the registration forms.
2. If the parent or other person designated by the parent to pick up the youth is unknown to program staff, a participant will be released from the recreation program only after photo identification is reviewed against the information provided in the registration forms.

#### **§ 95.65 FACILITY STANDARDS**

## 1. Safety.

- a. Program Employees shall inspect the program site daily to detect sanitation and safety concerns that might affect the health and safety of the participants. All sanitation or safety concerns shall be reported by program employees to the coordinator or the Program Director, who will keep a log of the concerns reported and how each concern was handled. The log will be kept for a minimum of three years.
- b. All buildings, grounds, and equipment at the program site must be inspected, cleaned, repaired, and maintained to protect the health of the participants. Program Employees shall report any needed repairs or damage to the recreation facility to the Program Director. The Program Director will cause the repair or damage to be taken care of immediately and will keep a log of the outcome for a minimum of three years.
- c. All equipment and supplies used in a program must be safe for use by the participants.
- d. First aid supplies must be readily available to all program employees at the program site, during transportation to an off-site activity, and for the duration of any off-site activity. A program employee shall maintain first aid supplies in a designated location, readily available to staff. Each program employee must at all times have immediate access to a guide to first aid and emergency care.
- e. Air conditioners, electric fans and heaters at the program site must be mounted out of the participants' reach or have safeguards that keep participants from being injured.

## 2. Fire

- a. In case of fire, danger of fire, explosion, or any other emergency, a program employee's first priority is to evacuate the participants to a designated safe area.
- b. The program site must have at least one fire extinguisher that is readily available to all program employees.
- c. Fire drills will be initiated at the program site twice a year.

## 3. Health

- a. A youth who is considered to be a health or safety concern to other participants or employees will not be admitted to a program.
- b. Illnesses and injuries will be handled in a manner that protects the health of all participants and employees.
- c. A program employee shall follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the program manual.
- d. Each program employee shall follow the recommendation of the state department of health concerning the admissions of any participant after a communicable disease.

## 4. Water

- a. Recreation programs that engage in water activities will be conducted as follows:
  - i. Parents will indicate their participant's swimming ability at the time of program registration.
  - ii. Participants who have been identified as at risk during the registration process will be required to wear a provided personal flotation device during any organized water activities.
  - iii. Participants who have been identified as swimmers at time of registration will be required to complete a swim test to verify skill level. If the participant does not pass the swim test, they will be required to wear a personal flotation device.



5. Medication. Only the Program Director or their authorized Program Employees will be allowed to administer oral, nasal, topical or EpiPen medications to participants. The Program Director will record each instance when medication is administered. Parents must have signed a Medications Form to include:
  - a. Name of medication;
  - b. Amount of medication;
  - c. Time of day medication is to be administered;
  - d. Duration (not to exceed one week). If duration will be longer than one week, a new medication form will be needed.
6. Toilet facilities. The program site must have toilets and be equipped so that participants can use them independently and program employees can supervise as needed.
7. Sanitation.
  - a. The program site must have adequate light, ventilation and heat.
  - b. The program must be provided with an adequate supply of water meeting the standards of the state department of health for drinking water. A program employee shall ensure that water is supplied to participants in a safe and sanitary manner.
  - c. Program Employees shall ensure that garbage is removed daily from the program site and ensure that all food and crumbs have been swept and thrown away.