

**ORDINANCE NO. 2019-676**

**AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AMENDING CHAPTER 15, ARTICLE VIII, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS, PROVIDING NEW DEFINITIONS AND PROVISIONS RELATED TO YOUTH STANDARDS OF CARE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.**

WHEREAS, the City of Cedar Hill, Texas, is a home-rule municipal corporation within the State of Texas with full power of local self governance; and

WHEREAS, the City Council of the City of Cedar Hill, Texas, finds and determines that the City's current Parks & Recreation Ordinance is in need of an amendment related to the operations of camps for youths and entitled "Youth Standards of Care;" and

WHEREAS, the City Council of the City of Cedar Hill, Texas, finds and determines that it is in the best interest of the public health, safety and general welfare of the citizens of Cedar Hill, Texas, to amend the Youth Standards of Care Ordinances as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS, THAT:**

**SECTION 1. AMENDMENT OF CHAPTER 15, ARTICLE VIII, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS**

The City Council of the City of Cedar Hill, Texas, hereby amends Chapter 15, Article VIII, of the Code of Ordinances of the City of Cedar Hill as follows:

**ARTICLE VII. YOUTH PROGRAM STANDARDS OF CARE**

**Sec. 15-34. Definitions.**

The following definitions apply to this article, in addition to the definitions outlined in Article I, Section 15-1.

*Camp Director:* The Youth Program Camp Director, a full-time, professional employee of Cedar Hill Action Team or Dogwood Canyon Audubon Center or other organization, not less than 21 years of age with a minimum two years of experience planning and implementing recreational, youth activities.

*Counselor(s):* Those individuals hired and employed by the City or Cedar Hill Action Team and/or the City of Cedar Hill who are assigned responsibility for managing, administering, or implementing some portion of the Youth Program.

*Department:* The Cedar Hill Parks & Recreation Department.

*Parent(s):* One or both Parents or other adult with legal custody and authority to enroll a child or children in the Youth Program.

*Participant:* A youth whose parent(s) have completed all required registration procedures and who is eligible for the Youth Program.

*Recreation Center Manager:* The full-time Department employee or his/her designated representative, who is responsible for the management of the Recreation Center including personnel, programs, space allocation and overseeing management, administration and implementation of the Youth Program.

*Site:* Dogwood Canyon Audubon Center located at 1206 West F.M., Cedar Hill, TX 75104; Alan E. Sims Cedar Hill Recreation Center, 310 E. Parkerville Road, Cedar Hill, TX 75104

*Special Needs:* any of various difficulties, such as a physical, emotional, behavioral, or learning disability or impairment, that causes an individual to require additional or specialized services or accommodations.

*Staff:* The person(s) authorized to attend and assist with the Youth Program.

*Youth:* A child aged five (5) to thirteen (13) years.

*Youth Program:* The City children's camp and after-school children's care recreation program.

*Youth Program Manual:* The notebook of policies, procedures, required forms, and organizational and programming information relevant to the Youth Program.

**Sec. 15-35. Purpose.**

- (1) This article shall define the standard of care for the City's Youth Program.
- (2) This article allows the City to operate the Youth Program without adopting the state-prescribed day care standards of care and licensing requirements.
- (3) The City declares its Youth Program is not required to be and will not be licensed by the state, and the Youth Program will not be advertised as a child-care facility or program in accordance with state law.

**Sec. 15-36. Administration.**

- (1) The governing body of the Youth Program is the City Council. Implementation of the Youth Program Standards of Care is the responsibility of the Parks and Recreation Department Director and the Department employees. These standards of care will apply to the Youth Program. The Program Site will have available, for public and staff review, a current copy of the Youth Program Standards of Care. Parents of Participants will be provided a current copy of the Youth Program Standards of Care during the Youth Program registration process. Criminal background checks will be conducted on prospective Youth Program Staff in the same manner in which the City

conducts criminal background checks on all City employees. No Person is allowed to be hired as staff for the Youth Program if the Person fails to satisfy the general City background check standards.

- (2) Before a Participant may be enrolled, a Parent must sign registration forms that contain:
  - a. Name, address, home telephone number of the Participant;
  - b. Name, address and telephone number of both Parents who may need to be contacted during Youth Program hours;
  - c. Alternate emergency contact information;
  - d. The names, telephone numbers and driver's license numbers of people to whom the Participant may be released;
  - e. A statement of the Participant's special problems or needs, including allergies;
  - f. Emergency medical authorization;
  - g. Proof of residency; and
  - h. A liability release that encompasses all personal injury, including death, and property damage resulting from participation in the Youth Program.
- (3) A monthly inspection report will be initiated by the Camp Director of each Youth Program to confirm adherence to the Youth Program Standards of Care. Inspection reports will be sent to the Recreation Center Manager for review and kept on record for at least two years. The Recreation Center Manager will review the report and establish deadlines and criteria for compliance with the Youth Program Standards of Care. The Recreation Center Manager will make visual inspections of the Youth Program no less than twice during each Youth Program period.
- (4) Complaints regarding enforcement of the Youth Program Standards of Care will be directed to the Camp Director. The Camp Director will be responsible to take the necessary steps to resolve the problems. Complaints not involving threats to life safety, regarding enforcement of the Youth Program Standards of Care and their resolution, will be recorded by the Recreation Center Manager. Complaints involving life safety as related to enforcement of the Youth Program Standards of Care will be addressed by the Recreation Center Manager and the complaint and resolution will be noted.
- (5) The Recreation Superintendent or designee will make an annual report to the Park Board on the overall status of the Youth Program and their compliance with the Youth Program Standards of Care.

**Sec. 15-37. Standards of care.**

- (1) Staff-Participant ratio.
  - a. The standard ratio of Participants to Counselors will be no more than twenty (20) to one. In the event a Counselor is unable to report to the Site, a replacement will be assigned; and
  - b. Each Participant shall have a Youth 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 during the registration process.
- (2) Discipline.
  - a. Youth Program employees will implement discipline and guidance in a consistent manner based on the best interests of Participants;

- b. There shall be no cruel, harsh, or physically administered punishment or treatment;
  - c. Youth Program employees may use brief, supervised separation from the group if necessary;
  - d. As necessary, Youth 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 Youth Program Manual may result in Participant being suspended from the Youth Program; and
  - f. In instances where there is a danger to Participants or Staff, the offending Participant will be removed from the Site as soon as possible.
- (3) Programming.
- a. Youth Program employees will attempt to provide activities for each group according to the Participants' ages and appropriate to Participants' health, safety, and well-being. The activities will be flexible and attempt to promote the Participants' emotional, social, and mental growth;
  - b. Youth Program employees will attempt to provide Youth Programs that include:
    - 1. Alternating active and passive activities;
    - 2. Opportunity for individual and group activities; and
    - 3. Outdoor time at frequent intervals if weather permits.
  - c. Youth Program employees will be attentive and considerate of the safety of Participants on field trips and during any transportation provided by the Youth Program;
  - d. During trips, Youth Program employees supervising Participants must have immediate access to emergency medical forms and emergency contact information for each Participant;
  - e. Youth Program employees must have a written list of the Participants in the group and must check the roll frequently; and
  - f. Youth Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
- (4) Communication.
- a. The Site will have a telephone to allow the Site to be contacted by Department personnel and the Site will have access to a telephone for use in contacting the City or making emergency calls; and
  - b. The Camp Director will post the following telephone numbers adjacent to a telephone accessible to all Youth Program employees at the Site:
    - 1. City ambulance or emergency medical services;
    - 2. Recreation Center Manager;
    - 3. City police department;
    - 4. City fire department;
    - 5. City Government Center;
    - 6. City Parks and Recreation Department;
    - 7. Numbers at which parents may be reached; and
    - 8. The telephone number for the Site itself.
- (5) Transportation.

- a. Before a Participant may be transported to and from Youth Program activities, an authorization form, completed by the Parent of the Participant, must be filed with the Camp Director;
  - b. First aid supplies and a first aid and emergency care guide will be available in all Youth Program vehicles that transport children; and
  - c. All Youth Program vehicles used for transporting Participants for field trips and other activities offered as part of the program during typical program hours 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.
- (6) Safety.
- a. Youth Program employees will inspect the Site daily to detect sanitation and safety concerns that might affect the health and safety of the Participants;
  - b. Buildings, grounds, and equipment on the Site will be inspected, cleaned, repaired, and maintained as needed to protect the health and safety of the Participants;
  - c. Youth Program employees must have first aid supplies and a guide to first aid and emergency care readily available at the Site, during transportation to an off-site activity, and for the duration of any off-site activity;
  - d. Youth Program air conditioners, electric fans, and heaters must be mounted out of the reach of Participants or have safeguards that keep Participants from being injured; and
  - e. Youth Program porches and platforms more than 30 inches above the ground must be equipped with railings Participants can reach.
- (7) Fire.
- a. In case of fire, danger of fire, explosion, or other emergency, the first priority of Youth Program employees is to evacuate the Participants to a designated safe area;
  - b. The Site will have an annual fire inspection by the local fire department, 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 Park Board;
  - c. The Site must have at least one fire extinguisher approved by the fire marshal readily available to all Youth Program employees. The fire extinguisher is to be inspected quarterly, and a quarterly report will be forwarded to the Recreation Center Manager 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; and
  - d. Fire drills will be initiated at the Site during each weekly, program period.
- (8) Illness or injury.
- a. A Participant who is considered to be a health or safety concern to other Participants or employees will not be admitted to the Youth Program;
  - b. Illnesses and injuries will be handled in a manner to protect the health of all Participants and employees;

- c. Youth Program employees will follow plans to provide emergency care for injured Participants with symptoms of an acute illness as specified in the Youth Program Manual; and
  - d. Youth Program employees will follow the recommendation of the Texas Department of Health concerning the admission or re-admission of any Participant after a communicable disease.
- (9) Medication.
  - a. Youth Program employees will not administer medication, but may dispense them only if:
    - 1. Staff will not dispense medication to any child in camp. Staff will alert children on when to take medication as directed by the directions on the original prescription bottle.
    - 2. Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name.
    - 3. Non-prescription medications are labeled with the child's name and the date the medication was brought to the program. Non-prescription medication must be in the original container. Youth Program employees will not dispense any medication.
    - 4. Youth 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.
- (10) Toilet facilities.
  - a. The Site will have toilets located and equipped so Participants can use them independently and Youth Program Staff can supervise as needed;
  - b. An appropriate and adequate number of toilets and lavatories will be provided.
- (11) Sanitation.
  - a. The Site must have adequate light, ventilation, and heat;
  - b. The Youth 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; and
  - c. Youth Program employees must properly dispose of garbage and debris from the program area daily.
- (12) Special Needs
  - a. Every reasonable accommodation will be made to address special needs participants.
  - b. For health and safety reasons, special needs Participants must provide a personal attendant for assistance in feeding, changing of clothes, and using the restroom.

**Sec. 15-38. Youth Program staff.**

Staff qualifications and responsibilities:

- (1) Camp Director qualifications:
  - a. Will be a full-time, professional employee of the contract instructor not less than 21 years of age;
  - b. Must have two years' experience planning and implementing youth recreational activities;
  - c. Must pass a background investigation including testing for illegal substances;
  - d. Must be CPR / AED certified; and
  - e. Must be certified in First Aid
- (2) Camp Director responsibilities:
  - a. Administers the daily operations of the Youth Program in compliance with the Youth Program Standards of Care;
  - b. Recommends for hire, supervises, and evaluates Counselors;
  - c. Plans, implements, and evaluates the daily activities of Youth Program; and
  - d. Investigates allegations or concerns regarding suspected child abuse and will report suspected child abuse or neglect immediately to the Recreation Center Manager or other authority in accordance with the Texas Family Code.
- (3) Counselor qualifications:
  - a. Part-time or temporary employees of the contract instructor;
  - b. Will be age 17 or older; however, each site will have at least one Counselor 18 years or older present at all times;
  - c. Must pass a background investigation including testing for illegal substances;
  - d. Must be CPR / AED certified;
- (4) Counselor responsibilities:
  - a. Be able to consistently exhibit competence, good judgment, and self-control when working with Participants;
  - b. Relate to Participants with courtesy, respect, tolerance, and patience;
  - c. Provide Participants with an environment in which they can feel safe, enjoy wholesome recreation activities, and participate in appropriate social opportunities with their peers;
  - d. Be responsible to know and follow all City and Departmental standards, policies and procedures that apply to the Youth Program; and
  - e. Ensure that Participants are released only to a Parent or Person on record as being authorized by the parent for pickup. All Youth Program Sites will have a copy of the Department approved plan to verify the identity of a Person authorized to pick up a Participant.
- (5) Training and orientation:
  - a. The contractor will provide training and orientation to Counselors in working with Participants and for specific job responsibilities. Each Counselor will be provided with a Youth Program Manual specific to the Youth Program;
  - b. Counselors will be trained in appropriate procedures to handle emergencies;
  - c. Counselors will receive training in pertinent City, and Youth Program policies and procedures; and

- d. Youth Program employees will be required to sign an acknowledgment that they received the required training and are expected to conduct activities in accordance with training and the Youth Program Standards of Care.

**SECTION 2. SAVINGS CLAUSE**

In the event that any other Ordinance of the City of Cedar Hill, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

**SECTION 3. SEVERANCE CLAUSE**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such shall be deemed to be a separate, distinct and independent provision and such holding will not affect the validity of the remaining portions thereof.

**SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Cedar Hill, Texas, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

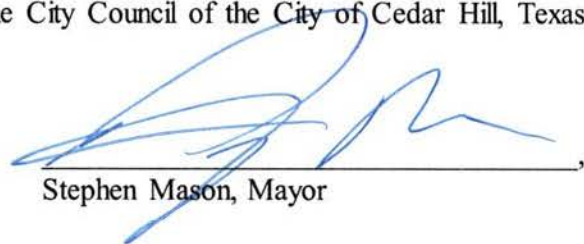
**SECTION 5. EFFECTIVE DATE**

This ordinance shall take effect immediately upon the passage, approval and adoption by the City Council of the City of Cedar Hill, Texas.

**SECTION 6. PUBLICATION**

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption hereof as an alternative method of publication as provided by law.

**PASSED, APPROVED and ADOPTED** by the City Council of the City of Cedar Hill, Texas, on this 28<sup>th</sup> day of May, 2019.

  
\_\_\_\_\_  
Stephen Mason, Mayor

ATTEST:

  
\_\_\_\_\_  
Belinda Berg, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Ron G. MacFarlane, Jr.", written over a horizontal line.

Ron G. MacFarlane, Jr., City Attorney