

ORDINANCE NO. O-19-11

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING AND CONTINUING ARTICLE VII OF CHAPTER 74 OF THE MISSOURI CITY CODE; AMENDING AND CONTINUING THE RULES AND REGULATIONS PERTAINING TO THE STANDARDS OF CARE FOR CERTAIN ELEMENTARY-AGE RECREATION PROGRAMS OPERATED BY THE CITY OF MISSOURI CITY; PROVIDING FOR REPEAL; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, Section 42.041 of the Texas Human Resources Code exempts an elementary-age recreation program operated by a municipality from licensing by the Texas Department of Family and Protective Services, provided that such municipality annually adopts standards of care for such programs by ordinance after a public hearing; and

WHEREAS, Article VII of Chapter 74 of the Missouri City Code (“Article VII”) establishes rules and regulations pertaining to the standards of care for certain elementary-age recreation programs operated by the City of Missouri City (the “City”); and

WHEREAS, the standards of care set forth in Article VII are intended to be the minimum standards by which the City Department of Parks and Recreation will operate certain elementary-age recreation programs; and

WHEREAS, the City affirms its commitment to providing quality programs and activities to the residents of the City and determines that enacting this Ordinance is necessary for the protection of public health, public safety, public property and public peace; and

WHEREAS, a public hearing was conducted where all persons interested in speaking about amending said ordinance were afforded the opportunity to do so; and

WHEREAS, based upon the comments made during such public hearings and based upon the review conducted by City staff, the City Council now determines it to be in the best interest of the general public to amend the rules and regulations providing standards of care for certain elementary-age recreation programs operated by the City; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. That the facts and recitations set forth in the preamble of this Ordinance are hereby declared true and correct.

Section 2. The City Council of the City of Missouri City conducted a public hearing on continuing the rules and regulations providing standards of care for elementary-age recreation programs and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Missouri City Code is hereby amended by deleting Section 74-222 of Division 3 of Article VII of Chapter 74 thereof and substituting therefor a new Section 74-222 of Article VII of Chapter 74 to provide as follows:

“CHAPTER 74 – PARKS AND RECREATION

ARTICLE VII. - ELEMENTARY-AGE RECREATION PROGRAMS

. . . .

DIVISION 3. - STAFF QUALIFICATIONS

. . . .

Sec. 74-222. - Minimum staff qualifications.

- (a) *Program coordinator.* A program coordinator may serve as a program leader. A program coordinator shall:
 - (1) Be at least 18 years of age; and
 - (2) Possess one of the following levels of experience and training:
 - a. Three years of community center service or recreational programming experience; or
 - b. A bachelor's degree from an accredited college or university with major course work in sports management, physical education, recreation, or a related field.
- (b) *Program leader.* A program leader may serve as a program coordinator. A program leader may be a city employee, contract worker, or volunteer of the department. The program leader is responsible for recommending, hiring, supervising and evaluating program staff. Each program site shall have at least one program leader who is 18 years of age or older present at all times.
- (c) *Program staff.* Except for volunteers, program staff shall be 16 years of age or older and trained by the director.
- (d) *Volunteers.* A volunteer shall be 16 years of age or older.”

Section 4. The City Council of the City of Missouri City herein determines that Article VII of Chapter 74 of the Missouri City Code as amended by this ordinance is continued and shall remain in full force and effect for one year, unless the City Council

of the City of Missouri City holds a public hearing and takes action to continue it for another year. Nothing herein shall affect the rights and duties that may mature or proceedings that may begin before the readoption of such ordinance.

Section 5. Repeal. All ordinances or parts of ordinances in conflict herewith, if any, shall be and are hereby repealed only to the extent of such conflict.

Section 6. Severability. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 3rd day of June, 2019.

PASSED, APPROVED and ADOPTED on second and final reading this 17th day of June, 2019.

/s/Yolanda Ford, Mayor

ATTEST:

APPROVED AS TO FORM:

/s/Maria Jackson, City Secretary

/s/James Santangelo, Assistant City Attorney
for E. Joyce Iyamu, City Attorney