

ORDINANCE NO. 2019-321

AN ORDINANCE OF THE CITY OF WACO, TEXAS, RE-ESTABLISHING STANDARDS OF CARE FOR CITY OF WACO YOUTH PROGRAMS; REPEALING ALL PREVIOUS ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Waco, through the Waco Parks and Recreation Department, Cameron Park Zoo, and the Texas Ranger Hall of Fame and Museum, provides youth programs that contribute to the overall well-being of youth and families in the City of Waco; and

WHEREAS, these youth programs will be held at the Bledsoe-Miller, Dewey, and South Waco Community Centers, Cameron Park Zoo, the Texas Ranger Hall of Fame and Museum and other "Outreach" program locations in the City of Waco; and

WHEREAS, Section 42.041(b)(14) of the Texas Human Resources Code exempts youth programs operated by a municipality from state child-care licensing requirements; and

WHEREAS, Section 42.041(b)(14) of the Texas Human Resources Code provides that in order for municipal youth programs to be exempted from state licensing requirements, the governing body of the municipality must annually adopt standards of care by ordinance after a public hearing; and

WHEREAS, this ordinance provides notice to parents and program participants that the City of Waco Youth programs are not licensed by the State of Texas and the programs are not advertised by the City of Waco as child-care facilities; and

WHEREAS, a public hearing on the standards was held on April 30, 2019; and

WHEREAS, the Director of Parks and Recreation Services, the Director of the Cameron Park Zoo, and the Director of the Texas Ranger Hall of Fame and Museum recommend that the standards of care as set forth in Exhibit "A" be adopted by the City of Waco,

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

Section 1. That all of the recitals and preambles hereinabove stated are found to be true and correct and are incorporated herein and made a part of this ordinance.

Section 2. That the Waco Youth Program Standards of Care for the City of Waco as detailed in Exhibit "A," attached hereto and incorporated herein for all purposes, is hereby approved.

Section 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. That if any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 5. That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

PASSED AND APPROVED:

FIRST READING: April 30, 2019

SECOND READING: May 21, 2019

DocuSigned by:



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Kyle Deaver, Mayor
City of Waco, Texas

ATTEST:

DocuSigned by:



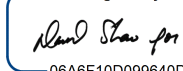
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Esmeralda Hudson, City Secretary



APPROVED AS TO FORM & LEGALITY:

DocuSigned by:



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Jennifer Richie, City Attorney

EXHIBIT “A”

WACO YOUTH PROGRAM STANDARDS OF CARE

The following Standards of Care have been adopted by the City Council of the City of Waco, Texas, pursuant to Texas Human Resources Code Section 42.041(b)(14). The Standards of Care are the minimum standards by which the City of Waco Parks and Recreation Department, the Cameron Park Zoo, and the Texas Ranger Hall of Fame and Museum will operate the City’s Youth Programs.

General Administration

1. Organization

- A. The governing body of the City of Waco Youth Program is the Waco City Council.
- B. Implementation of the Youth Program Standards of Care for all Youth Programs other than those held at the Cameron Park Zoo, and Texas Ranger Hall of Fame and Museum is the responsibility of the Director of Waco Parks and Recreation Services Department.
- C. Implementation of the Youth Program Standards of Care for Youth Programs at the Cameron Park Zoo is the responsibility of the Director of the Cameron Park Zoo.
- D. Implementation of the Youth Program Standards of Care for Youth Programs at the Texas Ranger Hall of Fame and Museum is the responsibility of the Director of the Texas Ranger Hall of Fame and Museum.
- F. Youth Programs (“Programs”) to which these Standards will apply are the programs held at the Bledsoe-Miller, Dewey, and South Waco Community Centers, the Cameron Park Zoo and “Fun-in-the-Sun”, the Texas Ranger Hall of Fame and Museum children’s programs, and other “Outreach” programs currently operated by the City of Waco, or other programs that may be subsequently designated by the City of Waco.
- G. Each Youth Program site will have available for public and staff review, a current copy of the Standards of Care.
- H. Parents of participants will be provided a current copy of the Standards of Care during the registration process.
- I. Criminal background checks will be conducted annually on all prospective and existing Youth Program volunteers and contractors. Criminal background checks will also be conducted on prospective Youth Program employees as part of the regular hiring practices of the City of Waco. If results of that criminal check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment or allowed to volunteer or contract for Youth Programs:

- (1) a felony or misdemeanor classified as an offense against a person or family;
- (2) a felony or misdemeanor classified as public indecency;
- (3) a felony or misdemeanor violation of any law intended to control the possession or distribution of any controlled substance; or
- (4) any offense that would potentially put the City of Waco at risk.

2. Definitions

- A. City: City of Waco
- B. City Council: City Council of the City of Waco
- C. Department: The term “Department” shall mean the Waco Parks and Recreation Services Department when used in connection with those Youth Programs for which the Waco Parks and Recreation Services Department is responsible, or shall mean the Cameron Park Zoo when used in connection with those Youth Programs for which the Cameron Park Zoo is responsible, or shall mean the Texas Ranger Hall of Fame and Museum when used in connection with those Youth Programs for which the Texas Ranger Hall of Fame and Museum is responsible.
- D. Youth Programs or Program: City of Waco Youth Programs held at the Bledsoe-Miller, Dewey, and South Waco Community Centers, the Cameron Park Zoo and “Fun-in-the-Sun”, youth programs held by the Texas Ranger Hall of Fame and Museum, and “Outreach” programs currently operated by the City of Waco, or any other programs subsequently designated by the City of Waco.
- E. Program Manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to Waco Youth Programs.
- F. Director: The term “Director” shall mean the Director of the Waco Parks and Recreation Services department or his or her designee when used in connection with those Youth Programs for which the Parks and Recreation Services Department is responsible, or shall mean the Cameron Park Zoo Director or his or her designee when used in connection with those Youth Programs for which the Cameron Park Zoo is responsible, or shall mean the Texas Ranger Hall of Fame and Museum Director or his or her designee when used in connection with those Youth Programs for which the Texas Ranger Hall of Fame and Museum is responsible.
- G. Program Coordinator or Coordinator: The term “Program Coordinator” or “Coordinator” shall mean the Waco Parks and Recreation Services full-time Programmer who has been assigned administrative responsibility for a Waco Youth Program for which the Waco Parks

and Recreation Services Department is responsible, or shall mean the Cameron Park Zoo Curator of Education or his or her designee when used in connection with those Youth Programs for which the Cameron Park Zoo is responsible, or shall mean the Director or assigned staff member when used in connection with those Youth Programs for which the Texas Ranger Hall of Fame and Museum is responsible.

- H. Program Specialist: The term “Program Specialist” shall mean the City of Waco Service employee full-time programmer who has been assigned day-to-day responsibilities to implement the City’s Youth Program for which the Waco Parks and Recreation Services Department is responsible, or shall mean the Cameron Park Zoo employee full-time programmer or volunteer who has been assigned day-to-day responsibilities to implement the Youth Program for which the Cameron Park Zoo is responsible, or shall mean the Texas Ranger Hall of Fame and Museum employee, full-time programmer, or volunteer who has been assigned day-to-day responsibilities to implement the Youth Program for which the Texas Ranger Hall of Fame and Museum is responsible.
- I. Program Leader or Leaders: The term “Program Leaders” or “Leaders” shall mean any Waco Parks and Recreation Services employee (full-time or part-time) who has been assigned responsibility to implement the City’s Youth Programs for which the Waco Parks and Recreation Services Department is responsible, or shall mean any Cameron Park Zoo employee or trained volunteer who has been assigned responsibility to implement those Youth Programs for which the Cameron Park Zoo is responsible, or shall mean any Texas Ranger Hall of Fame and Museum employee or trained volunteer who has been assigned responsibility to implement those Youth Programs for which the Texas Ranger Hall of Fame and Museum is responsible.
- J. Program Site: Any area or facility where Waco Youth Programs are held.
- K. Participant: A youth whose parent(s) have completed all required registration procedures and determined to be eligible for a Waco Youth Program.
- L. Parent(s): This term will be used to represent one or both parent(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in Waco Youth Programs.
- M. Employee(s): Term used to describe people who have been hired to work for the City of Waco (or by and through the Cameron Park Zoological Society, or participating agencies working with the Texas Ranger Hall of Fame and Museum) and have been assigned responsibility for managing, administering, or implementing some portion of the Waco Youth Programs.

3. Inspections/Monitoring/Enforcement

- A. A bi-annual inspection report will be initiated by the Coordinator of each Program to confirm the Standards of Care are being adhered to.

- (1) Inspection reports will be sent to the Director for review and kept on record for at least two years.
- (2) The Director will review the report and establish deadlines and criteria for compliance with the Standards of Care.

B. The Director will make visual inspections of the facilities based on the following schedule:

- (1) a pre-summer check in May of each year; and
- (2) a winter check in January.

C. Complaints regarding enforcement of the Standards of Care will be directed to the Coordinator. The Coordinator will be responsible to take the necessary steps to resolve the problems. Complaints regarding enforcement of the Standards of Care and their resolution will be recorded by the Coordinator. Serious complaints regarding enforcement of the Standards of Care will be addressed by the Director and the complaint and the resolution will be noted.

D. The Director will make an annual report to the City Council on the overall status of the Youth Programs and their operation relative to compliance with the adopted Standards of Care.

4. Enrollment

A. Before a child can be enrolled, the parents must sign registration forms that contain the child's:

- (1) name, address, home telephone number;
- (2) name and address of parents and telephone during program hours;
- (3) the names and telephone numbers of people to whom the child can be released;
- (4) a statement of the child's special problems or needs;
- (5) proof of residency when appropriate; and
- (6) a liability waiver which also includes permission for field trips and emergency medical authorization.

5. Suspected Abuse

Program employees will report suspected child abuse in accordance with the Texas Family

Code and any provisions of the Texas Department of State Health Services (DSHS) regarding child abuse screening, documenting, and reporting policy, if applicable.

Staffing-Responsibilities and Training

6. Youth Program Coordinator Qualifications

- A. Coordinators will be full-time, professional employees of the Waco Recreation Services Department, the Cameron Park Zoo, or the Texas Ranger Hall of Fame and Museum and will be required to have all Program Leader qualifications as outlined in Section 8 of this document.
- B. Coordinators must be at least 21 years old.
- C. Coordinators must have experience in planning and implementing recreation activities.
- D. Coordinators must be able to pass a background investigation including testing for illegal substances.
- E. As soon as possible after employment with the City of Waco, coordinators must successfully complete a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Waco, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Coordinators must be able to furnish proof of a clear tuberculosis test within 12 months prior to their employment date.

7. Coordinator's Responsibilities

- A. Coordinators are responsible to administer the Programs' daily operations in compliance with the adopted Standards of Care.
- B. Coordinators are responsible to recommend for hire, supervise, and evaluate Leaders.
- C. Coordinators are responsible to plan, implement, and evaluate programs.

8. Youth Program Leader ("Leader") Qualifications

- A. Leaders may be full-time, part-time or temporary employees of the Waco Parks and Recreation Department, full-time, part-time or temporary employees, or trained volunteers of the Cameron Park Zoo, or full-time, part-time or temporary employees, or trained volunteers of the Texas Ranger Hall of Fame and Museum.

- B. Leaders working with children must be age 18 or older.
- C. Leaders should be able to consistently exhibit competency, good judgment, and self-control when working with children.
- D. Leaders must relate to children with courtesy, respect, tolerance, and patience.
- E. 50% of the Leaders at each site must have successfully completed a course in first aid and Cardiopulmonary Resuscitation (CPR) offered by either: the City of Waco, American Red Cross, American Heart Association, Medic First-Aid Training Program of America, National Safety Council, any agency of the State of Texas authorized to provide Emergency Medical Technician or Emergency Care Attendant certification, or any other agency recognized by any agency of the U.S. Department of Labor to provide certification.
- F. Each Leader applicant must be able to furnish proof of a clear tuberculosis test within the 12 months prior to their employment date.
- G. Leaders must pass a background investigation including testing for illegal substances.

9. Leader Responsibilities

- A. Leaders will be responsible to provide participants with an environment in which they can feel safe, can enjoy wholesome recreation and educational activities, and can participate in appropriate social opportunities with their peers.
- B. Leaders will be responsible to know and follow all City, Departmental, and Program standards, policies, and procedures that apply to Waco Youth Programs.
- C. Leaders will ensure that participants are released only to a parent or an adult designated by the parent. All Program sites will have a copy of the applicable Department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the Leader.
- D. A leader must be with participants at all times.

10. Training/Orientation

- A. The Department is responsible to provide training and orientation to its Program employees in working with children and for specific job responsibilities. Coordinators will provide each Leader with a Program manual specific to each Youth Program.
- B. Leaders must be familiar with the Standards of Care for Youth Program operation as adopted by the City Council.

- C. Program employees must be familiar with the Program's policies including discipline, guidance, and release of participants as outlined in the Program Manual.
- D. Program employees will be trained in appropriate procedures to handle emergencies.
- E. Program employees will be trained in areas including City, Departmental, and Program policies and procedures; provision of recreation activities; safety issues; child psychology where applicable; and organization.
- F. All program employees will receive 15 hours of training annually.
- G. Program employees will be required to sign an acknowledgment that they received the required training.

Operations

11. Staff-Participant Ratio

- A. In a Waco Youth Program, the number of participants may not exceed leaders by a minimum ratio of 1 Leader per 20 participants 5 years to 13 years of age.
- B. Each participant should have a Program employee who is responsible for him or her and who is aware of details of the participant's habits, interests, and any special problems as identified by the participant's parents during the registration process.

12. Notification

- A. Parents must be notified immediately if:
 - (1) Participant is injured; or
 - (2) Participant has a sign or symptom requiring exclusion from the site (i.e. communicable disease, fever, illness).
- B. All parents must be notified if there is an outbreak of any communicable disease that is reportable to the State Department of Health.

13. Discipline

- A. Program employees will implement discipline and guidance in a consistent manner based on the best interests of Program participants.
- B. There will be no cruel or harsh punishment or treatment.

- C. Program employees may use brief, supervised separation from the group if necessary.
- D. As necessary, Program employees will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign participant discipline reports to indicate they have been advised about a specific problem or incident.
- E. A sufficient number and/or severe nature of discipline reports as detailed in the Program manual may result in a participant being suspended from the Program.
- F. In instances where there is a danger to participants or staff, offending participants will be removed from the Program site as soon as possible.

14. Programming

- A. Program employees will attempt to provide activities for each group according to the participants' ages, interests, and abilities. The activities must be appropriate to participants' health, safety, and well-being. The activities also will be flexible and promote the participants' emotional, social, and mental growth.
- B. Program employees will attempt to provide indoor and outdoor time periods to include:
 - (1) alternating active and passive activities;
 - (2) opportunity for individual and group activities; and
 - (3) outdoor time each day weather permits.
- C. Program employees will be attentive and considerate of the participants' safety on field trips and during any transportation provided by the Program.
 - (1) During trips, Program employees supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.
 - (2) Program employees must have a written list of the participants in the group and must check the roll frequently.
 - (3) Program employees must have first aid supplies and a guide to first aid and emergency care available on field trips.
 - (4) Notice of any field trips will be displayed at a prominent place at each site.

15. Communication

- A. Each Program site will have a pager or cell phone to allow the site to be contacted by Parks

and Recreation staff, Cameron Park Zoo personnel, or Texas Ranger Hall of Fame and Museum personnel, and each site will have access to a telephone for use in contacting the Waco Parks and Recreation Department, Cameron Park Zoo or the Texas Ranger Hall of Fame and Museum.

- B. The Coordinator will post the following telephone numbers adjacent to a telephone accessible to all Program employees at each site:
 - (1) Waco ambulance or emergency medical services;
 - (2) Waco Police Department;
 - (3) Waco Fire Department;
 - (4) Poison Control;
 - (5) The telephone number for the site itself;
 - (6) Numbers at which parents may be reached; and
 - (7) Employee Health Clinic.

16. Transportation

- A. First aid supplies and a first aid and emergency care guide will be available in all Program vehicles that transport children.
- B. All Program vehicles used for transporting participants must have available a 6-BC portable fire extinguisher which will be installed in the passenger compartment of the vehicle and which must be accessible to the adult occupants.
- C. A notebook containing the names and telephone numbers of Parents and Physicians shall be available in all Program vehicles that transport Participants.

Facility Standards

17. Safety

- A. Program employees will inspect Youth Program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants. A daily inspection report will be completed by the Program staff and kept on file by the Program Coordinator.
- B. Buildings, grounds, and equipment on the Program site will be inspected, cleaned, repaired, and maintained to protect the health of the participants.

- C. Program equipment and supplies must be safe for the participant's use.
- D. Program employees must have first aid supplies available at each site, during transportation, and for the duration of any off-site activity.
- E. Program air conditioners, electric fans, and heaters must be mounted out of participants' reach or have safeguards that keep participants from being injured.
- F. Program porches and platforms more than 30 inches above the ground must be equipped with railings participants can reach.
- G. All swing seats at Program sites must be constructed of durable, lightweight, relatively pliable material.
- H. Program employees must have first aid supplies readily available to staff in a designated location. Program employees must have an immediately accessible guide to first aid and emergency care.
- I. Each Program site will have an annual health inspection by the Waco-McLennan County Public Health District- Environmental Health Division.

18. Fire

- A. In case of fire, danger of fire, explosion, or other emergency, Program employees' first priority is to evacuate the participants to a designated safe area.
- B. The Program site will have an annual fire inspection by the City Fire Marshall prior to June 1 of each year, 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 Council.
- C. Each Program site must have at least one fire extinguisher approved by the Fire Marshall readily available to all Program employees. The fire extinguisher is to be inspected monthly by the Program Coordinator, and a monthly report will be forwarded to the Coordinator's supervisor who will keep the report on file for a minimum of two years. All Youth Program staff members will be trained in the proper use of fire extinguishers.

19. Health

- A. Illness or Injury
 - (1) A participant who is considered to be a health or safety concern to other participants or staff will not be admitted to the Program.

- (2) Illnesses and injuries will be handled in a manner to protect the health of all participants and employees.
- (3) Program employees will follow plans to provide emergency care for injured participants or for participants with symptoms of an acute illness as specified in the Program manual.
- (4) Program employees will follow the recommendation of the Texas Department of Health concerning the admission or readmission of any participant after a communicable disease.

B. Program employees will administer medication only if:

- (1) Parent(s) or guardian(s) complete and sign a medication form that provides authorization for staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the City.
- (2) Prescription medications are in the original containers labeled with the child's name, a date, directions, and the physician's name. Program staff members will administer the medication only as stated on the label. Program staff will not administer medication after the expiration date.
- (3) Nonprescription medications are labeled with the child's name and the date the medication was brought to the Program. Nonprescription medication must be in the original container. The Program staff will administer it only according to label direction.
- (4) Medications dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of Program employees. No injections will be administered by the Program employees.
- (5) 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.

C. Toilet Facilities

- (1) The Program site will have inside toilets located and equipped so children can use them independently and program staff can supervise as needed.
- (2) There must be one flush toilet for every 30 children. Urinals may be

counted in the ratio of toilets to children, but must not exceed 50% of the total number of toilets.

- (3) An appropriate and adequate number of lavatories will be provided.

D. Sanitation

- (1) The Program site must have adequate light, ventilation, and heat.
- (2) The 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.
- (3) Program employees must see that garbage is removed from sites daily.

- E. The Program site will have an annual health inspection by the Waco-McLennan County Public Health District prior to June 1 of each year, 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 Council.