

ORDINANCE O2019-07

AN ORDINANCE AMENDING THE WEATHERFORD CODE OF ORDINANCES BY ADDING TITLE IX, CHAPTER 11, SECTION 9-11-9, ADOPTING THE YOUTH PROGRAMS STANDARDS OF CARE, CITY OF WEATHERFORD, TEXAS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life in the City; and

WHEREAS, the City of Weatherford, Texas (the "City") administers day camps and programs for children ages five to thirteen years old; and

WHEREAS, as required by V.T.C.A. Human Resources Code § 42.041 (b)(14) (the "Code"), the City of Weatherford must meet day care licensing requirements for elementary age children for all day camps administered by the City or apply for an exemption from the Texas Department of Family and Protective Services; and

WHEREAS, has applied for an exemption from the Texas Department of Family and Protective Services; and

WHEREAS, the City of Weatherford Youth Programs Standards of Care will provide basic child care regulations for day camp activities operated by the City's Parks, Recreation and Special Events Department in accordance with the Code; and

WHEREAS, as required by the Code, on March 12, 2019, the City Council of the City held a public hearing at its regular meeting to gather input from citizens on the proposed Youth Programs Standards of Care; and

WHEREAS, the Youth Programs Standards of Care is attached hereto as Exhibit "A" for all intents and purposes and shall be available on the City's website; and

WHEREAS, all constitutional and statutory prerequisites for the approval of this ordinance have been met, including but not limited to the Open Meetings Act.

WHEREAS, the City Council deems the adoption of this ordinance to be in the best interests of the health, safety, and welfare of the public.

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

Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life in the City.

Amendments to Title IX, Chapter 11, Section 9-11-9 of the City Code of Weatherford, Texas. The City Council hereby amends the following chapter, articles and sections of Title IX, Chapter 11, Section 9-11-9 of the City Code of Weatherford to read as specifically set forth herein:

Title IX, Chapter 11, Section 9-11-9 Youth Programs Standards of Care

I. GENERAL INFORMATION/ADMINISTRATION

a. Organization.

- i. As required by V.T.C.A. Human Resources Code § 42.041 (b)(14), the Standards adopted by this ordinance include staffing ratios, minimum staff qualifications; minimum facility, health, and safety standards; and mechanisms for monitoring and enforcing the adopted local standards.
- ii. Purpose. To provide basic childcare regulations for recreation activities operated by the Weatherford Parks and Recreation Department. This will allow the department to qualify as exempt from requirements of the Texas Human Resources Code.
- iii. Governing body. The governing body of the City of Weatherford Youth Programs is the City of Weatherford's City Council.
- iv. Implementation. Program will be the responsibility of the Weatherford Parks & Recreation Department, with the Recreation Manager and Summer Camp Coordinator supervising the overall program and administering the program on-site.
- v. Programs. The Youth Programs Standards of Care will apply to all elementary-age day camp and programs for children ages 5 – 13 years old.
- vi. Other. Each site will make available for the public and staff a current copy of the Standards of Care. Parents of participants will be provided an abbreviated copy of Standards of Care during the registration process.
- vii. Program Sites:
 1. Cartwright Park, 204 Cartwright Park Road
 2. Cherry Park Community Center, 313 Davis Street
 3. Cherry Pool, 302 West Lee
 4. Harberger Hill Community Center, 701 Narrow Street
 5. Heritage Park, 379 Jack Borden Way
 6. Holland Lake Park, 1419 Holland Lake Road
 7. Love Street Park, 1100 Bishop Street
 8. Marshall Park, 115 East Fifth Street
 9. McGratton Park, 605 North Main Street
 10. Miller Park, 1501 Ball Street
 11. Mount Pleasant School, 213 Raymond George Way
 12. Soldier Spring Park, 200 Thrush Street
 13. Vine Street Park, 711 Vine Street
 14. Weatherford Disc Golf Course, 115 East Lake Drive

b. Implementation.

- i. The Standards of Care Program will be the responsibility of the Weatherford Parks and Recreation Department, with the Recreation Manager and Camp Coordinator overseeing the overall program and the daily operations/administering the programs on site.
- ii. Regulations apply to these on-going programs:
 1. Summer Day Camp
 2. Winter Break Camp
 3. Spring Break Camp
 4. Youth Programs
 5. All Specialty Camps

c. Day Camp Objective.

- i. To provide youth with the opportunity to experience a variety of recreational activities which include sports, games, arts & crafts, education, drama, special events, field trips, etc.
- ii. To provide a pleasant and memorable experience in a fun atmosphere.
- iii. To provide a safe environment; always promoting good health and welfare for all.
- iv. To teach children how to spend their leisure time wisely, in an effort to meet several needs; emotional, physical and social.

- d. Exemption Status.
 - i. Once an exempt status is established, the Licensing Division will not monitor the recreational program. The Licensing Division will be responsible for investigating complaints of unlicensed child care and for referring other complaints to the municipal authorities or, in the case of abuse/neglect allegation, to the local authorities.
 - ii. Exemption status covers ages 5 – 13. Exemption status does not cover children under the age of 5 or over the age of 14.
- e. Standards of Care Review.
 - i. Standards will be reviewed annually and brought to the City Council for approval after a public hearing is held to pass an ordinance regarding section 42.04 1(b) (14) of the Texas Human Resources Code. Childcare Licensing will not regulate these programs nor be involved in any complaint investigation related to the program.
 - ii. Any parent, visitor or staff may register a complaint by contacting The Weatherford Wrangler Camp / Recreation Manager at 817 598-4125, Camp Coordinator at 817 598-4124.

II. STAFFING.

- a. Summer Camp / Recreation Coordinator: The Recreation Manager and Camp Coordinator directs and manages a staff of 6 - 10 camp counselors and supervises the activities of children in a day camp environment.
 - i. Essential Job Functions.
 1. Direct and supervise all counselors including hiring and training.
 2. Complete and submit proper records including camp schedules, counselor work schedules, payroll, accident/incident reports and attendance.
 3. Develop age appropriate camp curriculum (5-13 years) in accordance with the philosophy of the program.
 4. Ensure staff is committed to following established guidelines, procedures and policies.
 5. Maintain an orderly, clean and safe environment for the children while promoting a non-competitive program directed toward accentuating positive behaviors, physical development and emotional growth.
 6. Develop and distribute a weekly schedule of activities.
 7. Complete facility reservations and transportation needs for all camp activities.
 8. Schedule, confirm, obtain and distribute payment for all field trips
 9. Maintain supplies, equipment and all necessary documentation for the operation of the camp.
 10. Communicate to parents about camper's progress and activities.
 11. Conduct on-going program evaluations implementing approved recommendations as needed.
 12. Provide reports to the Recreation Supervisor on a weekly basis to monitor camp activities throughout the program.
 - ii. Qualifications.
 1. Bachelor's Degree in Education or Recreation is preferred, but not required.
 2. A minimum of three years of experience as a camp counselor and/or educator.
 3. Requires a valid Texas driver's license with a good driving record over the past three years.
 4. Must pass city criminal background check prior to hiring.
 5. Must pass pre-employment drug screen and/or physical.
 6. Must complete First Aid and CPR certification prior to camp.
 - iii. Requirements of Work.
 1. Coordinator must complete the mandatory staff training program of at least 20 hours, in addition to planning hours with site staff prior to the start of camp. This training includes departmental orientation, customer service, sexual harassment, behavioral issues and discipline, training and examination program on sexual

- abuse and molestation, as well as practical skills on activities for children in games, songs and crafts.
 - 2. Ability to be physically active and involved with children all day.
 - 3. Ability to lift 50 pounds.
 - 4. Knowledge of child development and age appropriate activities.
 - 5. Advanced organizational and communication skills.
 - 6. Team leadership abilities.
 - 7. Varied experience in a variety of activities including, but not limited to, sports, art, nature, drama and cooperative activities.
- b. Day Camp/Recreation Counselor: The Camp Counselor is responsible for direct leadership of youth ages 5 – 13 in a variety of activities including, but not limited to games, sports, arts & crafts, schedules, activities, supplies and equipment, and also responsible for cleanliness of the area used by camp participants. The counselor positions are also responsible for completing necessary forms relating to attendance, check-in/check-out procedures, accidents and incidents.
 - i. Essential Job Functions:
 - 1. Promote a non-competitive, positive, self-image enhancing environment for each participant through the direction of non-competitive, fun, varied and well-organized activities.
 - 2. Directly lead activities using a method that will provide opportunity for the involvement of all children on an equal level. The Counselor prepares, in advance, direction for activities, daily schedules and required equipment used during activities.
 - 3. Accompanies youth on all field trips.
 - 4. Exhibit enthusiasm for the activity to impart a feeling of excitement to camp participants.
 - 5. Follow procedures for camper check in/check out. Reports accidents/incidents, behavioral modifications and camp schedules.
 - 6. Follow guidelines for safety and storage of equipment, including inventory of supplies.
 - 7. Provide and adhere to established guidelines set forth for the safety, behavior, communication and discipline of the camp participants.
 - 8. Recognize and reward positive, improved and outstanding behavior and/or accomplishments of camp participants.
 - ii. Minimum Qualifications:
 - 1. Three months to a year of experience working with children in a day camp setting depending on if you are applying as Camp Counselor.
 - 2. Minimum age of 16
 - 3. A valid Texas driver's license with good driving record.
 - 4. Must pass criminal background check prior to hiring.
 - 5. Must pass pre-employment drug screen and/or physical.
 - 6. Must complete First Aid and CPR certification prior to camp.
 - iii. Other Requirements:
 - 1. Staff must complete the mandatory staff training program of at least 10 hours, in addition to planning hours with Recreation Manager and Camp Coordinator prior to the start of camp. This training includes departmental orientation, customer service, sexual harassment training, behavioral issues and discipline, as well as practical skills on activities for children in games, songs and crafts.
 - 2. Staff must exhibit competency, good judgement and self-control, throughout the duration of camp.
 - 3. Staff should relate to children with courtesy, respect, acceptance and patience.
 - 4. Staff must wear the proper uniform.
 - 5. Staff will be evaluated at least once during the summer prior to the completion of camp. Evaluations will be reviewed with the camp counselors to discuss any areas of improvement or suggestions.

- iv. Criminal Background Checks:
 - 1. Criminal background checks will be conducted on prospective day camp employees. Applicants may be disqualified if they have a job-related criminal conviction. A prospective employee will be subject to a pre-employment drug test and/or physical prior to hiring.
- v. Staffing Ratios
 - 1. The state required ratio for number of children (ages 5 – 13) may not exceed 15:1 child to staff.

III. FACILITY STANDARDS.

- a. Emergency evacuation and relocation plans will be posted at each facility.
- b. Program employees will inspect sites frequently for any sanitation or safety concerns. Those concerns should be passed on to the Recreation Manager.
- c. Each camp must have a fully stocked first aid kit. This shall be checked and stocked on a weekly basis by the Camp Coordinator. It shall include bandages, first aid cream, rubber gloves, Neosporin, alcohol wipes, hot/cold packs, gauze, tweezers and scissors.
- d. In a situation where evacuation is necessary, the first priority of staff is to make sure all participants are in a safe location.
- e. Program sites will be inspected annually by the Fire Marshal and must comply with Fire Marshal's directives.
- f. The recommended number of fire extinguishers shall be inspected quarterly and available and "primed" for use.
- g. Fire drills should be conducted once a month during the summer camp.
- h. Medication will only be administered with written parental consent. Prescription medications shall be left with staff in their original container, labeled with the child's name, date, directions and physician's name. Medication shall be dispensed only as stated on the bottle, and not past the expiration date.
- i. Non-prescription medicine with the child's name and date on the medication may be brought if in the original container. Non-prescription medication will only be administered with written parental consent.
- j. Each indoor site shall have adequate indoor toilets and lavatories located such that children can use them independently and program staff can supervise as needed. There shall be one flush toilet per 30 children. Outdoor sites shall provide portable toilets based on number of children attending each day. Sinks shall be provided based on one sink per 30 children.
- k. All participants must wear appropriate footwear daily. Sandals and flip flops will be allowed only in swimming pool areas.

IV. SERVICE STANDARDS - Day Camp / Camp Counselors

- a. This information will be provided to each staff as a part of the day camp manual.
- b. Camp staff shirts, shorts, and appropriate footwear are to be worn at all times.
- c. Camp participants and parents will be treated with respect at all times.
- d. Camp staff will take it upon themselves to resolve complaints. If you are unable to resolve the complaint on the spot, take the customer's name and phone number, investigate complaint resolution and then follow up with the customer.
- e. Camp staff will keep parents continuously informed of camp activities. A weekly schedule will be distributed the week prior to session and extra copies will be kept with the sign in log daily.
- f. Camp staff will note details of behavior of campers (accomplishments, discipline problems, general activities, etc.) and update parents as much as possible.
- g. Camp staff will monitor the sign in/out log at all times.
- h. Camp staff shall clean rooms after each activity. Floors will be swept or vacuumed, chairs stacked, mirrors cleaned, and supplies put away. This is extremely important due to the fact that rooms are used throughout the day by other groups.
- i. Camp staff will dedicate their on-duty time to campers and/or parents to ensure a meaningful and pleasant experience.
- j. Prior to working with campers, camp staff will check all messages for the day.

V. OPERATIONAL ISSUES.

- a. Emergency Phone numbers are kept at the front desk of the facilities, as well as with the Day Camp Director on field trips. Those numbers include fire, police, and ambulance services.
- b. A Day Camp manual is given to every Day Camp Counselor, Day Camp/Recreation Leader and Program Coordinator. The manual addresses the following items:
 - i. Discipline Issues
 - ii. City Rules and Regulations
 - iii. Forms that must be filled out
 - iv. Service Standards
 - v. Game/activity leadership
 - vi. Ways to interact with children
 - vii. Field Trips
- c. Additional manuals will be located at each site for access by any staff member.
- d. Sign in/sign out sheets will be used every day. Only adults listed on sign-in/out release will be allowed to pick up children. An authorized person must enter the building, present appropriate identification and sign the sheet in order for staff to release the child.
- e. Emergency evacuation and relocation plans will be posted at each facility.
- f. Parents will be notified regarding planned field trips and provided the required release forms.
- g. Enrollment information will be kept and maintained on each child and shall include:
 - i. Child's name, birth date, home address, home telephone number, physician's phone number and address and phone numbers where parents may be reached during the day.
 - ii. Name, driver's license number and telephone numbers of persons to whom the child can be released.
 - iii. Field trip release form as needed.
 - iv. Liability waiver.
 - v. Parental consent to administer medication, medical information, and release on participant.
- h. Staff shall immediately notify the parent or other person authorized by the parent when the child is injured or has been involved in any situation that placed the child at risk.
- i. Staff shall notify parents or authorized persons of children in the facility when there is an outbreak of a communicable disease in the facility that is required to be reported to the County Department of Health. Staff must notify parents of children in a group when there is an outbreak of lice or other infestation in the group.
- j. Discipline.
 - i. Discipline and guidance of children must be consistent and based on an understanding of individual needs and development.
 - ii. There shall be no harsh, cruel, or unusual treatment.
 1. Children shall not be shaken, bit, hit, or have anything put in or on their mouth as punishment.
 2. Children shall not be humiliated, yelled at or rejected.
 3. Children shall not be subjected to abusive or profane language.
 4. Punishment shall not be associated with food.
 5. Corporal punishment in any form will not be tolerated.
 6. Staff may use brief, supervised separation from the group if necessary, but staff shall not place children in a locked room or in a dark room with the door closed.
 - iii. Incident reports will be filled out on any disciplinary cases, and information is to be shared with parents when picking up the child or sooner, when extreme cases occur. Continued disciplinary problems will result in the participant being asked to leave the program.
 - iv. Children who show patterns of endangerment to themselves, other participants or staff will be asked to leave the program.
- k. Illness or Injury.
 - i. Parents shall be notified immediately in cases of illness or injury.
 - ii. An ill child will not be allowed to participate if the child is suspected of having a temperature and/or accompanied by behavior changes or other signs or symptoms until medical evaluation indicates that the child can be included in the activities. In the event that an injury cannot be administered through basic first aid, staff will call 911.

- iii. When an injury occurs, an incident report shall be filled out immediately. The form shall be filled out completely with the original sent to the Recreation Supervisor's office and a copy kept in the Day Camp files.

VI. GENERAL GUIDELINES FOR CHILDREN.

- a. As a part of the Day Camp Manual, staff will be given the following information.
- b. A child is not allowed to use the phone unless it is an emergency. In this case, Day Camp staff should make the call for the child.
- c. Children must stay off any elevated surfaces (tables, counter tops, ping pong tables, etc.)
- d. Children should walk in the building. Running is permitted only in designated areas.
- e. Bouncing and throwing balls is permitted only in the gym.
- f. Active games using equipment that can cause damage to window, shades, lights, and ceilings must be played only in the gym.
- g. Children must respect staff and each other.
- h. Children must wear shoes at all times.
- i. Children must be contained and not allowed to filter in with the general public. You must know where each and every child is AT ALL TIMES.

VII. ACTIVITIES.

- a. Activities for each group will be planned according to the participant age, interest and ability. The activities should be flexible and promote social and educational advancement.
- b. A weekly calendar of activities will be posted for parents the Friday prior to that week of camp.
- c. When taking field trips, staff will:
 - i. Count everyone before they leave the program site as well as prior to leaving the field trip site.
 - ii. Carry medical information on each child and necessary medications with them on the trip.
 - iii. Carry a first aid kit.
 - iv. Carry a cellular phone for emergency use.
 - v. Ensure that participants are wearing a camp shirt and a City of Grapevine wristband so that children are easily identified.

VIII. FIELD TRIPS.

- a. Ratio on field trips will be 10:1 per staff member.
- b. Each staff member is given a list of campers. Staff is responsible for the assigned list of campers for the duration of the trip.
- c. A required face to name check will be done prior to leaving the program site, upon arrival at the field trip site, upon leaving the field trip site and upon arrival back at the program site.
- d. A notebook with all important information for each camper will be taken to each field trip.

IX. MONITORING AND ENFORCEMENT.

- a. Standards of care established by the City of Weatherford Parks and Recreation Department will be monitored and enforced by city departments responsible for their respective areas as identified:
- b. Health and safety standards will be monitored and enforced by the City's Police, Fire, and Code Enforcement Departments.
- c. Staff and program issues will be monitored and enforced by the City of Weatherford Parks and Recreation Department. The Recreation Manager shall visit each site on a weekly basis for an informal inspection of the programs. Recreation Manager and Camp Coordinator are responsible for informally checking the camp activities on a daily basis. When this staff is not available, another full-time staff person will be assigned for daily checks.

Resolution of Conflicting Ordinances. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, save and except the provisions of the Comprehensive Zoning Ordinance, the provisions of this ordinance shall control. Nothing adopted herein is intended to, in any

way, nor shall any such provision be deemed to supersede or control over the provisions of the Comprehensive Zoning Ordinance.

Savings Clause. All rights and remedies of the City of Weatherford are expressly saved as to any and all provisions of any ordinance affecting fees of the City and to any and all violations of the provisions of any prior ordinance pertaining to parks regulations within the City which have accrued as of the effective date of this ordinance; and as to such accrued fees, collection activity, violations and any pending litigation, both civil and criminal, whether pending in court or not, under such prior ordinances, same shall not be affected by this ordinance but may be prosecuted and pursued until final disposition by the courts.

Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accord with the provisions of the Texas Local Government Code. This ordinance shall, upon taking effect, be applicable in its entirety to any and all applications for licensure submitted or pending as of the effective date of this ordinance.

Severability. It is the express intent of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, sentence, paragraph or section should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance as the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision, and to this end the provisions of this ordinance are hereby declared to be severable.

Open Meetings. The City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was duly given as required by the Texas Open Meetings Act.

PASSED AND APPROVED BY A VOTE OF 5 AYES AND 0 NO ON THE 26th DAY OF March 2019.

ATTEST:


Malinda Nowell, TRMC, City Secretary

THE CITY OF WEATHERFORD, TEXAS


Craig Swancy, Mayor

APPROVED AS TO FORM:


Ed Zellers, City Attorney