

ORDINANCE NO. 4943

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING STANDARDS OF CARE ASSOCIATED WITH THE CITY'S RECREATION PROGRAMS TITLED "2022 YOUTH PROGRAMS STANDARDS OF CARE"; REPEALING ORDINANCE NO. 4847; PROVIDING A GENERAL REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Chapter 42, Subchapter C, [Section 42.041](#)(b)(14) of the Texas Human Resources Code exempts an elementary-age (ages 5-13) recreation program operated by a municipality from State child-care licensing requirements provided: (1) the governing body of the municipality annually adopts standards of care by ordinance after a public hearing for such programs; (2) the ordinance includes, at a minimum, staffing ratios, minimum staff qualifications, minimum facility, health, and safety standards, and mechanisms for monitoring and enforcing the adopted local standards; (3) the approved standards are provided to the parents of each program participant; (4) parents are informed that the program is not licensed by the State; and (5) the program is not advertised as a child-care facility; and

WHEREAS, on February 10, 2022, the Parks and Recreation Advisory Board, at its regular meeting by unanimous vote, recommended the City Council adopt standards of care associated with the City's recreation programs titled *2022 Youth Programs Standards of Care*; and

WHEREAS, a Notice of Public Hearing was published in the Daily Commercial Record, on March 10, 2022, and March 17, 2022; and

WHEREAS, in accordance with [Section 42.041](#)(b)(14), a public hearing was held by the City Council on March 21, 2022; and

WHEREAS, the City Council finds that the *2022 Youth Programs Standards of Care* and the City's recreation program comply with all requirements of [Section 42.041](#)(b)(14) of the Texas Human Resources Code.

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

SECTION 1. Recitals Incorporated. The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this ordinance as if copied in their entirety.

SECTION 2. Standards of Care Adopted. The City Council hereby adopts the standards of care associated with the City's recreation programs, conducted by the Parks and Recreation Department, titled *2022 Youth Programs Standards of Care*, attached hereto as **EXHIBIT "A"** and incorporated herein by reference and made a part hereof.

SECTION 3. Annual Adoption. The standards hereby adopted shall be reviewed and revised as necessary and shall be adopted annually pursuant to [Section 42.041\(b\)\(14\)](#) of the Texas Human Resources Code.

SECTION 4. Repealing Ordinance No. 4847. That Ordinance No. 4847, which was an annual review and adoption of the *2021 Youth Programs Standards of Care* for the Parks and Recreation Department, is repealed as of the date of this ordinance.

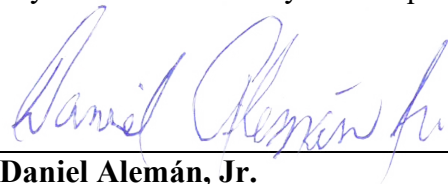
SECTION 5. General Repealing Clause. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 6. Conflicts Resolution Clause. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 7. Severability Clause. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

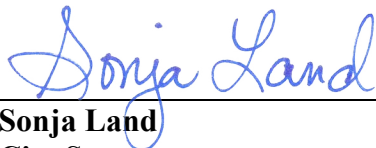
SECTION 8. Effective Date. That this ordinance shall take effect and be in force immediately upon its adoption and it is accordingly so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of March 2022.



Daniel Alemán, Jr.
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A

2022 Youth Programs

Standards of Care



2022
Youth Programs
Standards of Care

Program Sites

Achziger Elementary School

972.290.4198
3300 Ridge Ranch Road
Mesquite, TX 75181

Rutherford Recreation Center

972.204.4962
900 Rutherford Drive
Mesquite, TX 75149

Camp Rorie Galloway (summer only)

972.204.8706
3100 Lawson Road
Mesquite, TX 75150

Shaw Gymnasium and Activity Center

972.288.6293
707 Purple Sage
Mesquite, TX 75149

Dunford Recreation Center

972.204.4969
1015 Green Canyon
Mesquite, TX 75150

Thompson Gymnasium and Activity Center

972.882.7200
2525 Helen Lane
Mesquite, TX 75181

Florence Recreation Center

972.204.4957
2501 Whitson Way
Mesquite, TX 75150

For questions or concerns please call:

Parks & Recreation Administration Office
972-216-6260

ASA/Camp Supervisor – Judy Schwartz
972-216-6421

Goodbar Recreation Center

972.329.8730
3000 Concord
Mesquite, TX 75150

Recreation Manager - Heidi Lyon
972-216-6411

PURPOSE

The following basic childcare regulations are the minimum Standards of Care by which the City of Mesquite Parks and Recreation Department will operate youth programs. The programs operated by the City are recreational in nature and are not day care programs. Therefore, the City is exempt from the requirements of the Texas Human Resources Code and is not licensed by the State to offer daycare programs.

I. GENERAL INFORMATION/ADMINISTRATION

A. Organization

The governing body of the City of Mesquite Youth Programs is the Mesquite City Council.

B. Implementation

Implementing the Youth Programs Standards of Care is the responsibility of the Parks and Recreation Department.

C. Application

These Standards of Care will apply to the following programs:

- All Recreation After School Programs (After-School Adventures).
- All full day programs: Play Day, Play Day Outdoors, Turkey Camp, Winter Camp, and Spring Break Camp.
- All summer camps including: Camp-Rorie Galloway, Outdoor Adventure Camp, Kidz Kamp, S.T.E.A.M. Camp, Sports Camp, and Teen Camp.

D. Access to Standards

1. Each site will have a current copy of the Standards of Care available for public and staff review.
2. Parents will be provided a copy of the current Standards of Care when registering for any youth recreation program mentioned in item C.
3. A current copy of the Standards of Care will be available for view on the City's website.

E. Objectives for Youth Programs

1. To educate, instill self-confidence and teach teamwork skills to children through a variety of activities in an effort to meet emotional, physical, and social needs.

2. To provide a pleasant, memorable, educational, and fun recreational experience in a positive and safe environment.

F. Non-Discrimination Policies

1. The City of Mesquite welcomes and encourages all individuals to participate in its after school and summer camp programs regardless of race, color, religion, sex, gender identity, sexual orientation, national origin, or disability.
2. In accordance with ADA standards, reasonable accommodations will be made to assist those that require special assistance. Requests for reasonable accommodations will be handled on an individual basis. Please contact the Recreation Manager to discuss. Due to the recreational nature of the programs, a level of independence of participants is necessary for the provision of the program activities. The following skills are generally considered fundamental to the nature of the program and essential eligibility requirements: independent eating, dressing, toileting, transferring and similar self-sufficiency skills.

G. Child Tax Credit

1. The City of Mesquite is not licensed by the state to provide childcare programs that qualify for the IRS Child Care Tax Credit. All Texas municipalities are eligible to be exempt from State day-care licensing provided a *Standards of Care Ordinance* is approved annually. In Mesquite, this ordinance is in place, and the after school and summer camp programs offered by the City are defined or classified as “recreational programs” rather than “child-care” programs.

II. STAFFING

- A. All programs are supervised by trained staff. The following positions are responsible for implementation of the City’s youth programs and include the following specific job requirements:

1. Recreation Supervisor – Camps & After School Program

Essential Job Functions

1. Lead, prioritize, train and review the work of staff responsible for providing these programs within the Parks and Recreation Department.
2. Assist in the selection of recreation staff; provide staff training; work with employees to correct deficiencies.
3. Manage, maintain and update program records as well as prepare various reports on operations and activities.
4. Assist in the preparation of the after school and camp program operating budgets; submit budget recommendations.

5. Oversee, monitor, plan and implement daily activities for the youth after-school and camp programs.
6. Manage and maintain program budgets; purchase materials and supplies for scheduled activities.
7. Schedule and coordinate locations and transportation for all field trips and activities.
8. Manage staff responsible for implementing programs, assign tasks as needed.

Minimum Qualifications

1. Bachelor's degree from an accredited college or university with major coursework in recreation administration, parks and recreation management, physical education, or other related field.
2. Minimum two years of increasingly responsible recreation leadership experience in an after school, summer camp program or similar setting.
3. Possession of a valid Class C Texas driver's license.
4. Must pass a departmental criminal background check and drug screening.

2. Recreation Leaders

Essential Job Functions

1. Leaders direct and supervise activities in either: the After-School Adventures program, Recreation Center Summer Day Camps or Rorie Galloway Day Camp.
2. Implement a daily camp curriculum under the Parks and Recreation Department guidelines.
3. Responsible for ensuring all activities are conducted in a safe manner.
4. Responsible for program-related record keeping.
5. Supervise and engage with participants in a wide variety of recreational activities.
6. Responsible for communicating program needs to supervisors.
7. Interact with participants, parents and other staff to provide a high quality program.
8. Responsible for maintaining facility appearance during and after program activities.
9. Responsible for reporting any program incidents/accidents to supervisors.

Minimum Qualifications

1. Must have a high school diploma or GED.
2. Must be mature, responsible and able to complete duties using sound judgment.
3. Must be able to communicate well with the public and skilled at interacting with children.
4. Must be skilled in supervising children of varying age levels in a group setting.
5. Must have a valid Texas driver's license.
6. Must pass a departmental criminal background check and drug screening.
7. Must obtain First Aid and CPR certifications within 90 days of hire date.
8. Must complete departmental staff training.

B. Criminal Background Checks

Criminal background checks will be conducted on all prospective youth program employees or contract employees. If results of the check indicate that an applicant has been convicted of any of the following offenses, he or she will not be considered for employment:

1. A felony or a misdemeanor classified as an offense against a person or family.
2. A felony or misdemeanor classified as public indecency.
3. A felony or misdemeanor of any law intended to control the possession or distribution of any controlled substance.
4. Any offense involving moral turpitude.
5. Any offense that would potentially put the City of Mesquite or program participants at risk.

C. Drug Screening

All prospective employees will be subject to a drug test prior to hiring. Random drug tests are also performed throughout the year.

D. Minimum Staff Ratios

Staff will maintain the following ratios when supervising children:

Ages 5-17: 1 staff member per 15 children

*Field Trips and Aquatic Activities - 1 staff member per 10 children

E. Training

The Parks and Recreation Department will provide the following training and orientation to all program leaders:

1. Properly providing youth recreation activities and games.
2. City of Mesquite's Standards of Care for Youth Programs.
3. Emergency management including First Aid and CPR.
4. City and department policies and procedures.

F. Dress Code and Appearance

1. Staff will maintain a neat and professional appearance and dress in accordance with the department dress code.
2. Staff shirts and name badges will be worn and clearly visible.

G. Conduct and Behavior

1. Staff will conduct themselves in a manner that is consistent with the Code of Conduct and Rules of Behavior outlined in Chapter 8 of the City of Mesquite General Government Policies and Procedures Manual.
2. Staff will treat every co-worker, participant, and parent with respect and professionalism.
3. Staff will spend 100% of their time actively engaged with participants and/or parents.
4. Staff must know where each and every child is AT ALL TIMES.

III. FACILITY STANDARDS

A. Safety Measures

1. Emergency evacuation and relocation plans will be posted at each facility.
2. Each site will have a First Aid kit and AED.
3. In a situation where evacuation is necessary, the first priority of staff is to make sure all participants are in a safe location.
4. All sites will be equipped with the appropriate number of fire extinguishers.

B. Inspections

1. Employees will conduct daily inspections of sites, equipment and supplies for any sanitation or safety concerns. All issues will be passed on to the site supervisor and a report will be completed and kept on file.

C. Health and Sanitation

1. All indoor sites will have at least one toilet for every 30 children located and equipped where children can use them independently, and staff can supervise as needed.
2. The site must have an adequate supply of water and ensure that it will be provided to participants in a safe and sanitary manner.

IV. OPERATIONAL PROCEDURES

A. Emergency phone numbers for all Parks and Recreation staff, fire, police, ambulance services, recreation centers and all supervisors is kept at the front desk of every facility. A list of Parks and Recreation Department staff office numbers is also available.

B. A program manual is given to every staff member. The manual will include the following:

1. Discipline Policy
2. Rules and Regulations
3. Forms
4. Standards
5. Game and activity leadership
6. Suggestions for interacting with children

C. Sign in/out sheets will be used every day. Only the authorized people listed on the sign in/out release will be allowed to pick up a child. An authorized person must enter the building and sign the sheet in order for staff to release the child. Anyone who is picking up a child may be asked to show picture I.D. Children will not be released if we cannot verify authorization to pick up.

- D. Parents will be notified ahead of time regarding planned field trips and provided the required release forms. Children will not be able to participate if the proper forms are not turned in prior to the trip.
- E. Enrollment information will be kept and maintained on each child and shall include:
- Child's name, birth date, home address, home telephone number, physician's phone number and any emergency contact information
 - Parents' names, address, and phone number(s)
 - Names, driver's license number and telephone number of persons to whom the child can be released
 - Liability Waiver
 - Medical information and release forms on participant
 - Field trip release form as needed
 - Signed discipline policy
- F. Discipline
1. For the safety of and in fairness to all participants in the programs, all children are expected to respect themselves, each other, the staff, and the program's facilities. Any form of lewd behavior, bullying, aggression, violence, disrespect, or foul language will not be tolerated.
 2. Discipline and guidance of children must be consistent and based on an understanding of individual needs and development.
 3. There shall be no harsh, cruel, or unusual treatment. Under no circumstance shall staff engage in physical punishment, withhold food, or bathroom access.
 4. The following Discipline Policy and Consequences will apply to all after-school and summer camp programs.
 - **Discipline Policy and Consequences**
 - 1st offense** - On spot counseling and time-out from activities.
 - 2nd offense** - Talk with site supervisor and parents.
 - 3rd offense** - Suspend from program for 1 to 3 days, depending on severity of the incident and circumstances.
 - 4th offense** - Suspension for up to 1 week from program activities and from the City of Mesquite Recreation Centers, depending on the severity of the incident and circumstances.
 - 5th offense** - Removal from the program and from the City of Mesquite Recreation Centers.
 - All disciplinary actions and suspensions depend on the severity of the incident and circumstances. The city reserves the right to dismiss the participant from the program without warning when it is determined that a participant's unsafe behavior places other children, himself/herself, or staff in danger. Staff will contact law enforcement officers if determined to be necessary. When a participant is suspended from a particular site, he or she is also suspended from all City of Mesquite camps, after-school programs and Recreation Centers. Parents will not be refunded for

the time their child(ren) is suspended from the program, regardless of the term of the suspension(s).

G. Communication with Parents

1. Staff will keep parents informed of activities and schedules. A weekly schedule will be made available for parents to pick up and copies will be kept with the daily sign in sheets.
2. Staff will note details of behavior of participants (accomplishments, discipline problems, general activities, etc.) and update parents as needed.
3. Staff shall attempt to answer any complaints or concerns at the program site. Situations that cannot be resolved on site by staff will be passed to a supervisor immediately. All concerns will be followed up on within 24 hours if they are not resolved on site.

H. Illness or Injury

1. Illness and injuries will be handled in a manner to protect the health of all participants and employees. Participants who are considered to be a health or safety concern to other participants or employees will not be permitted to attend the Program.
2. 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 which placed the child at risk.
3. An ill child will not be allowed to participate if the child is found to have a fever of at least 100° and/or other signs or symptoms of illness until medical evaluation indicates that the child can be included in the activities. Children must be fever free without medicine for at least 24 hours before returning to the program.
4. When an injury occurs, an incident/accident report shall be filled out immediately after the incident occurs. Parents will be contacted when staff deems appropriate based on the severity of the injury but will be notified of all injuries upon pickup.
5. Staff shall notify parents or authorized persons when there is an outbreak of a communicable disease in the facility. For health and safety issues, the City of Mesquite will follow the guidelines set forth by the U. S. Government Center for Disease Control and MISD health and safety protocols.

I. Transportation

1. Before participants are transported to and from any City sponsored activities, a transportation release form must be completed by the parents.
2. Program staff will carry all participant information forms when away from the program site.
3. First Aid supplies will be available in any vehicle transporting program participants.

J. Reporting Abuse/ Neglect

Recreation Staff are mandated by law to report suspected child abuse or neglect to the proper authorities and to cooperate with authorities in investigating any suspected abuse or neglect.

V. ACTIVITIES AND PROGRAMMING

- A. The program will provide activities for each group according to the participant's age, interest, and abilities. The activities should be flexible and promote the emotional, social, and educational advancement of each participant.
- B. A schedule of activities will be made available to parents each week.
- C. Programs will include indoor and outdoor activities as weather permits. Staff will monitor weather conditions and consider the guidelines followed by MISD when planning outdoor activities.
- D. Programs will include a balance of active and passive activities, as well as group and individual activities.

VI. GENERAL GUIDELINES FOR CHILDREN

- A. Personal cell phone or electronic device use will not be allowed during program hours. If cell phones or electronic devices are brought to the program facility, they must remain in the participant's bag. Should a child need to contact a parent or guardian during program hours, staff will assist with a call from the facility phone.
- B. Children must respect the staff and each other.
- C. Children must wear closed-toed shoes to participate in physical activities. Athletic type shoes are preferred.
- D. If the facility where the program is held provides access to the general public, children must be kept separate.

VII. ADDITIONAL POLICIES AND INFORMATION

A. Pick- Up

- 1. Children must be signed-out each day from the program by a parent or guardian. Closing times will be strictly enforced. Parents will be given a 5-minute grace period after which late pick-up fees will begin to accrue at \$1.00 per minute/per family household. Late pick-up fees shall be paid by the end of the next program day.

2. If a child has not been picked up from the facility 30 minutes after the program has ended and the staff has made attempts to contact the child(ren) parents and their authorized persons on the emergency list, staff will call Mesquite Police and turn the child(ren) over to them.

B. Payment Policy

1. After-School Adventures:

- Full payment is due the first school day of each month.
- A \$5.00 late fee will be charged for each day payment is not received.
- If payment is not received by the start of the fifth day of the After-School Adventures program, parents will be contacted to pick up their children from the program immediately.
- Child(ren) will not be allowed to return until full payment including late fees have been paid.
- Repeat non-payment or late payment will result in removal from the program.
- Monthly program fees will not be prorated for days of non-attendance.
- Registration is limited to site capacity and is on a “first-come, first-served” basis. Registration for one month does not guarantee placement in successive months. Spots are not guaranteed until the child is registered, and payment is received.

2. Summer Camp and All-Day Programs:

- Full payment is due at the time of registration.
- Preregistration by the deadline date is required.
- Weekly camp or all-day program fees will not be prorated or refunded for non-attendance.
- Registration is limited to site capacity and is on a “first-come, first-served” basis. Registration in one week does not guarantee placement in successive weeks. Spots are not guaranteed until child is registered, and payment is received.

VIII. MONITORING AND ENFORCEMENT

- A. The ASA & Summer Camp Recreation Supervisor is responsible for ensuring the Standards of Care are being adhered to and will complete a monthly inspection report. The reports will be reviewed by the Manager of Recreation Services and kept on file at the Parks and Recreation Administration office.
- B. Site Supervisors and Recreation Leads are responsible for conducting daily visual inspections of all program sites and activities to ensure safety and compliance with program standards.
- C. Complaints regarding enforcement of the Standards of Care will be directed to the ASA & Summer Camp Recreation Supervisor. The Supervisor will be responsible for resolving issues and concerns. Complaints will be recorded and reported to the Manager of Recreation Services.
- D. Concerns regarding inappropriate behavior towards a child or the conduct of staff should be reported to the Manager of Recreation Services or the Parks and Recreation Director