

ORDINANCE NO. O-2014-65

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, ADOPTING THE CITY OF TYLER YOUTH PROGRAMS STANDARDS OF CARE AS APPLICABLE TO ALL CITY OF TYLER YOUTH PROGRAMS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare of its citizens; and

WHEREAS, the laws of the State of Texas, including those found in Chapter 51 of the Texas Local Government Code afford the City authority to adopt ordinances for the good government, peace, order, and welfare of the municipality; and

WHEREAS, Texas Local Government Code Section 54.004 provides that a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, The City of Tyler has established and will continue to offer youth programs that provide benefits and contribute to the overall well-being of the City's youth and their families; and

WHEREAS, the City of Tyler must annually adopt by ordinance, its Youth Program Standards of Care programs as required by Texas Human Resource Code Section 42.041(b)(14) and Texas Administrative Code Section 745.115; and

WHEREAS, the Youth Program Standards of Care are intended to be minimum standards by which the City of Tyler will operate the City's youth programs.

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

PART 1: AUTHORITY: The Council adopts these local standards of care for the City's youth recreational programs under Texas Human Resources Code, Section 42.041(b) (14) and its home rule authority.

PART 2: That Tyler City Code, Chapter 5, is hereby added as "Youth Standards of Care." The new Chapter is to read as follows:

Chapter 5. Youth Program Standards of Care.

Sec. 5-1; Definitions.

The following definitions apply to Youth Programs Standards of Care:

- *Department:* The Tyler Parks and Recreation Department.

- *Parent(s)/Legal Guardian.* One or both parents or other adult guardians with legal custody and authority to enroll a child or children in a Youth Program.
- *Participant:* A youth whose parent/legal guardian has completed required registration procedures and who is eligible for the Youth Program.
- *Recreation Specialist:* A full-time, professional employee of the Department not less than 21 years of age with a minimum two years of experience planning and implementing youth recreational activities.
- *Recreation Center Supervisor:* The full-time department employee or his/her designated representative, who is responsible for the supervision of a recreation center including personnel, programs, space allocation and overseeing the overall management, administration and implementation of Youth Programs.
- *Recreation Manager:* The full-time Department employee or his/her designated representative, who is responsible for the supervision of the City's recreation facilities, programs and personnel.
- *Recreation staff:* Those individuals who are under contract, volunteer, or hired and employed by the City and assigned responsibilities for administration, managing, and or implementing some portion of the Youth program.
- *Site:* Glass Recreation Center located at 501 West 32nd Street, is a primary location for Youth Programs. "Site" also includes any other location within the City of Tyler where a youth recreational activity is being offered.
- *Youth:* A young person under the age of seventeen (17).
- *Youth Program:* A City sponsored event, activity, class, day or specific subject matter camp for youth, and/or an after-school youth recreation program.
- *Youth Program Manual:* The notebook of policies, procedures, required forms, and organizational and programming information relevant to Youth Programs, which is fully incorporated herein and made a part of this Code. A copy of the Youth Program Manual is available for review at the City's Parks Administration Office and may be accessed at the City of Tyler website.

Sec. 5-2; Standard of Care.

a. Staff-Participant ratio.

1. The standard of ratio of participants to staff/counselors will be no more than twenty five (25) to one. In the event a recreation staff is unable to report to a site, a replacement will be assigned; and
2. Each participant shall have a Recreation staff member who is responsible for him or her and who is aware of the Participants behaviors, interests

and special problems as identified by the participant's parent or legal guardian during the registration process.

b. Discipline.

1. All Recreation staff will implement the Code of Conduct adopted in 2011, and as amended, through the Parks and Recreation Department as well as be consistent in the manner based by the behavior or infraction in the best interests of Participants.
2. There will be no cruel or overly severe, or physical punishment or treatment;
3. All Recreation Staff may use brief, supervised separations from the group if deemed necessary;
4. As necessary, Recreation staff will initiate discipline reports to the parent(s) or legal guardian(s) of participants. Parents/legal guardians are asked to sign discipline reports to indicate they have been advised of specific problems or incidents;
5. 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
6. In instances where there is a danger to participants or staff, the offending participant will be removed from the site immediately with supervision.

c. Programming.

1. Recreation staff will attempt to provide a wide range of activities for groups according to the participants' ages and abilities to participants' health, safety, and over all well-being. The activities will be flexible and adaptable to youth participants to help promote emotional, social and mental growth.
2. Recreation staff will attempt to provide Youth Programs that include:
 1. Active and inactive activities.
 2. Opportunity for youth to learn and grow through educational programming.
 3. Outdoor activities where weather permits.
 4. Community Service projects.
3. Recreation staff will be supportive, attentive and considerate of the safety of each youth participant in the program.
4. Recreation Staff must have a first aid kit on site or when going outdoors and be First Aid and CPR trained.

d. Communication.

1. The site will have a telephone available 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

2. The Recreation Specialist will post the following telephone numbers adjacent to a telephone accessible to all Recreation Staff at the site. These numbers are available in the Manual as well:

- i. City ambulance or emergency medical services;
- ii. Recreation Center Supervisor;
- iii. City Police Department;
- iv. City Fire Department;
- v. City Hall;
- vi. City Parks and Recreation Department;
- vii. Numbers at which parents/legal guardians may be reached;
and
- viii. The telephone number for the site itself.

e. Safety.

1. Recreation Staff will inspect the Site daily for any problem areas of sanitation and safety that might affect the health and safety of the youth participants.
2. Buildings, grounds and equipment will be well maintained and inspected for maintenance problems, cleaned and maintained to protect the health and safety of the participants.
3. Recreation Staff must have a first aid kit and guide to first aid and emergency care readily available at the site, and for any outside activities.
4. Safety is the first concern shown in implementing a day to day after school program.

f. Fire.

1. 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;
2. Each Youth Program site will have an annual fire inspection by the City's Fire Department, and the resulting report will detail any safety concerns observed. The report will be forwarded to the Recreation Manager who will review and establish deadlines and criteria for compliance. 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 by Youth Program staff once a quarter. All employees will be trained on proper use of fire extinguisher.

3. Fire drills will be initiated at the site once a month, until program is completed.

g. Illness and Injury.

1. 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;
2. Illnesses and injuries will be handled in a manner to protect the health and welfare of all participants and employees.
3. Recreation Staff will follow the plans stated in the Youth Program Manual for providing emergency care for injured participants with symptoms of an acute illness or injury.
4. Recreation Staff will follow the recommendation of the Northeast Texas Public Health District, the Smith County Health Authority, and/or the Texas Department of State Health Services concerning the admission or re-admission of any participant after a communicable disease.

h. Toilet Facilities.

1. The site will have accessible toilets located and equipped for participants to use independently. With parent/legal guardian consent or at their request, Recreation staff can supervise as needed.
2. An appropriate and adequate number of toilets and sinks will be available for use.

i. Sanitation.

1. The site must have adequate light, ventilation, air conditioner and heat;
2. The Youth Program must have an adequate supply of safe drinking water and ensure that it will be supplied to the participant in a sanitary and safe manner; and
3. Recreation staff must properly dispose of garbage and trash from the program area daily.
4. Recreation staff must also make sure all rooms and areas used are safe and clean from trash and debris as needed.

Sec. 5-3; Youth Program-Recreation Staff.

Staff Qualifications and responsibilities:

a. Recreation Specialist qualifications:

1. Will be a full-time, professional employee of the department not less than 21 years of age;
2. Must have two years' experience planning and implementing youth, recreational activities;

3. Must pass a background check including testing for drugs and alcohol; and
4. Must be CPR /AED certified.

b. Recreation Specialist responsibilities:

1. Administer the daily operations of Youth Programs in compliance with the Youth Standard of Care;
2. Recommends for hire, supervises, and evaluates Recreation staff/counselors;
3. Plans, implements, and evaluates the daily activities of the Youth Programs; and
4. Investigates allegations or concerns regarding suspected child abuse and will report suspected child abuse or neglect immediately to the Director of Parks and Recreation and Youth Program supervisor.

c. Recreation Staff/Counselor qualifications:

1. Contracted, part-time, or temporary employees or volunteers of the City;
2. Will be age 17 or older; however, site will have at least one counselor 18 years or older present at all times during the program;
3. Must pass a background check including testing for drugs/alcohol; and
4. Must be trained in basic first aid and be CPR/AED certified.

d. Recreation Staff/Counselor responsibilities:

1. Be able to consistently show good judgment, competence, and self-control when working with youth participants;
2. Relate to participants with respect, tolerance, kindness and patience;
3. Provide participants with a safe, wholesome, enjoyable environment in which to participate in recreational activities and exhibit appropriate social skills;
4. Be responsible and follow all City standards, policies and procedures that apply to the Youth Program; and
5. Ensure that participants are only released to a parent, legal guardian, or person on record as being authorized by the parent/legal guardian for pick up. Youth Program staff shall require adults picking up children for identification verification prior to allowing pick up.

e. Training and Orientation:

1. The City will provide training and orientation to the Recreation staff in working with participants and for specific job responsibilities. Each staff member, paid or unpaid, will be provided with a Youth Program Manual;

2. Recreation staff will be trained in appropriate procedures to handle emergencies;
3. Recreation staff/counselors will be trained on City policies and procedures related to the City's Youth Programs Standards of Care; and
4. Recreation staff will be required to sign an acknowledgement that they received the required training and are expected to conduct activities in accordance with the Youth Programs Standards of Care Manual.

Sec. 5-4; Administration

- a. Administration of Youth Programs shall be coordinated through the City of Tyler Parks and Recreation Department. Implementation of the Youth Program Standards of Care is the responsibility of the Parks and Recreation Department Director and her designees. These standards of care will apply to all Youth Programs. The program sites will have available, for public and staff review, a current copy of the Youth Programs Standards of Care and Manual. Parents or legal guardians of participants will be provided a current copy of the Youth Programs Standards of Care during the program's registration process. Criminal background checks will be conducted on prospective Youth Program staff, whether employee or contractor or volunteer. No person is allowed to be hired as staff for a Youth Program if the person fails to satisfy the City background check.
- b. Before youth participants may be enrolled, a parent or legal guardian must sign registration forms that contain:
 1. Name, address, home telephone number of participant;
 2. Name, address and telephone number of parent(s) or legal guardian(s) who may need to be contacted during the Youth Program hours of operation;
 3. Alternate emergency contact information;
 4. Names, telephone numbers and driver's license numbers of persons to whom the Participant may be released;
 5. A statement of the Participant's special problems or needs, including allergies;
 6. Emergency medical authorization;
 7. A liability release form that encompasses all personal injury, including death, and property damage resulting from participation in any Youth Program.
- c. A monthly site inspection report will be completed by the Recreation Specialist of each Youth Program to confirm compliance to the Youth Program Standards of Care. Inspection reports will be sent to the Recreation Center Supervisor and the Director of Parks and Recreation, both of whom will review the report and will keep and maintain on file for three years. The Director of Parks and Recreation, the Recreation Center Supervisor, and other authorized designees, will ensure all

deadlines and compliance for the Youth Standard of Care. Monthly visual inspections of Youth Programs will be conducted no less than four times during each Youth Program.

- d. Complaints regarding enforcement of the Youth Program Standards of Care will be directed to the Recreation Specialist. The Recreation Specialist will be responsible to take the necessary steps to resolve the problems. Complaints can be made verbally but are preferred in writing. If a verbal complaint is received, the Recreation Specialist shall record a written description of the complaint, including the complainant's name and contact information, and date of the complaint. It shall be the responsibility of the Recreation Specialist or designee to investigate the complaint and to attempt resolution based on findings. The Recreation Specialist shall contact the complainant with information concerning the actual or proposed resolution within five (5) days of the date of receipt of the complaint.

If the complaining party desires to appeal the outcome or resolution of the complaint, the party may appeal the Recreation Specialist decision in writing to the Director of Parks and Recreation Department within five (5) days of receipt of the Recreation Specialist decision. The Director shall, within five (5) days of receipt of the written appeal, review the information and make any further investigation deemed necessary before making a final decision. Any complaint related to an accident or incident causing bodily injuries or property damage shall be immediately reported to the City's Risk office.

- e. The Recreation Supervisor will make an annual report to the Parks Board with an overall status of the Youth Program and their compliance with the Youth Program Standard of Care.

PART 3: Distribution of Standards. The Parks and Recreation Department shall post and make available copies of the standards adopted in this ordinance or by rules adopted under this ordinance. The department shall inform parents or guardians of each participant that the recreational programs are not operated and advertised as child-care facilities, thus exempt from state child-care licensing.

PART 4: Recommendation for Amendment or Re-Adoption. Not later than August 1st of each year, the Parks and Recreation Director shall recommend to the Council the adoption of the local standards.

PART 5: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 6: That this Ordinance shall become effective immediately upon its adoption and expires one year after its effective date.

PASSED AND APPROVED THIS the 23rd day of July, 2014.


MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


DEBORAH PULLUM, CITY ATTORNEY

