ARTICLE XI. MILLER THEATRE ADVISORY BOARD

Sec. 32-243. Creation of advisory board.

There is hereby created the Miller Theatre Advisory Board, whose members shall be appointed by the mayor, subject to confirmation by the city council. The director of the department of parks and recreation shall serve as executive secretary to the board but shall not be a member of the board and shall not have a vote. A representative of the Cultural Arts Council of Houston (CACH) selected by CACH, shall be an ex officio member of the board and shall not have a vote nor be considered a member for purposes of establishing a quorum. Additionally, a representative to be selected from time to time by the Houston Parks Board shall be an ex officio member of the board, who shall not have a vote or be considered a member for the purpose of establishing a quorum.
(Ord. No. 91-100, § 1, 1-16-91; Ord. No. 94-1164, § 1, 11-2-94)

Sec. 32-244. Positions and terms of board.

(a) There shall be 21 voting members of the Miller Theatre Advisory Board, each of whom must reside within the limits of the city and shall be appointed by the mayor and approved by city council. The term of each member shall be for four years and shall continue until a successor has been appointed and confirmed. Terms shall be staggered. An appointment made to fill a vacancy caused by the death or resignation of a board member shall be for the balance of the term of the position.

(b) Five of the positions shall be filled by mayoral appointment of persons employed by or otherwise representing Rice University, Texas Southern University, the University of Houston, the Houston Independent School District, and the South Main Center Association.

(c) The initial appointments shall be made for staggered terms, with seven members being appointed for four-year terms, seven members being appointed for three-year terms, and seven members being appointed for two-year terms, with consideration being given to the number of years, if any, an individual served on the Miller Theatre Advisory Council.
(Ord. No. 91-100, § 1, 1-16-91)

Sec. 32-245. Assistance of city departments.

Through the director, the directors of other city departments shall provide requested assistance

to the board. The city attorney shall provide requested legal representation and services to the board.
(Ord. No. 91-100, § 1, 1-16-91)

Sec. 32-246. Members to serve without pay.

Members of the board shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city; provided, however, that a member of the board, or the firm, company or corporation with whom the member is associated shall not be precluded from receiving compensation from the city under any contract for services rendered which have no relation to the member's duties as a member of the board. Members of the board shall abstain from voting upon matters in which they have or may have a conflict of interest.
(Ord. No. 91-100, § 1, 1-16-91)

Sec. 32-247. Organization of the board.

The board shall elect from their membership a chairman, a vice-chairman, a secretary and a treasurer to serve for one year commencing on January 1 and ending on December 31, or until a successor shall have been elected and installed. The board must adopt such administrative procedures as are necessary to accomplish the purposes set out in this article.
(Ord. No. 91-100, § 1, 1-16-91; Ord. No. 95-1274, § 6, 12-6-95)

Sec. 32-248. Purposes.

The purposes of the Miller Theatre Advisory Board shall be:

(1) To receive and manage an annual allocation from the cultural arts council of Houston in support of performances at the Miller Outdoor Theatre. Applicants for such support will be reviewed and auditioned as necessary.

(2) Management and distribution of funds for Miller Outdoor Theatre performances in accordance with an approved schedule of performances.

(3) Solicitation of funds, gifts, and bequests for Miller Outdoor Theatre performances, programs, and facilities.

(4) Management, investment, and oversight of funds, gifts, and bequests donated to Miller Outdoor Theatre.

(5) Organization and management of a volunteer group for the operations of Miller Outdoor Theatre and its performances and operations.

(6) Operation and maintenance of Miller Outdoor Theatre Concession facility, remitting to the city five percent of the gross proceeds from such operations. The balance of net proceeds from such operation shall be spent solely for the benefit of the theatre and/or its programs.

(Ord. No. 91-100, § 1, 1-16-91)

Sec. 32-249. Additional powers of board.

(a) The board may cooperate with any trust created for similar purpose or purposes. However, the board has no authority to commit city funds, property, personnel, or services.

(b) The board may contract for financial management and investment services, paying reasonable fees therefor from solicited funds, gifts, bequests, and/or income therefrom, provided the board shall exclude from provision of such payment those solicited funds, gifts, bequests and/or income the donor of which made provisions contrary to such use.

(c) The board may exercise its sole discretion in the application, for Miller Outdoor Theatre purposes, of those funds donated directly to board, provided purchases and improvements to the Miller Outdoor Theatre shall be in compliance with the competitive bid laws of the state and the Charter of the city and shall be approved by the city.

(d) The board may exercise its sole discretion in the application, for Miller Outdoor Theatre purposes, of those funds received from any trust created specifically for the benefit of the board when such trust specifically grants such sole authority to the board, provided purchases and improvements to the Miller Outdoor Theatre shall

be in compliance with the competitive bid laws of the state and the Charter of the city and shall be approved by the city.
(Ord. No. 91-100, § 1, 1-16-91)

Sec. 32-250. Financial records of board.

The financial books and records of the board shall be open to inspection and audit during regular business hours by authorized representatives of the city, or by independent certified public accountants employed or engaged by the city. Further, as a condition of the acceptance of funds or the cooperation described in sections 32-248 and 32-249, the board must provide annual audited financial statements.
(Ord. No. 91-100, § 1, 1-16-91)

Sec. 32-251. Annual report.

The board shall make an annual report to the mayor and city council.
(Ord. No. 91-100, § 1, 1-16-91)

Sec. 32-252. Removal of board members.

Board members may be removed by the city council for the following causes:

(1) Four consecutive absences from regular monthly meetings of the board.

(2) Failure to abstain in votes or activities of the board, where direct or indirect conflicts of interest are or may be involved.

(3) For conduct, whether within or without board activities, which impairs the ability of the member to discharge his board duties.

(Ord. No. 91-100, § 1, 1-16-91)

Secs. 32-253—32-260. Reserved.

ARTICLE XII. HOUSTON YOUTH RECREATION PROGRAMS STANDARDS OF CARE*

DIVISION 1. GENERALLY

Sec. 32-261. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Deputy director means a deputy director of the parks and recreation department of the city, or the deputy director's designee.

Parent means a parent or guardian who has legal custody and authority to enroll a child in a youth recreation program.

Participant means a youth (ages five—13) whose parent or guardian has completed all required registration procedures and has been determined to be eligible for a youth recreation program.

Program manual means the notebook of policies, procedures, forms, and organizational and programming information relevant to a youth recreation program.

Program site means the area or facilities where a youth recreation program is held.

Program staff means the person or persons who have been hired or have volunteered to work for the city and have been assigned responsibility for managing, administering, or implementing some or all portions of a youth recreation program. This definition includes recreation facility managers, program managers, recreation supervisors, senior recreation specialists, recreation specialists, and recreation assistants.

Site manager means a recreation facility manager, program manager, or recreation supervisor.

Youth recreation programs mean the department programs consisting of the after school

*Editor's note—In accordance with Section 42.041(b)(14) of the Texas Human Resources Code, the city council conducted a public hearing on September 3, 2003. Following the hearing, the city council passed Ord. No. 2003-793, which readopted this article without changes.

enrichment program, the summer enrichment program, the holiday enrichment program, and other non-school day programs.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-262. Organization.

(a) The governing body of the youth recreation programs is the city council.

(b) Implementation of the youth recreation program standards of care is the responsibility of the deputy director and program staff.

(c) The standards of care, as provided in this division, shall apply to the department's after school enrichment program, the summer enrichment program, the holiday enrichment program, and other non-school day programs.

(d) Each program site will have a current copy of the standards of care available for the public and the staff.

(e) Parents of participants will be provided a copy of the standards of care prior to the start of a youth recreation program, preferably during the registration process. Parents will be informed that a youth recreation program is not licensed by the state and that the youth recreation program is not a child-care facility.

(f) Criminal background checks will be conducted on prospective program staff. If results of a criminal check indicate that an applicant has been convicted of any of the following offenses, the applicant will not be considered for employment in a youth recreation program:

(1) A felony or a misdemeanor classified as an offense against a person or family;

(2) A felony or a misdemeanor classified as public indecency;

(3) A felony or a misdemeanor violation of any law intended to control the possession or distribution of any controlled substance;

(4) Any offense involving moral turpitude; or

(5) Any offense that would potentially put the city at risk.

(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-263. Inspection, monitoring, and enforcement.

(a) A site manager of a program site will ensure compliance with the standards of care and will prepare a monthly inspection report.

(b) Inspection reports will be sent to the deputy director for review.

(c) The deputy director will review the report and establish deadlines and criteria for compliance with the standards of care.

(d) The deputy director will make visual inspections of youth recreation programs based on the following schedule:

(1) An after school enrichment program site will be inspected monthly. This may be scheduled or unscheduled.

(2) The summer enrichment program will be inspected twice during its summer schedule.

(e) A complaint regarding enforcement of the standards of care will be directed to the site manager. The site manager will be responsible for taking the necessary steps to resolve the complaint. The site manager will record complaints regarding enforcement of the standards of care and their resolution. Serious complaints regarding enforcement of the standards of care will be forwarded to the deputy director for review and resolution.

(f) The deputy director will make an annual report to the director on the overall status of the youth recreation programs and their operation relative to compliance with the adopted standards of care.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-264. Enrollment.

Before a child can become a youth recreation program participant, a parent must sign a registration form that contains:

(1) The child's name, age, address, and home telephone number;

(2) Emergency contact names and telephone numbers;

(3) The child's doctor's name and telephone number; and

(4) A liability waiver.

(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-265. Suspected child abuse.

(a) Program staff will report suspected child abuse in accordance with the Texas Family Code.

(b) Program staff will receive basic training related to child abuse prevention and reporting.
(Ord. No. 02-756, § 2, 8-21-02)

Secs. 32-266—32-270. Reserved.

DIVISION 2. STAFFING QUALIFICATIONS AND TRAINING

Sec. 32-271. Recreation facility manager qualifications.

(a) Recreation facility managers will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation facility managers should possess the following combination of experience and training:

(1) Two years of experience in recreation facility operations.

(2) An associate's degree in physical education, art or a related field.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-272. Program manager qualifications.

(a) Program managers will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Program managers should possess the following combination of experience and training:

(1) Two years of experience coordinating and managing community programs and activities.

(2) An associate's degree in business administration, management, physical education, art or a related field.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-273. Recreation supervisor qualifications.

(a) Recreation supervisors will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation supervisors should possess the following combination of experience and training:

(1) An associate's degree in education, recreation, physical education, art or a related field.

(2) Two years of experience in recreation or education.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-274. Senior recreation specialist qualifications.

(a) Senior recreation specialists will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Senior recreation specialists should possess the following combination of experience and training:

(1) One year of experience in recreation, education or a related field.

(2) An associate's degree in physical education, art or a related field.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-275. Recreation specialist qualifications.

(a) Recreation specialists will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation specialists should possess the following combination of experience and training:

(1) Three months of experience in recreation, or education or a related field.

(2) An associate's degree in physical education, art or a related field.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-276. Recreation assistant qualifications.

(a) Recreation assistants will be employees of the department and will be required to have the minimum qualifications outlined in this section.

(b) Recreation assistants should possess the following combination of experience and training:

(1) Three months of experience in recreation, education or a related field.

(2) A high school diploma or GED certificate.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-277. Training and orientation.

(a) The department is responsible to provide training and orientation to program staff in working with participants and for specific job responsibilities. The deputy director will provide each program site with a program manual.

(b) Program staff should be familiar with the standards of care for youth recreation programs as adopted by city council.

(c) Program staff should be familiar with a youth recreation program's policies including discipline, guidance, and release of participants.

(d) Program staff will be trained in appropriate procedures to handle emergencies.

(e) Program staff will be trained in areas including city, department, and youth recreation program policies and procedures, recreation activities organization, safety issues, program organization, and other areas as required by an assigned youth recreation program.

(f) Program staff will be required to sign an acknowledgment that they have received the required training.
(Ord. No. 02-756, § 2, 8-21-02)

Secs. 32-278—32-280. Reserved.

DIVISION 3. OPERATIONS

Sec. 32-281. Staff-participant ratio.

In a youth recreation program, the standard ratio of participants to staff is 35 to 1, based on average daily attendance. For a field trip, the standard ratio of participants to staff is 10 to 1, based on average daily attendance.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-282. Discipline.

(a) Program staff will implement discipline and guidance in a consistent manner based on the best interests of participants.

(b) There will be no cruel treatment or harsh punishment.

(c) Program staff will use brief, supervised, separation (time out) from the group if necessary.

(d) As necessary, program staff will initiate discipline reports to the parent(s) of participants. A parent will be asked to sign participant discipline reports to indicate they have been advised about specific problems or incidents.

(e) A sufficient number and/or severe nature of discipline reports may result in a participant being suspended from a youth recreation program.

(f) A participant will be removed from the program site as soon as possible in instances of danger to other participants or program staff.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-283. Programming.

(a) Program staff will provide cultural, educational, and recreational programs for participants according to their ages, interests, and abilities. The activities will be appropriate to the health, safety, and well-being of participants. The activities also will be flexible and promote the emotional, social, and mental growth of participants.

(b) Program staff will attempt to provide indoor and outdoor time periods to include:

(1) Alternating active and passive activities;

(2) Opportunity for individual, small, and large group activities; and

(3) Outdoor time each day, as weather permits, based upon room availability and weather conditions.

(c) Program staff will be attentive and considerate of the participant's safety on field trips and during any transportation provided by a youth recreation program.

(d) During field trips, program staff will have emergency contact information for each participant.

(e) Program staff will have a written list of the participants in the group and should check the roll before departure to and from the destination.

(f) Program staff will have first aid supplies available on field trips.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-284. Communication.

A program site will have a pager to allow a program site to be contacted by program staff. A program site will have access to a telephone for use in contacting program staff or making emergency telephone calls. At a program site, the site manager will post the following telephone numbers adjacent to a telephone accessible to program staff:

(1) City ambulance or emergency medical services;

(2) Houston Police Department;

(3) Houston Fire Department;

(4) Department administrative office; and

(5) Telephone numbers and address of the program site.

(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-285. Transportation.

(a) Before a participant can be transported to and from city sponsored activities, a registration/waiver form, completed and signed by a parent of the participant, will be filed with the department.

(b) First aid supplies will be available in a youth recreation program vehicle used to transport participants.

(c) Seatbelts will be worn, if provided.

(d) Participants will be oriented to expected behavior and safety rules.
(Ord. No. 02-756, § 2, 8-21-02)

Secs. 32-286—32-290. Reserved.

DIVISION 4. FACILITY STANDARDS

Sec. 32-291. Safety.

(a) Program staff will inspect program sites weekly checking for sanitation and safety concerns that might affect the health and safety of participants.

(b) Buildings, grounds and equipment on a program site will be inspected, cleaned, repaired and maintained to protect the health and safety of participants.

(c) Program site equipment and supplies will be safe for use of participants

(d) Program staff will have first aid supplies available at a program site in a designated location, during transportation, and for the duration of any off-site activity.
(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-292. Fire.

(a) In case of fire, danger of fire, explosion or other emergency, program staff's first priority is to evacuate participants to a pre-designated safe area.

(b) A program site will have an annual fire inspection, and the resulting report will detail any safety concerns observed and recommend deadlines and criterion for compliance.

(c) A program site will have at least one fire extinguisher readily available to all program staff. The fire extinguisher will be inspected monthly by the site manager. Program staff will be trained in the proper use of a fire extinguisher.

(d) Fire drills will be initiated at program sites based on the following schedule:

(1) *After school enrichment program*—Once every three months; and

(2) *Summer enrichment program*—Once during each program.

(Ord. No. 02-756, § 2, 8-21-02)

Sec. 32-293. Health.

(a) *Illness or injury.*

(1) A participant who is considered to be a health or safety concern to other participants or program staff will not be admitted to a youth recreation program.

(2) Illnesses and injuries will be handled in a manner to protect the health of all participants and program staff.

(3) Program staff will follow emergency procedures for injured participants or for participants with symptoms of an acute illness.

(b) *Toilet facilities.*

(1) A program site will have toilets located and equipped so participants can use them independently and program staff can monitor as needed.

(2) An adequate number of lavatories will be provided.

(c) *Sanitation.*

(1) An indoor program site will have adequate light, ventilation, air conditioning, and heat.

(2) A program site will have an adequate supply of water, and water will be supplied to the participants in a safe and sanitary manner.

(Ord. No. 02-756, § 2, 8-21-02)

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