

RESOLUTION 14-2010

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA APPROVING AN AGENCY AGREEMENT WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY TO PROVIDE CHILD SAFETY SEATS TO BENSON RESIDENTS AND CLASSES IN PROPERLY USING SAME

WHEREAS, in 2008, 684 children under the age of five were injured in automobile crashes statewide as a result of being unrestrained or improperly restrained; and

WHEREAS, for over 15 years, the Governor's Office of Highway Safety (GOHS) has operated the Children Are Priceless Passengers (CAPP) program that provides local agencies with resources to reimburse the cost of instructors to teach child restraint classes as well as providing the local agency a number of child restraint seats; and

WHEREAS, GOHS requires the recipient agency to execute an Agency Agreement, which is attached hereto as Exhibit A, that sets forth the terms and conditions of such assistance.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Benson, Arizona that the Agency Agreement with the Governor's Office of Highway Safety for 2010-2012, attached hereto as Exhibit A, is hereby approved and the Fire Chief is authorized to execute same on behalf of the City and take all actions necessary and reasonable to implement this program.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA this 22nd day of February, 2010.



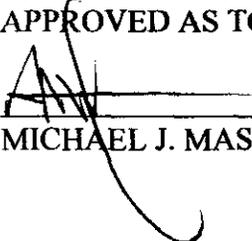
MARK M. FENN, Mayor

ATTEST:



VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:



MICHAEL J. MASSEE, City Attorney



STATE OF ARIZONA
GOVERNOR'S OFFICE OF HIGHWAY SAFETY
3030 N. Central Avenue, Suite 1550
Phoenix, AZ 85012
(602) 255-3216
www.azgohs.gov



AGENCY AGREEMENT

1. Agency Name Benson Fire Department	
2. Agency Address POB 2223/375 E. 7 th St., Benson, Az. 85602	
3. Program Title Children Are Priceless Passengers (CAPP) Program	
4. Agreement Number 2010-CAPP-002	5. Program Area Occupant Protection
6. Effective Date January 1, 2010	7. Termination Date December 31, 2012
8. GOHS Program Coordinator Amy Wozniak	9. Agency Program Administrator Name, Phone number, and e-mail address: Keith Spangler (520)586-9832 kspangler@cityofbenson.com

PROBLEM:

Motor vehicle crashes continue to be the leading cause of death and serious physical injury for children under the age of five. Each year in Arizona, approximately 15 to 20 children under the age of five lose their lives as a result of non-usage or misuse of child safety seats. This correlates to losing nearly an entire kindergarten class each year. In 2008, 684 children under age five were injured in crashes statewide as a result of being unrestrained or improperly restrained. Although Arizona has an 80% usage rate for child safety seats for children under the age of five, over 80% of existing child safety seats are used improperly.

OBJECTIVE:

When properly installed, child safety seats reduce the risk of death 54% to 71%, depending upon the type of restraint for infants and toddlers. Child safety seats are 67% effective in preventing injuries.

The Children Are Priceless Passengers (CAPP) Program has been developed for the purpose of improving the child safety seat usage rate in Arizona by the following methods:

- Increasing enforcement of child restraint laws by law enforcement agencies
- Increasing education about the importance of child safety seats
- Raising public awareness about the effectiveness of child safety seats

For over 16 years, The Governor's Office of Highway Safety (GOHS) has partnered with agencies throughout Arizona to be involved in the CAPP Program. The program provides child safety classes in both English and Spanish, taught by National SAFEKIDS certified technicians, and provides new child safety seats to students attending the classes. Program information will be provided by law enforcement agencies to drivers when issued a citation for ARS §28-907.A (child restraint law). Program information will also be provided to each law enforcement agency and all municipal and justice courts throughout Arizona.

GOHS will supply the participating agencies with the Capital Outlay (child safety seats), written materials, and technical support to initiate this program. The program is designed to be self-sufficient and supported by funding established through class fees.

METHOD OF PROCEDURE:

1. It is understood that the CAPP Program is sponsored and funded by the GOHS.
2. Benson Fire Department will provide child safety classes in both English and Spanish taught by National SAFEKIDS certified technicians to drivers who have been issued a citation for ARS §28-907.A (child restraint law). Additionally, the child safety classes are open to the general public. Benson Fire Department will also provide new child safety seats to students during the classes, in the event the student requires a car seat.
3. GOHS will provide Benson Fire Department with a sufficient supply of child safety seats and current educational materials for initial start up for individuals attending the CAPP classes. GOHS will be responsible for the initial costs and expenses associated with the provision of child safety seats and educational materials for the Benson Fire Department.
4. The class instructor base will be established by the Benson Fire Department Program Administrator. The Program Administrator will utilize only instructors having successfully completed certification through the four-day National Highway Traffic Safety Administration (NHTSA) Standardized Child Passenger Safety Technical Training and who remain current in such certification. The instructor must have strong technical knowledge of child passenger safety issues and have experience installing/checking child safety seats. Certificates will be maintained on site by the Program Administrator with copies available upon request to the GOHS office.

5. Class instructors are required to follow the course curriculum provided in the CAPP instructor's binder, which has been provided to the Program Administrator by GOHS and is, by this reference, incorporated into this Agreement. Instructors are required to ensure that all forms are completed as prescribed in the CAPP instructor's binder.
6. Part of the course curriculum will be for Benson Fire Department to provide hands on education on the fitting and installation of the child safety seats by having trained personnel assist the parent or caregiver with installation of the child safety seat and providing the parent or caregiver with instructional materials.
7. The class fee for each student has been established at \$25 for drivers who have been issued a child restraint citation, or for the general public. Each additional citation or additional requested child safety seat will require a \$25.00 administrative fee. Benson Fire Department has discretionary approval to waive fees based on financial capabilities of attendee, but not for citations. Collection of fees may be accepted per agency policy. Cash or money order is the preferred method of payment (no checks are accepted). Benson Fire Department is required to establish an account for collected class fees to be deposited. **Account funding is to be dedicated solely for the purposes of administration of the outlined program.**
8. Upon the completion of each class, instructors are required to provide the Program Administrator with the class roster, registration forms, and fees collected. Written documentation including balance of funds and the number of child safety seats issued will be documented on the provided database. This information will be submitted to GOHS on a quarterly basis by the Program Administrator.
9. The Program Administrator is required to establish a filing system, maintaining the white copies of the registration forms and class rosters. Additionally, information may be stored in a computer data file to assist with record maintenance. The pink copies of the registration forms will be given to the students, which will provide them with a certificate of completion, receipt of purchase, and documentation for the respective court. The yellow copies can be discarded after information is entered into the provided database or maintained by class instructors.
10. Class rosters are required to be provided to all courts which had students in attendance at any given class. Program Administrators must follow respective court procedures in providing attendance documentation to the adjudicating court within 72 hours of class completion. A list of all Municipal and Justice Court information has been provided to Benson Fire Department.
11. Benson Fire Department is required to provide a secured facility adequate to store at least one hundred (100) child safety seats. The storage area should be protected from inclement weather. All child safety seats will be stored with all parts and paperwork provided by the manufacturer.
12. Benson Fire Department must provide **dates and times** for the Program's class schedule to the GOHS Occupant Protection Coordinator **six (6) month's** at a time. The classes will take place at Benson Fire Department. Individuals attending the classes will be subject to and comply with all safety, health, and security guidelines of Benson Fire Department while on Benson Fire Department premises. Individuals with citations must provide appropriate identification upon arrival at a scheduled class.

13. Benson Fire Department will have a designated phone number to register students and answer questions regarding the program. GOHS will provide program information and brochures to each participating Benson Fire Department, justice precinct, and municipal court. The CAPP Program will be promoted by GOHS and Benson Fire Department through various public awareness and educational events related to health and safety. Partnerships between law enforcement, fire department, health and social service agencies are strongly encouraged.

14. Benson Fire Department can receive donations to further its programs, but the child safety seats **cannot** be sold or used to solicit funds.

REPORTING REQUIREMENTS:

Quarterly reports shall be submitted by CAPP administrator to GOHS OP Coordinator with the following information:

Agency/CAPP Location: _____
CAPP Agreement Number: _____
Agency Name: _____
Reporting Period: _____
Program Administrator: _____
E-mail Address: _____
Phone Number: _____
Current funding balance of the CAPP account \$ _____
Total number of child safety seats distributed as result of violation/citations: _____
Total number of child safety seats distributed as result of voluntary participation: _____

NOTE: Failure to submit quarterly report can result in denial of instructor reimbursement

***A three month copy of the database information shall be attached.**

Reporting Period	Due Date
June 1 to September 30	October 31
October 1 to December 31	January 31
January 1 to March 31	April 30
April 1 to June 30	July 31
July 1 to September 30	October 31

All Quarterly Reports must be hand delivered or mailed to the **Governor's Office of Highway,**
Attn: OP Coordinator, 3030 North Central Avenue #1550 Phoenix, Arizona 85012

PAYMENT OF INSTRUCTOR FEES:

GOHS will pay course instructors \$100 per class (this is the maximum fee for each class regardless of the number of instructors). The Program Administrator will submit a Report of Costs Incurred (RCI) form with the required supporting documentation (class roster) to GOHS within ten (10) days after each scheduled class. RCI's not received by the GOHS fiscal section by the 15th of each month will be processed during the following monthly cycle. The Program Administrator must sign off on each RCI.

LIABILITY STATEMENT:

Benson Fire Department agrees that the sole purpose of this program is to help increase the education and use of child safety seats; that the new child safety seats are being provided at a reduced fee to class students; and that this program does not guarantee any child's safety in a car crash. Benson Fire Department hereby releases the GOHS from any present or future liability for any and all injuries or damages that may occur as a result of the negligence of Benson Fire Department or any of Benson Fire Department class instructors.

APPROVED:

 Chief Operating Officer

 Date

 Alberto Gutier, Director
 Governor's Highway Safety Representative

 Date