

RESOLUTION 65-2009

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 RECEIVE ASSISTANCE IN PROVIDING CHILD SAFETY SEATS TO BENSON RESIDENTS AND CLASSES IN PROPERLY USING SAME

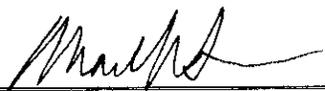
WHEREAS, in 2008, 684 children under the age of five were injured in automobile crashes statewide as a result of being unrestrained or improperly restrained; and

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.

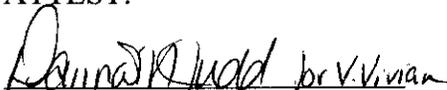
NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of Benson, Arizona that the Agency Agreement with the Governor's Office of Highway Safety, attached hereto as Exhibit "A", is hereby approved and the Fire Chief is authorized to execute same on behalf of the City and take all actions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

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA this 26th day of October, 2009.



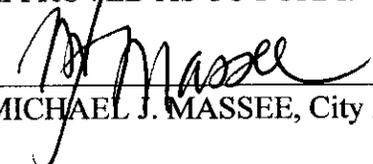
MARK M. FENN, Mayor

ATTEST:



VICKI L. VIVIAN, City Clerk

APPROVED AS TO FORM:



MICHAEL J. MASSEE, City Attorney

EXHIBIT "A"
AGENCY AGREEMENT

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

AGENCY AGREEMENT

1. Agency Name Benson Fire Department	
2. Agency Address 375 E. 7 th St./ P.O. Box 2223, Benson, Arizona 85602	
3. Program Title Children Are Priceless Passengers ("CAPP") Program	
4. Agreement Number	5. Program Area
6. Effective Date	7. Termination Date
8. GOHS Program Coordinator	9. Agency Program Administrator name and telephone number Keith Spangler, Fire Chief, 520-586-9823

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 15 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 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 child safety seats, 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 (AGENCY) will provide child safety classes in both English and Spanish taught by 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. AGENCY 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 AGENCY 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 AGENCY.

4. The class instructor base will be established by the AGENCY 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 and have experience installing/checking car seats. Certificates will be maintained on site by the Program Administrator with copies maintained at 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 AGENCY 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 fee of \$25.00. AGENCY has discretionary approval to waive fees based on financial capabilities of attendee, but not citations. Collection of fees may be accepted per agency policy. Cash or money order is the preferred method of payment. AGENCY is required to establish an account for collected class fees to be deposited. 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 submitted to GOHS on a quarterly basis by the Program Administrator.
8. 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 of the registration forms will be submitted to GOHS on a quarterly basis by the Program Administrator.
9. Class rosters are required to be provided to all courts which had students in attendance at any given class. Program Administrators must fax rosters to the respective court within 72 hours of class completion. A list of all Municipal and Justice Court information has been provided to AGENCY.

10. AGENCY is required to provide a secured facility adequate to store at least 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.
11. AGENCY must provide dates and times for the Program's class schedule to the GOHS Grant Coordinator six month's at a time. The classes will take place at AGENCY. Individuals attending the classes will be subject to and comply with all safety, health, and security guidelines of AGENCY while on AGENCY premises.
12. Each participating AGENCY will have designated phone number to register students and answer questions regarding the program. GOHS will provide Program information and brochures to each participating AGENCY, justice precinct, and municipal court. The CAPP Program will be promoted by GOHS and AGENCY 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.

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

REPORTING REQUIREMENTS:

The AGENCY Program Administrator will provide the following to the GOHS Grant Coordinator on a Quarterly basis, per the schedule listed below:

1. The status of the account established for the deposit of class fees
2. Number of car seats issued per class
3. Number of safety seats in storage
4. Copy of new instructor certification
5. Yellow copy of class registration

Report Schedule

Reporting Period	Due Date
June 1 to September 30	October 15
October 1 to December 31	January 15
January 1 to March 31	April 15
April 1 to June 30	July 15
July 1 to September 30	October 15

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

PAYMENT OF INSTRUCTOR FEES:

GOHS will pay course instructors \$100 per class (this is the maximum fee for each regardless of the number of instructors). The Program Administrator will submit a Report of Costs Incurred (RCI) form with the required supporting documentation to GOHS within ten (10) days after each scheduled class. It is imperative that the Program Administrator sign off on each RCI.

LIABILITY STATEMENT:

AGENCY 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. AGENCY 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 AGENCY or any of AGENCY'S class instructors.

APPROVED:

Keith Spangler, Fire Chief

Date

Benson Fire Department
AGENCY

Alberto Gutier, Director
Governor's Highway Safety Representative

Date