

COMMISSION ON VASAP
QUARTERLY BOARD MEETING

Friday, September 12, 2014

Minutes

Attendance:

Commission Members:

Delegate Jackson H. Miller, Chairman
Sheriff Michael L. Wade, Vice Chairman
Senator Richard H. Stuart
The Honorable Mary Jane Hall
The Honorable George D. Varoutsos
The Honorable Gino W. Williams
Mr. James Hatcher Johnson
Mr. Roy-Keith Lloyd
Mr. John Saunders

Absent:

Senator Thomas K. Norment
Delegate Richard L. Morris
Delegate David J. Toscano
Ms. Pat Eggleston
Ms. Mellie Randall

Commission Staff:

Ms. Angela Coleman, Executive Director
Mr. Oscar Brinson, Legal Counsel
Mr. Richard Foy
Ms. Sarah Morr
Mr. Christopher Morris
Ms. Charlene Motley

ASAP Directors:

Ms. Robyn Allen
Mr. Miles Bobbitt
Mr. Philip Braxton
Mr. Anthony Carmichael
Mr. Victoria Kesler
Mr. Kimball Peele
Mr. Daren Leake
Ms. Deborah Morgan
Ms. Janice Petty
Ms. Cindy Sheffield
Ms. Tara Smith
Ms. Pam Simmons

Guests:

Mr. Drew Molloy
Mr. Joshua Perkins
Mr. Chad Goodwin
Mr. Scott Mason
Mr. Jim Weaver
Ms. Deborah Coffey
Mr. Jason Ball
Mr. John Honea
Ms. Brooke Embree

Time and Place:

The quarterly meeting of the Commission on the Virginia Alcohol Safety Action Program (VASAP) was held on September 12, 2014 at the General Assembly Building 6th Floor Speaker's Conference Room. The meeting was called to order by Delegate Jackson H. Miller, Chairman.

Welcome:

Delegate Miller welcomed and thanked everyone for attending the meeting.

Approval of Minutes:

A motion was made by Mr. John Saunders and properly seconded by Judge Gino W. Williams to approve the minutes from the June 13, 2014 commission meeting. All were in favor.

Executive Finance Report:

The Executive Finance Committee report was presented by Mr. Roy-Keith Lloyd. Mr. Lloyd reported that the Executive Finance Committee met on September 5, 2014.

Ignition Interlock

Mr. Christopher Morris, Commission Special Programs Coordinator, presented information related to the ignition interlock program. Mr. Morris and Mr. Richard Foy, Commission Field Services Specialist, inspected multiple facilities, vehicles, and interviewed clients who have ignition interlocks installed on their vehicles throughout Virginia and found no concerns related to ignition interlock at this moment.

Peninsula ASAP

Mr. Lloyd stated that in recent meetings there were discussions regarding Peninsula ASAP. Ms. Lithia Carter, Policy Board Chair, was unable to attend the commission meeting due to work obligations. Ms. Carter, however, provided a program update to the Executive Finance Committee. Mr. Lloyd referenced Ms. Carter's program update. He stated that the City of Newport News has long served as the Fiscal Agent for Peninsula ASAP and recently, the City Manager has concluded Peninsula ASAP can no longer afford to use the city for fiscal agent services. The city was unwilling to reduce the fees charged for such services.

Based on the decision of the city, and at the recommendation of the Commission on VASAP, Peninsula ASAP has commenced the process of becoming an independent program. Furthermore, the city has expressed a willingness to assist with this transition. It is anticipated that the transition will be completed prior to the end of the current fiscal year.

While the program was experiencing some financial difficulty, it is presently meeting monthly financial obligations without needing deficit funding from the commission. Mr. Lloyd added that the Executive Finance Committee will continue to receive progress reports from Peninsula ASAP and will keep the commission apprised of events.

Budget Approval

At its last commission meeting, 23 of the 24 ASAP programs' fiscal year 2015 budgets were approved. The Commission on VASAP voted for Fairfax ASAP to operate on a conditional budget subject to the submission of the required policy board approval letter. The Executive Finance Committee was authorized to approve the budget for Fairfax ASAP upon receipt of the letter. The required letter was received in August. The Executive Finance Committee recommended budget approval for Fairfax ASAP.

Delegate Miller asked if there were any questions regarding the Fairfax ASAP budget approval. Judge Mary Jane Hall asked, "Was the delay due to an oversight?" Mr. Lloyd stated, the delay was due to some minor changes needed to be made on the budget and once the changes were made, the Fairfax ASAP Policy Board had to approve and sign the budget.

Judge Williams moved to approve the Fairfax ASAP budget for fiscal year 2015. The motion was properly seconded by Senator Richard Stuart. All were in favor.

Budget Amendment

Piedmont ASAP submitted a budget amendment request to the Executive Finance Committee. The amendment was to add an employee, who was previously not covered under the insurance plan, to the agency's health insurance. The amendment will increase the 2015 fiscal year health care expenses by \$6,250. The program has ample reserve funds and operating expenses to cover the expenditure.

Judge Mary Jane Hall moved to approve the Piedmont ASAP budget amendment. The motion was properly seconded by Senator Stuart. All were in favor.

Executive Director's Report:

Ms. Angela Coleman presented the Executive Director's report.

Ignition Interlock

In past commission meetings, Ms. Coleman has given the commission updates of the ongoing progress of the proposed ignition interlock regulations. Ms. Coleman stated that commission staff has been communicating with ignition interlock vendors and have implemented some of their suggestions to the proposed ignition interlock regulations. Additionally, the commission is also getting ready to execute a new ignition interlock contract for 2015.

Mr. Foy presented a timeline to the commission of the regulatory process for the ignition interlock regulations. The first stage, the Notice of Intent for Regulatory Action (NOIRA) is completed. At that time, input was received from two of the four ignition interlock service providers, and some of their suggestions were incorporated into the proposed regulations. The proposed stage involves by sending the regulations to the Attorney General's Office, Department of Planning and Budget, and the Governor's Office for review. Once they have completed their review, the proposed regulations will be published in the Virginia Register of Regulations. During that time, there will be a 60-day public comment period; also the commission will be conducting a public hearing for comment. The date of the public hearing will be contingent upon the completion of the review process. The commission hopes this process will be

completed in a timely manner. Ms. Coleman added that Sheriff Michael Wade and Senator Stuart have agreed, with the approval of Delegate Miller, to help the commission during the public hearing stage.

Certification

The Code of Virginia and the VASAP regulations require that every third year the 24 ASAP programs undergo a certification and accreditation process. The certifications of all 24 programs will expire on June 30, 2015. The commission has begun the certification process for the ASAP programs. The commission has developed a schedule, which will allow for site visits to be conducted and any action plans submitted for final commission approval in advance of the expiration date. The regulations also require that at least one commission member participate on each certification review. Mr. Saunders, Ms. Millie Randall, Sheriff Wade, and Judge Williams have agreed to be part of the certification team. Ms. Coleman extended the invitation to all commission members to assist.

The commission often utilizes former ASAP directors and other consultants to assist in this process. The commission is fortunate this year to have Mr. Andrew Molloy. He is former Chief Deputy Director for the Department of Criminal Justice Services and has a wealth of experience in certification and accreditation of criminal justice agencies. Mr. Molloy will be traveling with the certification team this year, in addition to directors that have recently retired. Ms. Coleman welcomed Mr. Molloy and looks forward to working with him.

The 2014 VASAP Training Conference is scheduled for September 29th and 30th at the Portsmouth Renaissance. Ms. Coleman is very pleased to report the great response from commission members that have registered. As in the past, training will be available specific for the commission members, policy board members, directors, and case managers.

VASAPDA Report:

Mr. Kimball Peele, President of the VASAP Directors' Association, presented the VASAPDA report.

Mr. Peele stated that the ASAP programs are looking forward to certification and the upcoming 2014 VASAP Training Conference on September 29th and 30th.

Mr. Peele communicated to the commission members that ignition interlock is labor intensive; however, it works well. He continued, that in a larger program like his, they may have about 100 items needing responses, in regards to ignition interlock, that have to be completed on the computer, or with the client in one day. Mr. Peele stated that the computer system that Mr. Morris and Mr. Foy are working on is getting better every year, and soon there will be fewer systems that the ASAP staff must refer to when monitoring interlock.

Senator Stuart asked if there is a report of clients who try to start the vehicle with alcohol in their system. Mr. Morris stated that the TREDs automated system is able to see when a client has a calibration. The system was launched in December of 2013; currently it does not have the ability to run reports. The data is still being collected. However, in the near future, the system will be able to provide the reports.

Mr. Saunders commented that there must be a way the commission and the ASAP programs can come together and discuss what the issues are in regards to ignition interlock. Mr. Saunders stated that he is aware that the ignition interlock program is very important to highway safety, and wants it to be an effective program.

Delegate Miller added that the commission should also discuss what they can do to make it easier and more efficient for the vendors as well.

Mr. Saunders announced that he is working with the commission on providing the ASAP programs laptops to relieve some of the workload. However, the commission has not purchased the computers because of the Buy America Act. The Buy America Act limits purchases made with federal funding to American made products. The commission has to research and determine that there are no suitable products made in America, before the product is purchased from elsewhere. If in fact the product is not made in America, a waiver has to be submitted to the Secretary of Transportation.

Ms. Coleman thanked Mr. Saunders for the support he has given the commission. She stated that they have been working for the past eight months to get computers for the ASAP programs through grant funding. Because the commission has to comply with the Buy America Act, they have not found a vendor who makes the hardware in the United States. Mr. Saunders is working on securing a waiver to purchase laptops.

Judge Hall asked how the process works by which the ASAP programs monitor the results of the ignition interlock calibrations. Mr. Peele stated that there are three steps to the process; the case manager should first check the activity in the TREDs system, then access the vendor's website to review the calibration reports for violations, and lastly make corresponding updates in Inferno. Mr. Peele stated that he has the equipment; however, the new computers will facilitate the process. Ms. Coleman added that in her discussions with Mr. Saunders and DMV, they recognized that ignition interlock monitoring takes a significant amount of staff time, which is why they are working to automate the process. The DMV has put a lot of money in the TREDs project. In addition to assisting with the ignition interlock TREDs system, DMV will help with automating ASAP processes, including creating a web-based system to replace the current Inferno system.

Delegate Miller informed the commission that questions in regard to ignition interlock will be addressed during the public hearing stage of the proposed regulations.

Sheriff Wade complimented the ASAP Directors and their staffs for the great work they are doing.

Delegate Miller commended the commission for always being able to work with the vendors and the ASAP programs.

Meeting Dates:

December 12, 2014 10:00 a.m.

Adjournment:

The meeting was adjourned by Delegate Jackson Miller.

A handwritten signature in black ink, appearing to read "Jackson H. Miller", written over a horizontal line.

Delegate Jackson H. Miller, Chairman