

COMMISSION ON VASAP
QUARTERLY BOARD MEETING

Friday, June 5, 2015

Minutes

Attendance:

Commission Members:

Delegate Jackson H. Miller, Chairman
Sheriff Michael L. Wade, Vice Chairman
Delegate G.M. "Manoli" Loupassi
The Honorable Mary Jane Hall
The Honorable George D. Varoutsos
The Honorable Gino W. Williams
Ms. Pat Eggleston
Ms. Mellie Randall
Mr. James Hatcher Johnson
Mr. John Saunders

Telephone Conference:

Delegate David J. Toscano

Absent:

Senator Thomas K. Norment
Senator Richard H. Stuart
Delegate Richard L. Morris
Mr. Roy-Keith Lloyd

Commission Staff:

Ms. Angela Coleman, Executive Director
Mr. Oscar Brinson, Legal Counsel
Ms. Rosario Carrasquillo
Mr. Richard Foy
Mr. Christopher Morris
Ms. Charlene Motley
Ms. Keshana Pierce

ASAP Directors:

Ms. Robyn Allen
Mr. Miles Bobbitt
Mr. Anthony Carmichael
Ms. Angela Fortune
Ms. Mary Read Gillispie
Ms. Victoria Kesler
Ms. Beth Lipes
Ms. Patricia Lowery
Ms. Jaime Moran
Ms. Deborah Morgan
Mr. Kimball Peele
Ms. Janice Petty
Ms. Cindy Sheffield
Ms. Tara Smith
Ms. Pam Simmons
Mr. Rick Wilkins

Guests:

Ms. Alana Austin
Mr. Jason Ball
Mr. John Honea
Mr. Chad Goodwin
Mr. Tim Joyce
Mr. Scott Mason
Ms. Andrea McCloud
Mr. Josh Perkins
Mr. Matt Strausz
Ms. Nia Wilson

Time and Place:

The quarterly meeting of the Commission on the Virginia Alcohol Safety Action Program (VASAP) was held on June 5, 2015 at the General Assembly Building 6th Floor Speaker's Conference Room. The meeting was called to order by Chairman, Delegate Jackson H. Miller.

Welcome:

Delegate Miller welcomed and thanked everyone for attending the meeting; in addition, he introduced and welcomed Delegate G.M. "Manoli" Loupassi, the new member of the Commission on VASAP.

Approval of Minutes:

A motion was made by Judge Gino Williams, and properly seconded by Mr. John Saunders, to approve the minutes from the March 13, 2015 commission meeting. All were in favor.

Special Recognition

The Commission recognized the accomplishments and dedication of two employees that will retire from their local program prior to the next commission meeting.

Mr. Kimball Peele, Director of the Bull Run ASAP was recognized for 36 years of service. Mr. Charles Brown, Director of the Mount Rogers ASAP was recognized for 34 years of service.

Executive Finance Report:

The Executive Finance Committee report was presented by commission staff. Ms. Angela Coleman, Executive Director, reported that the Executive Finance committee met on May 29, 2015.

Peninsula ASAP

Ms. Coleman stated that in 2013, Peninsula ASAP, located in the City of Newport News, experienced a serious reduction in cash reserves that almost resulted in the program's inability to meet its monthly financial obligations. Additionally, the City of Newport News is charging Peninsula ASAP a large amount of fees for serving as its fiscal agent.

Over the past 18 months, the Peninsula ASAP Policy Board and specifically the chair, Ms. Lithia Carter have been working with the city in hopes of reducing the amount of fees charged to the ASAP. Ms. Carter has appeared before the commission on numerous occasions to provide status updates. In addition, Ms. Carter provided program oversight prior to the new director being hired.

Ms. Angela Fortune is the newly hired director for Peninsula ASAP. She has assumed working with the City of Newport News in contract negotiations and presented the Commission with an update.

Ms. Fortune stated that the City of Newport News asked the Peninsula ASAP Policy Board to stop negotiations until a director was hired. They preferred to work directly with the director. Durring May 2015, Ms. Fortune met with the City Manager of Newport News, and the City of

Newport News' Budget Director to discuss the possibility of lowering the program's fiscal fees. The city was against lowering the fees. They actually considered the possibility of increasing the fees. As a result, Peninsula ASAP will continue the process of separating themselves from the City of Newport News.

Mr. Oscar Brinson, Legal Counsel for the Commission on VASAP, asked, "What would be the program's net savings because of leaving the City of Newport News?"

Ms. Fortune responded that it is saving \$31,000 in fiscal year 2016. In addition, the program may save \$9,000 if it does not have to return the computers that the city provided.

Delegate Miller asked Ms. Fortune if she could provide a status update with the Virginia Retirement System (VRS) for the current Peninsula ASAP employees. She stated that after meeting with Mr. Brown and Ms. Allen with VRS, they have since learned that the Peninsula ASAP employees that are currently enrolled do qualify to stay with the VRS because the program is a political subdivision and the City of Newport News has a portability agreement. There is currently an open enrollment, so the Peninsula ASAP staff who are on the City of Newport News retirement plan have the option to transfer their retirement plan to VRS. Judge Mary Jane Hall asked, "What is the timeline for the separation from the City of Newport News and when would the separation be completed?" Ms. Fortune stated that the Peninsula ASAP would be separated from the city effective June 30, 2015.

Local ASAP Programs FY 2016 Budget Review

Ms. Coleman reported that the commission staff and the Executive Finance Committee started reviewing local program budgets on April 1st, as they were received, to provide the programs an opportunity to resolve and correct any needed items. Throughout the budget review process, the commission staff and the Executive Finance Committee met approximately five times and had approximately ten telephone conference meetings. Ms. Coleman reported that the commission is involved in the budget process by approving the local program budgets, because should any of the local programs experience a deficit, the Commission could bear the financial responsibility. The commission also performs a monthly review of each program's revenue and expenditures. To approve the budgets, the commission requires that the local policy boards submit a letter stating that they have reviewed and approved the budgets at the local level. To account for a decline in referrals and to assist local programs, the commission has continued to pay for all workbooks. Although the Code of Virginia allows for a state share of up to 10 percent, the commission only requires the local programs to pay three percent state share.

Ms. Coleman highlighted Arlington ASAP and Fairfax ASAP.

Arlington ASAP is an agency within the County of Arlington, and currently has a shortfall of \$164,615.00; the deficit will be covered by their Sheriff's Office budget.

Fairfax County ASAP is an agency within the County of Fairfax. They anticipate a surplus of \$7,832 as a result of receiving a transfer from the county's general fund in the amount of \$486,678.

Delegate David J. Toscano asked, “What happens to the surplus amount at the end of the fiscal year?” Ms. Coleman responded that money stays with the local programs and rolls over so it can be used for subsequent years. Therefore, if there is a decline in fiscal year 2017 or 2018, the local program will start with a positive balance.

Ms. Coleman introduced and recognized Ms. Keshana Pierce, Senior Accountant for the commission, for her diligent work assisting the local programs while preparing their budgets. Ms. Coleman stated that Ms. Pierce is responsible for reviewing the local program budgets, and monitoring the local programs’ finances monthly. Ms. Pierce plays an integral role in the success of the local programs’ budgets.

Ms. Coleman also thanked the members of the Executive Finance Committee and the local program directors for their hard work and cooperation during the budget review process.

A recommendation was made by the Executive Finance Committee to approve the FY 2016 budgets for all 24 local ASAPs.

A motion was made by Sheriff Wade, and properly seconded by Judge Williams, to approve the fiscal year 2016 budgets for: Alexandria ASAP, Arlington ASAP, Bull Run ASAP, Capital Area ASAP, Central Virginia ASAP, Chesapeake Bay ASAP, Court Community Corrections ASAP, Dan River ASAP, District Nine ASAP, Fairfax ASAP, James River ASAP, John Tyler ASAP, Mount Rogers ASAP, New River Valley ASAP, Old Dominion ASAP, Peninsula ASAP, Piedmont ASAP, Rappahannock Area ASAP, Rockingham/Harrisonburg ASAP, Southeastern Virginia ASAP, Southside Virginia ASAP, Southwest Virginia ASAP, Tri-River ASAP, and Valley ASAP. All were in favor.

Certification

Ms. Coleman stated that the Code of Virginia requires that in order to continue to receive referrals, all local ASAPs must be certified every three years. With the assistance of Sheriff Wade, the certification process was revised to mirror some of the standards in other criminal justice agencies. All 24 local programs’ current certifications will expire on June 30, 2015. Ms. Charlene Motley, Field Services Supervisor, was the lead staff member from the commission office responsible for overseeing the certification process. She has done a fantastic job. Ms. Coleman also acknowledged the hard work of Ms. Sarah Morr, Program Support Technician of the commission staff, for providing support and assistance, ensuring that the necessary documents for the certification review were obtained, and coordinating all travel arrangements. Ms. Motley presented the certification review report.

Ms. Motley thanked the commission members and directors who assisted as certification team members. Ms. Motley stated that the commission managed to complete the certification review of all 24 local ASAPs within an 11-month time period because of their willingness to assist as members of the certification team.

Ms. Motley acknowledged and congratulated three ASAP programs with no deficiencies: District Nine ASAP, Southside Virginia ASAP, and Valley ASAP.

Ms. Motley stated that the overall certification review of the 24 local programs was very positive. The ASAPs overall are doing a great job in providing services. The majority of the deficiencies that were cited were low impact deficiencies, such as administrative errors. These deficiencies did not necessarily have a direct impact on highway safety.

Ms. Motley stated that at the conclusion of each certification site visit, the certification team met with the director and provided a preliminary summation of any deficiencies that were cited. The ASAPs had the opportunity to start to correct those deficiencies prior to receiving the written certification report from the commission office. Any deficiency cited requires an action plan from the ASAP director. Ms. Motley reported that action plans have been submitted and reviewed, and they appear to be viable.

The Executive Finance Committee recommended the following programs for full certification: Alexandria ASAP, Arlington ASAP, Bull Run ASAP, Central Virginia ASAP, Chesapeake Bay ASAP, Court Community Corrections ASAP, Dan River ASAP, District Nine ASAP, Fairfax ASAP, James River ASAP, John Tyler ASAP, Mount Rogers ASAP, Peninsula ASAP, Piedmont ASAP, Rappahannock Area ASAP, Rockingham/Harrisonburg ASAP, Southeastern Virginia ASAP, Southside Virginia ASAP, Southwest Virginia ASAP, and Valley ASAP.

A motion was made by Sheriff Wade, and properly seconded by Judge Hall, to certify the following local ASAP programs: Alexandria ASAP, Arlington ASAP, Bull Run ASAP, Central Virginia ASAP, Chesapeake Bay ASAP, Court Community Corrections ASAP, Dan River ASAP, District Nine ASAP, Fairfax ASAP, James River ASAP, John Tyler ASAP, Mount Rogers ASAP, Peninsula ASAP, Piedmont ASAP, Rappahannock Area ASAP, Rockingham/Harrisonburg ASAP, Southeastern Virginia ASAP, Southside Virginia ASAP, Southwest Virginia ASAP, and Valley ASAP. All were in favor.

The Executive Finance Committee recommended that four local programs be conditionally certified for a 90-day period, in order to permit time for the certification team to return to the ASAPs to verify that cited deficiencies have been corrected. The applicable local programs are as follows: Capital Area ASAP, New River Valley ASAP, Old Dominion ASAP, and Tri-River ASAP.

Capital Area ASAP had continued instances of improper monitoring of ignition interlock and intakes were not properly scheduled within the required 30-day time frame.

A motion was made by Sheriff Wade, and properly seconded by Delegate Loupassi, that Capital Area ASAP be given a 90-day conditional certification in order for the certification team to return to the ASAP and verify that their deficiencies are corrected. Nine were in favor. Mr. James H. Johnson recused himself from voting.

New River Valley ASAP was permitting treatment service providers who were not licensed by the Department of Behavioral Health and Developmental Services or certified by the Department of Health Professions to perform treatment assessments on offenders, and there were instances of improper case monitoring.

A motion was made by Sheriff Wade, and properly seconded by Delegate Loupassi, that New River Valley ASAP be given a 90-day conditional certification in order for the certification team to return to the ASAP and verify that their deficiencies are corrected. Nine were in favor. Judge Williams recused himself from voting.

Old Dominion ASAP was not scheduling intakes within the required 30-day time frame, and treatment plans and progress reports were not received within the required time frame. A certification revisit conducted on May 5th showed no improvement in the scheduling of intakes within the required time frame. The revisit also revealed additional deficiencies. Intervention assignments were made outside of the required 60-day time frame and screening instruments were missing or not correctly scored.

A motion was made by Sheriff Wade, and properly seconded by Delegate Loupassi, that Old Dominion ASAP be given a 90-day conditional certification in order for the certification team to return to the ASAP and verify that their deficiencies are corrected. All were in favor.

Tri-River ASAP was discussed in executive session.

Ignition Interlock

Ms. Coleman introduced Mr. Christopher Morris, Special Programs Coordinator of the commission staff, to present the ignition interlock inspection report and interlock referral numbers.

Mr. Morris stated that the commission has inspected more than half of the ignition interlock facilities in the state with no issues to report.

Mr. Morris also invited the commission members, if their schedules allow, to visit any of the facilities during the inspections.

Executive Director's Report:

Ms. Coleman presented the Executive Director's report.

FOIA

Virginia Code § 2.2-3702 requires that each commission member receive information regarding the requirements of the Virginia Freedom of Information Act. Ms. Coleman presented each commission member with the most recent edition of the Local Government Official's Guide of the Virginia Freedom of Information Act, published by The University of Virginia in 2012. Ms. Coleman stated that this guide covers six categories and responses to over 100 questions. The commission has found this guide to be very helpful in ensuring its compliance with FOIA. Ms. Coleman added that the commission's official policy regarding electronic meeting participation was also included. This policy states that Commission members may participate in electronically for no up to 25% of the commission meeting per calendar year, provided there are at least eight members located in the physical location to constitute a quorum.

Multi-State Ignition Interlock Forum

Ms. Coleman announced that the Commission will be hosting the first Multi-State Ignition Interlock Forum on October 26-29, 2015 at the Wyndham Virginia Crossings Hotel & Conference Center in Glen Allen, Virginia. This forum will discuss reciprocity between the neighboring states and create strategies to overcome barriers in interlock programs. The commission is looking to create some standardization regarding transfer procedures and monitoring responsibilities. Ms. Coleman extended an invitation to any commission member who would like to attend. The commission will provide an update at the conclusion of the forum.

Delegate Miller stated that, “This forum is really significant for the VASAP program,” adding that, “most of the nation looks up to Virginia because of the structure and the organized way that the program was created and developed; over the years the commission staff, and directors, have done a great job.”

VASAP Conference

Ms. Coleman stated that VASAP will recognize its 40th anniversary at the training conference hosted at the Hilton Short Pump in Richmond, Virginia on August 24-25, 2015. The anniversary historical overview will occur on Monday night at 6:00 p.m. or 6:30 p.m. Ms. Coleman announced that the conference this year will have a different format. The conference will be on identified training needs based upon the certification site visits; therefore, the training will be tailored to address those challenges. Ms. Coleman added that after the conference, the commission will prepare an electronic training module for local ASAPs to review the information received at the conference and to test their knowledge. Passing an online test will be required.

Technological Initiatives

Ms. Coleman announced that commission staff members Mr. John Kimbel, IT administrator, Ms. Rosario Carrasquillo, Executive Administrative Assistant, and Ms. Morr have been working with Virginia Interactive to develop a 24-hour online payment center that should enhance the programs’ abilities to collect fees. Virginia Interactive also provides services to the court system. Ms. Coleman added that more information will follow at the training conference.

The commission will also be developing a VASAP app similar to one used by the Department of Game and Inland Fisheries. The app will allow participants to access general information such as office hours, class locations and fee structures.

Additionally, Delegate Miller highlighted the article, *New technology could put an end to drunken driving, officials say*, from the Washington Post Newspaper published on June 4, 2015. The article stated that the technology described in the article is an alcohol sensor that will be automatically built into cars. Having this sensor built in the vehicle could pose a problem, because the sensor may detect anyone, even the passengers on the back seat that have been drinking, thus preventing the driver from starting the car.

VASAPDA

Ms. Robyn Allen, President of the VASAP Directors’ Association, presented the VASAPDA report.

Ms. Allen congratulated Mr. Brown and Mr. Peele on their retirements.

Ms. Allen stated that the VASAPDA conference was in May. The conference training focused on mental health first aid.

Ms. Allen added that VASAPDA sent out awareness posters to the high schools for proms and graduation events.

Ms. Allen thanked Ms. Pierce for assisting the directors with the fiscal year 2016 budgets.

Executive Session:

A motion was made by Sheriff Wade, and properly seconded by Delegate Loupassi, that members of the Commission convene into Executive Session under the Code of Virginia, pursuant to Section 2.2.3711(A)(1 & 7), to discuss specifically Tri-River ASAP personnel issues, Bull Run ASAP personnel issues, Old Dominion ASAP personnel issues, and potential legal issues. All were in favor.

Return to Open Session:

A motion was made by Delegate Loupassi, and properly seconded by Sheriff Wade, to certify by roll call vote that only matters related to Tri-River ASAP personnel issues, Bull Run ASAP personnel issues, Old Dominion ASAP personnel issues, and potential legal issues were discussed during the closed meeting and that no action was taken. All were in favor.

Delegate Jackson H. Miller, Chairman	YES
Sheriff Michael L. Wade, Vice Chairman	YES
Delegate David J. Toscano	YES
Delegate G.M. “Manoli” Loupassi	YES
The Honorable Mary Jane Hall	YES
The Honorable George D. Varoutsos	YES
The Honorable Gino W. Williams	YES
Ms. Pat Eggleston	YES
Mr. James Hatcher Johnson	YES
Ms. Mellie Randall	YES
Mr. John Saunders	YES

A motion was made by Judge Williams, and properly seconded by Sheriff Wade, that Tri-River ASAP be given a 90-day conditional certification pursuant to the recommendations of the Executive Finance Committee. All were in favor.

A motion was made by Judge Williams, and properly seconded by Sheriff Wade, to retain attorney, Ms. Karen Michael to review matters at Tri-River ASAP and to authorize the Executive Finance Committee to act on her recommendations. The local Tri-River Policy Board and all of their employees are directed to cooperate with the review. The Executive Director is directed to make contact with the Tri-River ASAP Policy Board as soon as possible. All were in favor.

Meeting Dates:

September 11, 2015	10:00 a.m.
December 11, 2015	10:00 a.m.

Adjournment:

It was moved by Delegate Loupassi to adjourn the Commission on VASAP quarterly meeting. The motion was properly seconded by Mr. Saunders. All were in favor.



Delegate Jackson H. Miller, Chairman