

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 14, 2011

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER *J*

SUBJECT: RESOLUTION REAFFIRMING THE CITY'S ENDORSEMENT OF AN INDEPENDENT POLICY BOARD FOR STATE-MANAGED ALEXANDRIA ALCOHOL SAFETY ACTION PROGRAM

ISSUE: Resolution reaffirming the City's endorsement of an independent Policy Board for the State-managed Alexandria Alcohol Safety Action Program (AASAP).

RECOMMENDATION: That Council approve the attached resolution reaffirming the continuation of an independent Policy Board, appointed by Council, for the AASAP program (Attachment 1).

DISCUSSION: The Virginia Alcohol Safety Action Program (VASAP) was initiated in the 1970s, largely in response to federal highway safety legislation. Among its responsibilities are assisting law enforcement and the courts in enforcing DUI laws, and informing the public of the dangers of drinking and driving. Local alcohol safety action programs work with individual DUI offenders to determine the appropriate education and/or treatment services they need; the local programs then supervise each case to ensure that probation requirements are fulfilled. These local programs follow procedures established by VASAP. Alexandria is one of 24 ASAPs in Virginia, all of which are supervised by the State VASAP Commission in Richmond.

At its December 14, 2010, legislative meeting, Council concurred with the staff recommendation that the management of the AASAP program, which had been overseen by the Sheriff's Office, be transferred to the State's VASAP Commission (this was done to prevent the need to use City general funds in support of the program). This transfer is now complete (the program offices have been moved to 3333 Duke Street), and the VASAP Commission has asked the City to modify the resolution that was passed last fall reaffirming the City's endorsement of an independent policy board for the program (Attachment 2). The policy board will continue to be appointed by Council; the modifications to the resolution acknowledge the transfer in management for the program from the City to the State. Current members of the policy board will continue to serve (there are now three vacancies which have been advertised for the nine-member board (Attachment 3)).

The resolution will remain in effect until terminated by the City, the Policy Board, or VASAP.

ATTACHMENTS:

Attachment 1: Resolution

Attachment 2: February 24, 2011, Letter from VASAP Commission

Attachment 3: Roster of Alexandria ASAP Policy Board Members

STAFF:

Dana Lawhorne, Sheriff

Tony DiCesare, Chief Deputy Sheriff

Bernard Caton, Legislative Director

Michele Evans, Deputy City Manager

RESOLUTION No. ____

Reaffirming the City Of Alexandria’s Endorsement of an Independent Policy Board for the Alexandria Alcohol Safety Action Program

WHEREAS, the Commonwealth of Virginia, in the interest of highway safety, has enacted laws to create programs for probation, education, and rehabilitation of persons convicted of driving motor vehicles under the influence of alcoholic beverages and other self-administered drugs, and these programs are known as Alcohol Safety Action Programs or ASAPs; and

WHEREAS, the local “Alexandria Alcohol Safety Action Program” has been serving the City of Alexandria, providing probation, education, and rehabilitation of persons charged in violation of Virginia Code Section 18.2-266, and providing other services approved by the Virginia Commission on VASAP; and

WHEREAS, Sections 18.2-271.1 and 18.2-271.2 of the Code of Virginia establish a Commission on VASAP; and direct the Commission to establish procedures for the operation of local ASAP Programs; and

WHEREAS, on April 3, 1987, the Commission issued directives that all local ASAP programs would establish and implement an independent Policy Board, representative of localities served, to operate the program; and

WHEREAS, previously the City of Alexandria became part of the Alexandria Alcohol Safety Action Program, pursuant to Section 15.2-1300 of the Virginia Code;

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL OF ALEXANDRIA**

That the City of Alexandria hereby reaffirms its position as the participating locality in the Alexandria ASAP, endorses the continuation of an independent Policy Board, and agrees to the following:

1. The Policy Board shall consist of nine members appointed by City Council for three-year terms. Members may include, but shall not be limited to, representatives of the judiciary, the bar, law enforcement, education, substance abuse treatment professionals and transportation safety experts.
2. A Chair, a Vice Chair and a Secretary shall be elected by the Policy Board in accordance with its by-laws. The Program’s Director shall serve an ex-officio member without voting power.
3. The Policy Board shall supervise the Alexandria ASAP Director. The Director shall be responsible for implementing operational policies for the Alexandria ASAP, hiring and supervising additional staff for it, and controlling all revenues and expenditures in accordance with policies and procedures established by the Commission on VASAP.

4. All employees and the Director of the program shall be deemed at-will employees of the program and not employees of the City of Alexandria. The Director shall be an at-will employee of the Policy Board and the Commission on VASAP.
5. The Alexandria ASAP shall be operated by the Policy Board and the Director in compliance with the Commission on VASAP's Policies and Procedures.
6. The program shall provide probation, education, prevention, and rehabilitative services to persons convicted of a violation of §18.2-266 of the Code of Virginia and referred to the program by a court of this jurisdiction, and such other services as may be authorized or required by the Code or the Commission on VASAP.
7. Each fiscal year, the Director shall prepare a budget and submit it for approval to the Alexandria Policy Board and the Commission on VASAP. In accordance with the requirement of §18.2-271.1 B of the Code of Virginia and the Commission on VASAP's Policy and Procedure Manual, the Commission on VASAP shall be responsible for funding any deficit occurring in the operation of the Alexandria ASAP.
8. The Director shall submit an annual report to the Policy Board and to the Commission on VASAP indicating the activities of Alexandria ASAP.
9. This agreement shall become effective upon its approval by Alexandria City Council and shall remain in effect until terminated by the City of Alexandria, the Alexandria Policy Board, or the Commission on VASAP. The agreement supersedes any previous resolution that was adopted for the Alexandria ASAP.

Adopted: March 22, 2011

WILLIAM D. EUILLE, MAYOR

ATTEST:

Jackie M. Henderson, MMC City Clerk



COMMONWEALTH of VIRGINIA

Commission

on the

Virginia Alcohol Safety Action Program (VASAP)

Senator Henry L. Marsh, III
Chairman

Angela D. Coleman
Executive Director

February 24, 2011

The Honorable William Euille, Mayor
The City of Alexandria
301 King Street, Suite 2300
Alexandria, Virginia 22314

Dear Mr. Euille:

In the interest of highway safety, the Alexandria Alcohol Safety Action Program was established to provide probationary services to the courts along with DUI education and treatment intervention to its citizens. Utilizing offender fees, this criminal justice agency has been operating in the City of Alexandria for over two decades. The partnership between City Council, the courts and the ASAP has made it possible for thousands of program participants to fulfill the requirements necessary to obtain license restoration. We offer our thanks to City Council for its action on September 26, 2010 reaffirming the establishment of an independent policy board for the ASAP. The resolution and board appointments were critical program elements allowing it to operate as required in § 18.271.1 and 18.2-271.2.

Following the City Council meeting on December 14, 2010, the Commission staff began working with the Alexandria Sheriff's office to transition oversight of the program from the Sheriff's office to the Commission on VASAP. Throughout the planning process, the Commission's primary goal was to maintain an office within the city limits allowing citizens to access services within their locality.

I am pleased to report that the transition process establishing the ASAP as an independent program is nearing completion. We will provide normal operations, locally, at 3333 Duke Street, effective March 1, 2011. As with other independent ASAPs across the state, the Alexandria ASAP will operate solely from offender fees and will not request funding from the city of Alexandria.

In order to finalize the transition, I am respectfully requesting your assistance in modifying the resolution adopted in September. That resolution referenced the Sheriff's department as providing program oversight. To comply with council's decision at its December meeting, it will be necessary to remove all references to the Sheriff's

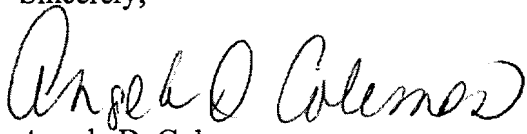
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department from the current resolution. A draft copy has been included for your consideration and review. The previously appointed board members have enthusiastically agreed to remain with the program. Since their appointments do not reference the Sheriff's department, it does not appear necessary to re-administer their oaths.

We look forward to continuing a positive relationship with City Council, the courts and other highway safety stakeholders in the city of Alexandria.

Please contact me if you have questions or concerns. I will be happy to speak with you or if necessary, schedule a meeting to personally discuss the transition.

Sincerely,

A handwritten signature in cursive script that reads "Angela D. Coleman".

Angela D. Coleman
Executive Director

Cc: The Honorable Henry L. Marsh, III, Chairman
The Honorable Salvatore Iaquinto, Vice Chairman
Oscar L. Brinson, Esq.

ALCOHOL SAFETY ACTION PROGRAM POLICY BOARD

The Alcohol Safety Action Program Policy Board, shall supervise the ASAP Director. The Director shall be responsible for implementing operational policies for the Alexandria ASAP, hiring and supervising additional staff, and controlling all revenues and expenditures.

Members: 9

3-YEAR

- 1 Attorney representative
- 1 Substance abuse treatment center representative
- 1 Representative of the Public Defenders Office
- 1 Representative of the Alexandria Police Department
- 1 Representative of the Commonwealths Attorney
- 3 Citizens-At-Large
- 1 Representative of the U.S. Probation Office

City Staff: VALENCIA KYBURZ, ASAP DIRECTOR, 703.823.4101

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ALCOHOL SAFETY ACTION PROGRAM POLICY BOARD

<u>Member</u>	<u>Phone</u>	<u>Occupation</u>	<u>Original Appointment</u>	<u>Current Appointment</u>	<u>Oath</u>	<u>Expiration of Current Appointment</u>
HASSAN ADEN 2003 MILL ROAD ALEXANDRIA, VA 22314 ALEXANDRIA POLICE DEPT REP	Res: (571) 221-8503 Bus: (571) 221-8503 Fax: eMail hassan.aden@alexandriava.gov	DEPUTY POLICE CHIEF	12/14/2010	12/14/2010		12/14/2013
STEPHEN CROW 6616 SANDOVER COURT SPRINGFIELD, VA 22152 TREATMENT CENTER REP	Res: (703) 663-8662 Bus: (703) 256-6474 Fax: (703) 265-1596 eMail hhouse5105@aol.com	PRESIDENT, HARRISON HOUSE OF VA	12/14/2010	12/14/2010		12/14/2013
SEAN HOLIHAN 2701 PARK CTR. DR., APT. B703 ALEXANDRIA, VA 22302 CITIZEN	Res: (757) 375-8831 Bus: (703) 303-1426 Fax: eMail stholihan@gmail.com	STATE SENATOR GEORGE BARKER	1/11/2011	1/11/2011	1/21/2011	1/11/2014
TODD KOHLHEPP 3201 LANDOVER STREET, #318 ALEXANDRIA, VA 22305 CITIZEN	Res: (571) 309-6205 Bus: (703) 824-3364 Fax: eMail toddk82@gmail.com	COMMUNICATIONS SPEC. NATIONAL ALCOHOL & BEV. CONTROL ASSOC	12/14/2010	12/14/2010	12/28/2010	12/14/2013
MOLLY SULLIVAN 309 YOAKUM PARKWAY, #1506 ALEXANDRIA, VA 22304 COMMONWEALTH'S ATTORNEY REP	Res: (703) 566-6121 Bus: (703) 746-4100 Fax: (703) 746-4466 eMail molly.sullivan@alexandriava.gov	DEPUTY COMMONWEALTH'S ATTORNEY	12/14/2010	12/14/2010		12/14/2013

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ALCOHOL SAFETY ACTION PROGRAM POLICY BOARD

3/14/2011

POSITION VACANT Res:
 Bus:
ALEXANDRIA, VA Fax:
CITIZEN eMail

POSITION VACANT Res:
 Bus:
ALEXANDRIA, VA Fax:
REP OF THE PUBLIC DEFENDER'S eMail
OFFICE

POSITION VACANT Res:
 Bus:
ALEXANDRIA, VA Fax:
ATTORNEY REP. eMail

EVA WALL	Res: (703) 573-0655	PROBATION OFFICER	12/14/2010	12/14/2010	12/14/2013
8110 SAXONY DRIVE	Bus: (703) 299-2363	US PROBATION OFFICE			
ANNANDALE, VA 22003	Fax: (703) 299-2350				
US PROBATION OFFICE REP	eMail Eva_Wall@vaep.uscourts.gov				

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RESOLUTION NO. 2441

Reaffirming the City Of Alexandria's Endorsement of an Independent Policy Board for
the Alexandria Alcohol Safety Action Program

WHEREAS, the Commonwealth of Virginia, in the interest of highway safety, has enacted laws to create programs for probation, education, and rehabilitation of persons convicted of driving motor vehicles under the influence of alcoholic beverages and other self-administered drugs, and these programs are known as Alcohol Safety Action Programs or ASAPs; and

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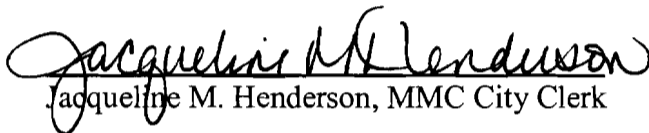
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Adopted: March 22, 2011



WILLIAM D. EUILLE MAYOR

ATTEST:


Jacqueline M. Henderson, MMC City Clerk