

September 28, 2009

To: City Council
From: Assistant City Manager
Through: City Manager
Subject: **Resolution Reaffirming participation In The Peninsula Alcohol Safety Action Program (Peninsula ASAP)**

On September 8, 2008 Resolution No. 3503 was adopted reaffirming our participation in the Peninsula Alcohol Safety Action Program. This resolution was based upon a model used by local ASAPs.

During a recent review by the State Commission on VASAP it was noted that the resolution did not reference the relevant State Code sections that provide authority for the operation of the program. We have therefore been asked to amend the resolution so that the Peninsula ASAP can comply with the regulations.

A revised resolution is presented for consideration.

JFW:ei

RESOLUTION NO. _____

**A RESOLUTION REAFFIRMING PARTICIPATION IN THE
PENINSULA ALCOHOL SAFETY ACTION PROGRAM (PENINSULA ASAP)**

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 while under the influence of alcoholic beverages or other drugs. These programs are known as Alcohol Safety Action Programs or ASAPs; and

WHEREAS, pursuant to Virginia Code Section 18.2-271.1, the parties hereto have established and operate Peninsula ASAP, a certified alcohol safety action program; and

WHEREAS, since 1975, the local program known as Peninsula ASAP has served the cities of Newport News, Hampton, Williamsburg, and Poquoson and the counties of York and James City, and later Charles City under the supervision of its Policy Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Poquoson, Virginia that Poquoson hereby **reaffirms** itself as a participating locality in the Peninsula ASAP, herein called Program, which has been established for the purpose of providing as ordered by the courts probation, education, public information, rehabilitation and prevention services for those individuals convicted of operating a motor vehicle while under the influence of alcohol or other drugs, and to provide driver improvement instruction and other services to individuals convicted of other violations.

ACCORDINGLY, the Poquoson City Council hereby agrees as follows:

- (1) The Policy Board consists of at least seven (7) but not more than fifteen (15) members. The Policy Board shall oversee operation of the Program.
- (2) Each city and county governing body shall appoint one (1) member to serve as a representative to the Program for a term of three (3) years. Any additional Board members shall be elected according to the Policy Board by-laws. A Chair, Vice Chair and Secretary shall be elected in accordance with the by-laws. The Program Executive Director shall serve as an ex-officio member, without voting power. Members elected by the Policy Board shall be selected from, but not

limited to, the judiciary, the bar, law enforcement, education, treatment professionals, and other interested groups.

- (3) The Policy Board shall be responsible to oversee the Program and shall hire and supervise the Executive Director. The Executive Director shall be responsible to implement operational policies for the Program, hire and supervise staff for the Program, and control all revenues and expenditures. The Executive Director shall serve at the pleasure of the Board.
- (4) The Executive Director shall prepare the operating budget and submit it to the Policy Board annually. The budget shall include receipts from offender fees and other sources, as deemed appropriate by the Policy Board.
- (5) The Executive Director shall prepare the annual report describing the activities and financial status of the Program under the supervision of the Policy Board. The report shall be submitted to each governing body and the Commission on VASAP.
- (6) The Commission on VASAP conducts an annual fiscal audit of the Program.
- (7) The Policy Board shall approve fees as established by the legislature and other fees as needed to operate the Program within established state guidelines.
- (8) The Policy Board shall adopt written guidelines and by-laws, and establish the Program's policies and procedures in conjunction with the Commission on VASAP policies and procedures manual.
- (9) This updated resolution shall remain in effect beginning September 28, 2009 and shall continue thereafter from year to year unless the Poquoson City Council decides to withdraw from the agreement and withdraw its representative from the Policy Board. The Poquoson City Council shall provide at least ninety (90) days written notice of withdrawal to the Executive Director and the Policy Board Chair. The withdrawing locality shall no longer be entitled to representation on the Policy Board or to any other participation in the Program and its services, nor to any assets upon Program dissolution.
- (10) The Program is authorized to acquire and own real property and personal property as approved by the Policy Board for the Program operation. Title to such property shall be vested in the Program. Should the Program cease to operate all

property shall be disposed of pursuant to applicable provisions of the Code of Virginia (1950), as amended. The Policy Board may seek the advice of the Commission on VASAP and the Attorney General. It is the intent of this resolution that the program assets, upon either partial or complete dissolution of the program, shall be divided amongst the participating localities in the same proportion as the clients served from that locality.

ADOPTED: _____

TESTE: _____
City Clerk