

**Oversight Council on Driving or Operating under the Influence Abatement
Meeting Minutes
March 29, 2012**

A public meeting of the Oversight Council on Driving or Operating under the Influence Abatement was convened on March 29, 2012 in the Governor's Office of Highway Safety conference room at 3030 North Central Avenue, Suite 1550, Phoenix, Arizona, 85012.

COUNCIL MEMBERS PRESENT:

Aarón J. Carreón-Aínsa, Chairman, City of Phoenix Prosecutor
Alberto Gutier, Speaker of the House Appointee, Director, Governor's Office of Highway Safety
Commander Ken Buckland, Gilbert Police Department, President of the Senate Appointee
Daisy Flores, Gila County Attorney (participated telephonically)
Steven Tucker, Greenlee County Sheriff
Captain Mark Remsey representing Robert Halliday, Director, Department of Public Safety

There was a quorum with 6 members present.

COUNCIL MEMBERS ABSENT:

Gary Johnson, Governor Appointee
Stacy Stanton, Assistant Director, Motor Vehicle Division

STAFF PARTICIPATING:

Matt Derr, Governor's Office of Highway Safety
Mari Hembek, Governor's Office of Highway Safety
Lori Boncoskey, Governor's Office of Highway Safety
Maria Sanchez, Governor's Office of Highway Safety
Phil Corbell, Governor's Office of Highway Safety

LEGAL COUNSEL:

Assistant Attorney General Brian Schneider.

I. Call to Order and Roll Call

The meeting was called to order by Chairman Aarón J. Carreón-Aínsa at 1:38 p.m. Roll was taken and a quorum was declared present.

**II. Interagency Service Agreement between the Council and the Governor's Office of Highway Safety - Chairman Aarón J. Carreón-Aínsa and Alberto Gutier
Review, discussion, consideration and possible action as provided in A.R.S. § 28-1301 (G)**

Chairman Carreón-Aínsa opened with a discussion from the members of the council on what action to take concerning the Interagency Service Agreement (“ISA”). The ISA was received and reviewed by the Council Members.

Chairman Carreón-Aínsa confirmed that the agreement with the Arizona Criminal Justice Commission (“ACJC”) was terminated by the Council on July 1, 2011.

Director Alberto Gutier explained the Agate System and advised that it would be modified to suit the Oversight Council grants. Director Gutier stated that he would like to see all major agencies present to the Council how the Council’s funding will be used and would like to avoid mistakes from the past by requesting every agency to report on a quarterly basis and spend funds appropriately and in a timely manner. Director Gutier added that accounting practices could be changed, i.e. instead of reimbursement; the Council can make the funds available immediately to the Grantee. The Governor’s Office of Highway Safety (“GOHS”) can distribute funding in advance when appropriate.

Chairman Carreón-Aínsa was surprised that some grantees didn’t spend the money by the end of the year, which put the council in a difficult position because funds could not be moved. The Chairman suggested that periodic reporting is needed to administer funds accurately and better serve public safety.

Lori Boncoskey, GOHS Comptroller, presented the Oversight Council with the DUI Abatement Funding Report. Cash available at the time of the meeting was \$584,230. The fund is averaging a little over \$100,000 a month and if this pace continues, the Council will have a little over a million dollars at the beginning of October 2012. Director Gutier explained that on July 1, 2011 the account balance was zero, since the money in the fund was swept into the new fiscal year. Currently none of the money in the fund for 2013 has been swept. The only transfer of money out of the fund was the payment to the Motor Vehicle Division; this statutory transfer has been in place for over a decade. Director Gutier stated that the fund is incurring interest from the Treasurer’s Office. Chairman Carreón-Aínsa confirmed that Alberto Gutier is referring to the \$146,900 transfer to ADOT and asked how the amount is decided. Director Gutier advised that MVD provides the information to the legislature and that it is based on a formula. Director Gutier further noted that employees at the MVD that are paid to work on data management for the Ignition Interlock program, a provision put together by Senator Linda Gray about six years ago with a fiscal impact of \$146,000 a year, which has been continued for years.

Director Gutier spoke to the council about the 5% administrative cost. These funds will include, but are not limited to the following: grant administration, travel, postage, correspondence, and recognition awards from the Council. Director Gutier asked Ms. Boncoskey to explain the administrative costs. Mrs. Boncoskey advised that there is currently \$30,000 in administrative costs available in the Fund.

Mrs. Boncoskey added that the 5% will come to about \$54,000 for the year and it will also cover employee related expenses (“ERE”). Director Gutier added that the cost will cover the computer technology costs to migrate the online grants system to the GOHS Agate System to suit the Abatement Council. This transfer will include the cost of posting the system onto the

GOHS Web site in order to review the grants online. Director Gutier stated that administrative costs will kept to a minimum, within the 5%. Assistant Attorney General Brian Schneider confirmed that statute does not allow more than 5% for administrative costs.

The ISA was provided in hard copy to the Council members present and an electronic copy was provided to Daisy Flores.

Sheriff Tucker made a motion to approve the agreement and the motion was seconded by Commander Buckland. The Council voted unanimously to approve the ISA. It was signed by Chairman Carreón-Aínsa and Director Alberto Gutier and a signed copy was provided to the Council.

**III. Presentations for Enforcement funding - Alberto Gutier
Review, discussion, consideration and possible action on approving enforcement grants to political subdivision and tribal governments as provided in A.R.S. § 28-1304 (C).**

Director Gutier stated that there are three major holidays coming up, Cinco de Mayo, Memorial Day and July 4th. Director Gutier went on to state that the Agate online system will not be ready for a few months, but suggested that the Council could begin accepting paper applications for grants. He cautioned that the funding might not be there (in May) if the Legislature and Governor sweep the funds and indicated that there will be some sweeps as part of the ongoing budget negotiations. Director Gutier suggested posting the grant information onto the GOHS Web site, but it is not known for certain if the funds will be available or swept until late April.

Director Gutier advised the council that there is currently one vacant position left to fill on the Council. Director Gutier was in communications with Chief John Bennett of Paradise Valley P.D. to make a recommendation for the board. Chief Bennett serves as the President of the Arizona Association of Chiefs of Police. Director Gutier then introduced Phil Corbell who works half of the time for GOHS and the other half for the Governor's Office of Boards and Commissions.

Ken Buckland raised a concern with going through the grant process only to have the funds swept and suggested waiting till May to look at funding. Commander Buckland noted that he was very much in favor with keeping the Agate system since agencies are already familiar with the system. Director Gutier agreed with Commander Buckland and asked the council if they would like to add this topic to the next agenda, as he is worried about supplanting. He further stated that they are not going to sweep the funds until budget is approved by the Governor and that if the next meeting is in early May then we can still have them apply if there is funding available. Brian Schneider said it is permissible to put this on the agenda for the next meeting.

Chairman Carreón-Aínsa said the item will be put on the Agenda for the next Council meeting.

IV. Funding for the Arizona Traffic Safety Resource Prosecutor - Chairman Aarón J. Carreón-Aínsa and Alberto Gutier

Review, discussion, consideration and possible action on approving enforcement grants for the Phoenix Prosecutor's Office for the partial funding of the Arizona Traffic Safety Resource Prosecutor as provided in A.R.S. § 28-1303 (H).

Chairman Carreón-Aínsa explained that Beth Barnes travels out of state training Judges, prosecutors and officers. Director Gutier said that portions of the fund can cover Beth Barnes and noted that Beth Barnes goes out there and does a great job, that she is nationally recognized, and that she will be a great asset to the Council if we can share the cost with GOHS. Director Gutier added that Beth is fantastic but that her program costs 10% of the GOHS 410 budget. Director Gutier mentioned that due to her work training people statewide her work would fall under the innovative portion of the Council's funding. Director Gutier added that at a regional training meeting it was proven that Beth Barnes trained more people (law enforcement and prosecutors) than five of her counterparts in California.

Captain Ramsey asked how much money the Council was talking about. Director Gutier said it is about \$100,000 a year coming from Innovative funding which is 25% of the fund. Sheriff Tucker asked if the Phoenix Prosecutor's (Office) needed to submit a grant. Brian Schneider said yes, we can accept it today, so it is ready when the funds are available.

Steve Tucker made a motion was made that the Council approve setting aside \$100,000 for the TSRP Program and to request that the Phoenix Prosecutor's Office submit a grant application to the Council. Director Gutier stated that he wanted to ensure that it was submitted before the funds are swept, and if the council approves, Ms. Boncoskey can encumber it on her budget spreadsheet. Commander Buckland asked if the Council could wait until May to approve.

Captain Ramsey recommends that the agency submit the proposal next week then wait until May to approve funding. Daisy Flores agreed with this. Chairman Carreón-Aínsa will submit proposal to the Council next week.

At this point Chairman Carreón-Aínsa presented a video sent to him from Commander Joe Klima and stated that he would like to show it to everyone. The video was viewed by the council – a collision recorded from a patrol car
(http://rmirror.net/r/videos/comments/q5hu9/car_accident_nsfl/)

Chairman Carreón-Aínsa stated that he wasn't sure if anyone survived the accident and thanked everyone for making Arizona a not so dangerous place.

Director Gutier said that the Council should address Youth Alcohol issues, as GOHS lost a quarter of a million dollars in funding for Youth Alcohol programs. Director Gutier went on to speak about the Phoenix Police Department's Party Crew squad does and highlighted some of the reports he receives weekly. He then spoke about the Phoenix, Tucson, Mesa and DPS crime labs and that they are seeing a 50/50 split between alcohol and drugs for DUI cases and that the prescription drug epidemic is getting worse. Director Gutier praised the Council for addressing these issues adding that the Council can do a lot of good things in Arizona.

Chairman Carreón-Aínsa spoke about the Youth Alcohol diversion program the City of Phoenix offers for 18-21 year olds in the City. This program has reached 1,800 youth.

Chairman Carreón-Aínsa noted that 18% of kids show problems with alcohol, so we need to have a world of prevention.

V. Call to the Public

Chairperson Aarón J. Carreón-Aínsa made a call to the public. No public member of the audience addressed the Council.

VI. Date, Time and Location of Next meeting

The next **Oversight Council on Driving or Operating Under the Influence Abatement** meeting will be held at the call of the Chairman in May.

VII. Adjournment

A motion was made by Director Alberto Gutier to adjourn meeting, and was seconded by Chairperson Aarón J. Carreón-Aínsa. The meeting was adjourned at 2:35 p.m.