

WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF PUBLIC SAFETY
COMMISSION ON DRUNK DRIVING PREVENTION
CHAPTER 15-2
SERIES II

Title: Administrative Regulations for the organization, functioning and control of the Commission on Drunk Driving Prevention, an adjunct division of the West Virginia Department of Public Safety

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Title: Administrative Regulations for the organization, functioning and control of the Commission on Drunk Driving Prevention, an adjunct division of the West Virginia Department of Public Safety.

Section 1. General

1.1 Scope - These rules and regulations relate solely to the interpretation, definition and conduct of business of the provisions of Chapter 15, Article 2, Sections 40 and 41 of the Code of West Virginia of 1931, as amended, and said statutory sections are hereby incorporated by both direct reference and necessary inference, and shall be known as the Rules and Regulations of the Commission on Drunk Driving Prevention.

1.2 Authority - West Virginia Code, as amended of 1931 of Chapter 15, Article 2, Sections 40 and 41.

1.3 Filing Date - June 13, 1985.

1.4 Effective Date - June 13, 1985.

Section 2. Amendments

2.1 Amendments to the Rules and Regulations of the Commission on Drunk Driving Prevention may be made at any meeting of the Commission on the motion of any member, and the concurrence by open vote of at least four members of the Commission. Amendments to the Rules and Regulations shall then be promulgated in accordance with the provisions of Chapter 29A, Article 3 of the West Virginia Code of 1931, as amended.

Section 3. Meetings

3.1 Meetings shall be held at least twice yearly or more frequently as needed, upon the written notice of the chairman, mailed to each member, first-class postage prepaid, at least fifteen days prior to any proposed meeting. Meetings may also be called under the same conditions of written notice, signed by at least four members of the Commission. All meetings shall be held in the conference room of the Department of Public Safety Headquarters Building, 725 Jefferson Road, South Charleston, West Virginia 25309, or at any

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other place within the State designated by the chairman of the Commission in his notice of meeting or in response to a notice of meeting issued by at least four members.

3.2 Business Address - The Business address and legal residence of the Commission shall be:

West Virginia Commission on Drunk Driving Prevention
725 Jefferson Road
South Charleston, West Virginia 25309

All correspondence, process and notice shall be sent to this address.

3.3 Minutes - The Chairman shall cause to be recorded and transcribed accurate minutes of each meeting of the Commission. Such minutes shall contain but not be limited to:

- a) the approval of the minutes of the previous meeting
- b) a listing of members present
- c) the substance of all motions and the name of the movant
- d) the vote count on all motions
- e) any written reports filed on pending grant applications as well as the application itself if it is the subject of debate, motion or vote during said meeting
- f) the names and addresses of any non-members appearing before the Commission and the substance of their appearance
- g) all votes or other action of the Commission concerning the handling, disbursing or disposal of the funds of the Commission
- h) such other matters as the Commission may wish to preserve on the record

The minutes may be taken down in longhand, shorthand or recorded electronically, by any person designated by the chairman. The chairman shall make copies of such minutes available to members of the Commission at their request.

3.4 Rules of Order - The meetings of the Commission shall be conducted according to the current edition of Robert's Rules of Order, but no technical rule shall be used to thwart the intent of a majority of the Commission in any instance.

Section 4. Definitions

4.1 Grantee - Any local or state law enforcement agency awarded funds by the Commission

4.2 Obligated Funds - Funds for which a definite commitment is made or a legal liability incurred by the grantee to pay determinable sums for services or goods furnished or to be furnished.

4.3 Grant Agreement - A contractual agreement between the Commission and state or local law enforcement agency, whereby the Commission provides funds to carry out specified programs, services, or activities for the effective enforcement of laws defining drunk driving offenses and such other items as defined in paragraph 10 below. All terms and conditions of the grant agreement shall be a part of these Rules and Regulations and appear as Appendix A.

4.4 Grant Period - The period of time established and authorized in the grant agreement by the Commission for carrying out the specified programs, services, or activities. Funds approved by the Commission must be obligated within the grant period or any approved extension thereof.

4.5 Grant Application - The form prescribed by the Commission which is to be used in applying for grants authorized pursuant to Chapter 15, Article 2, Section 41, Paragraph C of the Code of West Virginia, 1931, as amended.

Section 5 Approval of Grant Applications

5.1 Grant applications shall only be approved by a vote of at least four concurring members of the Commission.

Section 6 Criteria for Approval of Grant Applications

6.1 The Commission shall conduct a statewide survey designed to establish the priority of areas with regard to need for assistance from the Drunk Driving Prevention Fund. Utilizing this priority list the Commission will review each individual grant application in detail to evaluate its merits. Criteria for the Commission to evaluate the application will include:

- a) availability of Legislative funding
- b) compliance of the grant application with priority programs
- c) probability that the grant application will achieve its objective(s)
- d) coordination of efforts with other jurisdictions
- e) demonstration of need
- f) adequate fiscal control over grant fund

Section 7 Action on Applications

7.1 Award - Approval of the application will result in funds being set aside or encumbered for the project and the applicant being promptly notified of the action. The approved application and grant agreement will become the work plan for the project.

7.2 Award with Conditions - This approval is similar to an unqualified award (see 7.1 above) with the exception that the Commission has attached certain conditions or minor amendments. These conditions or amendments

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will be attached to the approved grant application and will become an integral part of it. An award with conditions is subject to acceptance by the grantee.

7.3 Return for Revision - Applications returned for revision will be sent to the Executive Director for transmittal to the applicant agency for revision. Suggestions for and the required revisions will be appended to the application where it is deemed appropriate by the director.

7.4 Denial - The reason for rejection of the application will be clearly stated in a notice to the applicant agency. The decision of the Commission will be considered final, twenty days after notice of denial is sent.

Section 8. Grants to the Commission

8.1 The Commission shall have authority to consolidate grant applications in order to minimize administrative costs; provided the affected grantees approve of such consolidation.

Section 9. Use of Grant Funds

9.1 Grant funds may only be used for the purpose(s) set forth in the grant application. The Commission shall have the authority to request and obtain refunds from grantees for any unauthorized use of grant funds, and shall report all substantial unauthorized use of grant funds to the appropriate agency.

Section 10. Financial Reporting

10.1 In order to monitor, review and evaluate the expenditure use and effectiveness of its Drunk Driving Prevention Fund, the Commission shall have the authority to require grantees to submit financial and progress reports on the forms and at the frequency that it shall deem necessary, provided that such reports shall not be required more often than monthly. Failure to comply with this section will forfeit the grantee's right to any funds held by the Commission.

Section 11. Use of Legislative Appropriation

11.1 Pursuant to Chapter 15, Article 2, Section 41, Paragraph C of the Code of West Virginia, 1931, as amended, the Commission is authorized to use Legislative appropriations to provide "grants to state and local law-enforcement agencies for the purchase of equipment or hiring of additional personnel for the effective enforcement of laws defining drunk driving offenses and such other items as the Commission may define by legislative rule to be reasonable and necessary."

11.2 Accordingly, the Commission hereby defines in these Rules and Regulations that grants may also be provided to state and local law enforcement agencies for the following purposes:

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- a) educational and training programs relating to drunk driving prevention and/or enforcement
- b) public awareness programs relating to drunk driving prevention and/or enforcement
- c) program development activities relating to drunk driving prevention and/or enforcement

11.3 Grant requests for the purchase of equipment or the hiring of additional personnel will receive priority over grant requests for purposes (a), (b) or (c) listed above.

Section 12. Appeal

12.1 Notice of appeal from any grant decision of the Commission shall be made within twenty days from notice of the decision. The Commission shall then conduct an informal hearing to reconsider the application, allowing the appropriate executive of the grant applicant to appear and explain the application. This hearing shall be at the next regularly scheduled meeting of the Commission. Appeal from this subsequent decision by the Commission shall be to the Circuit Court of Kanawha County in accordance with Chapter 29A, of the West Virginia Code.