

Arkansas Alcohol and Drug Abuse Coordinating Council
Rules of Procedure

ARTICLE 1. MISSION STATEMENT

The Arkansas Alcohol and Drug Abuse Coordinating Council oversees the planning and budgeting of education, prevention, treatment and law enforcement services and programs to efficiently and effectively combat the abuse of alcohol and drugs in the state of Arkansas.

ARTICLE 2. BACKGROUND

In 1989, the Arkansas Legislature created the position of Arkansas Drug Director (“the Drug Director”) within the Office of the Governor. In addition, the legislature created the Council, specifying that the Drug Director shall serve as the chairman of the Council. In 1995, the legislature reconstituted the Council and transferred both the Highway Safety Program Advisory Council (created by Ark. Code Ann. § 12-6-101) to the Arkansas Alcohol and Drug Abuse Authority (created by Ark. Code Ann. § 20-64-604) to the Council pursuant to a type 3 Transfer as defined in Ark. Code Ann. § 25-2-106. As a result of these transfers, the Council possesses all of the powers and duties of these entities as set forth in these rules. In 2005, the legislature reorganized the Council according to Act 1453.

ARTICLE 3. RESPONSIBILITIES

The Council oversees the spending of state and federal funds on alcohol and drug education, prevention, treatment, and law enforcement. Striving to effectively combat the dangers associated with alcohol and drug abuse, the Council provides the framework for ensuring that federal and state funds are expended in a manner that meets the needs of the local community while consistent with efforts conducted state-wide. The Council awards funding each year to local schools, police departments, treatment and prevention centers, and drug task forces, as well as other entities, in an effort to confront the problem of drug and alcohol abuse from every angle; through programs designed to prevent the spread of substance abuse and educate children about the dangers of substance abuse; through programs aimed at treating those with substance abuse problems; and through funds spent to eradicate controlled substances through the work of law enforcement agencies.

ARTICLE 4. MEMBERSHIP

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¶ The Council also has the additional responsibilities previously delegated to the Highway Safety Program Advisory Council and to the Arkansas Alcohol and Drug Abuse Authority. Regarding the Highway Safety program, the Council’s responsibilities include, but are not limited to, proposing and monitoring DWI legislation, promoting programs concerning the dangers of drunken driving, and determining and recommending funding options for education and treatment programs for DWI offenders. Regarding the Alcohol and Drug Abuse Authority, the Council’s responsibilities include, but are not limited to, hearing of appeals of decisions by BADAP regarding licensure of alcohol and/or drug treatment programs.¶

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The Council is composed of twenty-seven members, thirteen (13) of whom are administrative officers or their designees, including the Drug Director, the Director of the Office of Alcohol and Drug Abuse Prevention (OADAP) of the Department of Human Services, the Director of the Arkansas State Police, the Director of the Department of Education, the Director of the Arkansas State Highway and Transportation Department, the Director of the Department of Correction, the Director of the Department of Finance and Administration, the Adjutant General of the Arkansas National Guard, the Attorney General for the State of Arkansas, the Director of the State Crime Laboratory, the Director of the Administrative Office of the Courts, the Director of the Department of Community Correction, and the chief administrative officer of the Office of Alcohol Testing of the Department of Health. Other members include one police chief, one county sheriff, one prosecuting attorney, a private citizen not employed by the state or federal government, a director of a publicly funded alcohol and drug abuse treatment program, a school drug counselor, a director of a drug abuse prevention program, a director of a driving while intoxicated program, a health professional, and four members from the state at large who have demonstrated knowledge of or an interest in alcohol and drug abuse prevention, at least two of whom shall be recovering persons. Ref: Ark. Code Ann. § 20-64-1002.

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ARTICLE 5. STRUCTURE

Four standing committees have been established to assist in carrying out the responsibilities of the Council as prescribed by law and any other matters referred to them by the Council. They are a Prevention, Education, and Treatment Committee, chaired by the Director of the Office of Alcohol and Drug Abuse Prevention, a Law Enforcement Committee, a Joint Action Committee, and a Policies and Procedures Committee. Other committees may be established by the Drug Director as needed. Each committee is comprised of Council members assigned to the committee by the Drug Director, who may, at her or his discretion, restructure the membership of each committee on an annual basis. The Drug Director serves on each committee as a non-voting member. In addition, the chairperson of each committee may not vote on a matter before the committee except in cases of a tie, in which case the chairperson shall cast the deciding vote. A simple majority of committee members constitutes a quorum. When a vote is taken, a simple majority of the members present is sufficient for the committee to act on the matter before it. Recommendations by the respective committees will be forwarded to the Council for action consistent with these rules.

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A. Prevention, Education, and Treatment Committee

(1) **Responsibilities.** The Prevention, Education, and Treatment Committee is responsible for recommending awards of state and federal funding to state and local

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agencies, schools, and private non-profit groups in the areas of prevention, education, and treatment of alcohol and drug abuse.

(2) **Procedures.** All applications considered for funding by the Prevention, Education, and Treatment Committee are available through OADAP and are to be submitted in accordance with OADAP's rules and regulations, while funding consideration of competitive contract proposals must abide by state procurement procedures. OADAP shall not forward a competitive grant/contract and/or continuation request to the Committee unless it has met (1) technical review to assure compliance with grant/contract requirements and (2) program review to assure the proposed project is sound and appropriate to the OADAP strategic plan. Upon receipt of the forwarded applications, the Prevention, Education, and Treatment Committee will review the applications and interview all applicants to determine which applications will be recommended for further funding consideration by the Council. Upon receipt of the committee's recommendation, the Council may take any action it deems necessary with respect to the recommendation, including, but not limited to, voting to accept all of the committee's recommendations, requesting additional information, or delaying a decision until such time as the Council determines to be appropriate.

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(3) **Unused or returned funds.** All funds awarded but not used by a grantee/contractor returned to OADAP shall be available for redistribution in accordance with the Procedures stated in A. (2) above, providing that such reissue fits within the time limitation of the original funding source.

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B. Law Enforcement Committee

(1) **Responsibilities.** The primary responsibilities of the Law Enforcement Committee are developing funding strategies and overseeing awards of the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program from the U.S. Department of Justice. In addition, the committee reviews requests from units of state and local government including cities, counties, state, agencies, prosecuting attorneys, circuit judges, and various law enforcement agencies, municipalities, and drug task forces for funding from recovered grant funds administered by the Council. The Law Enforcement Committee is also responsible for providing recommendations to the Council for the awarding of state and federal funds for drug interdiction, eradication, education, rehabilitation, and drug courts.

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(2) **Procedures.** Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program. In each state, the Governor or other Chief Executive Officer designates a state agency (State Administering Agency, of SAA) to apply for and administer these

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funds. The SAA for Arkansas is the Department of Finance and Administration Office of Intergovernmental Services (IGS). As the SAA for Arkansas, IGS is responsible for:

- Coordination of JAG funds among state and local justice initiatives.
- Preparation and submission of the state JAG application.
- Administration of JAG funds including establishing funding priorities; distributing funds; monitoring subrecipients' compliance with all JAG special conditions and provisions; and providing ongoing assistance to subrecipients.
- Submission of financial reports, programmatic reports, performance measures, and subgrant information.

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After receipt of award from the U.S. Department of Justice that the state is eligible to apply for funding under the Edward J. Byrne (JAG) Grant Program, a Notice of Funds Available will be sent by the Office of Intergovernmental Services, Department of Finance and Administration to the Drug Director, all mayors, chiefs of police, county judges, sheriffs, circuit, district, and municipal judges, prosecutors, and all state agencies that have a law enforcement function. The Notice will contain a due date for submission of applications. If the due date falls on a weekend, the due date will be the Friday before the due date, unless that Friday is a State or Federal holiday, in which case the due date will be the Thursday before the original due date. All applications must be received by the close of business, 4:30 PM, on the due date in order to be considered for funding. In the event of extraordinary circumstances, a late filing may be accepted by approval of the Administrator of IGS upon showing by the applicant that unexpected circumstances beyond the control of the applicant agency prevent a timely filing.

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Upon receipt, IGS will review all applications and make recommendations based on funding priorities, availability of funds, grant program restrictions, and federal grant management regulations. The individual project descriptions, budgets, budget narratives, the IGS funding recommendations, and overall grant program budget will be sent by IGS, to the Law Enforcement Committee for review by each of the committee members and then by the committee as a whole. Federal grant management issues of supplanting, unallowable costs to federal funding, unavailability of federal funding or impermissible federal program uses are to be determined by the State Administering Agency, IGS. The committee will forward its recommendations for funding to the Council. Upon receipt of the committee's recommendations, the Council may take any action it deems appropriate with respect to the recommendations, including, but not limited to, voting to accept the committee's recommendations, requesting additional information, or delaying a decision until such time as the Council determines to be appropriate. JGS will notify applicants of the Council's decision, as well as any right to seek reconsideration. Any applicant who has been denied funding by the Council must

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notify the Drug Director and the Office of Intergovernmental Services, Arkansas Department of Finance and Administration, in writing of the intent to seek reconsideration no later than ten (10) business days of receiving notification. The party requesting reconsideration will submit written materials supporting the request. Parties desiring reconsideration may request the opportunity to present oral arguments before the Council. After the request for reconsideration has been presented, the Council may either refer the request back to the committee for reconsideration or take any other action it deems necessary, including not to reconsider the request for funding. Should the applicant be referred back to committee, the request for reconsideration will be reviewed and resubmitted to the Council for final decision.

(3) Unused or Recovered Funds. When the Office of Intergovernmental Services, Department of Finance and Administration, determines that unused or recovered funds are available, they shall notify the Council of the availability of such funds, the approximate amount available, and the deadline for applying for such funds. All grant funds which are not used by the grantees or which are returned by the grantees shall be awarded in accordance with the Procedures state in B. (2) above.

C. Joint Committee Action.

The Prevention, Education, and Treatment Committee and the Law Enforcement Committee shall meet jointly on matters including, but not limited to, the Residential Substance Abuse Treatment for State Prisoners Program, and shall make recommendations for funding to the Council which shall make the final funding decision.

D. Policies and Procedures Committee.

The Policies and Procedures Committee reviews and recommends, as needed, revisions to the rules of procedure that govern the operations of the Council. Any recommendations by the committee will be forwarded to the Council, and any action taken by the Council will be consistent with the provisions of the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201, et seq.

ARTICLE 6. MEETINGS

A. Schedule. The Council meets monthly or at such time(s) as the Drug Director deems necessary. An agenda including the location of the meeting will be provided to each member of the Council prior to the meeting. Dates, times, and locations of all meetings will be posted on www.arkansas.gov in accordance with Act 1302 of 2009.

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B. Attendance. The Council will adhere to Ark. Code Ann. § 25-16-804 regarding member absences.

C. Agenda. The Drug Director or her/his designee presides over each meeting and determines the business to be conducted at the meeting, including any reports or recommendations from the respective committees, appeals, and any other business pertinent to the Council.

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D. Quorum and Voting. A simple majority of Council members constitutes a quorum. When a vote is taken, a simple majority of the members present is sufficient for the Council to act on the matter before it. The Drug Director shall not vote except in cases of a tie, in which case the Drug Director shall cast the deciding vote. The thirteen state administrative officers of the Council may designate one voting designee. Should they choose to exercise this option, written notification will be sent to the Drug Director.

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E. Conflicts of Interest. No member may cast a vote, either in committee or in a meeting of the Council or both, with respect to any item of business in which the member has a conflict of interest. A conflict of interest includes, but is not limited to, situations in which a member has either a financial interest in or holds any position of control of any organization, public or private, that is seeking funding from the Council. In the event a conflict of interest exists, the member with the conflict must abstain from discussion and voting on the matter involving the conflict, but the member may respond to any factual question posed by another member of the Council.

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F. Appeals from OADAP action.

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In addition to its other business, the Council shall also serve as a board of review for action taken by OADAP with respect to matters including, but not limited to, the licensing of alcohol and/or drug abuse treatment programs. Appeals taken from adverse action by OADAP must comply with the policies and procedures of OADAP. Once such an action by OADAP is appealed to the Council, the Council may act on the matter, or it may refer the matter to the Prevention, Education, and Treatment Committee for its recommendation. The director of OADAP shall abstain from discussion and voting, either in committee or in a meeting of the Council or both, with respect to any such action, but the director may respond to any factual questions posed by another member of the Council. If the matter is referred to the Prevention, Education, and Treatment Committee, the committee shall consider the matter and shall forward its recommendation to the Council. Upon receipt of the recommendation, the Council shall act on the recommendation in accordance with the provisions of this Article.

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ARTICLE 7. APPEALS FROM ACTION BY THE COUNCIL

Decisions by the Council are final. Those decisions that meet the definition of “adjudication” under the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201, et seq., may be appealed in accordance with the Arkansas Administrative Procedure Act.

ARTICLE 8. GENERAL INFORMATION

Any questions concerning the Council should be directed to the attention of the Office of the Drug Director in care of the Governor’s Office. Petitions for declaratory orders as to the applicability of any rule, statute, or order enforced by the Council shall be directed to the Office of the Drug Director and shall be considered at the next meeting of the Council following receipt of such petition. All funds awarded by the Council are subject to evaluation and review by the Council within its discretion to ensure that all funds awarded are spent in a manner consistent with the mission of the Council as set forth herein.

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