



Providence External Review Authority (PERA)

Regular Meeting

~ Meeting Minutes ~

Thursday, August 29, 2019

6:00 PM 444 Westminster St., 1st Fl., Conf. Room

PRESENT: Chairman Nicholas Figueroa; Vice-Chairman Machiste Rankin;

Kenneth Cohen, Susan DeRita and Deborah Wray – 5.

ABSENT: Phanida Phivilay Bessette and Michael Fontaine – 2.

Also present are Jillian Barker, Assistant City Solicitor, Law Department; Jose Batista, Executive Director, Providence External Review Authority; Captain Henry Remolina, Providence Police Department; Steve Brown, Executive Director, ACLU; Leo Castro; Shannah Kurland; Randal Rose; Malchus Mills; Vanessa Maldonado; Fred Ordonez; Steph Machado, WPRI 12; Tina L. Mastroianni, First Deputy City Clerk and Donna M. Peligian, Assistant Clerk.

(Subsequently, Ms. Bessette joins the meeting.)

1. Discussion relative to updates from the Board Chair.

Discussion was held relative to the foregoing matter and no vote was taken.

2. Discussion relative to updates from the Executive Director.

Discussion was held relative to the foregoing matter and no vote was taken.

3. Discussion relative to constitutionality of Providence Police Department Policy #360.10.

The following has been invited:

Steven Brown, ACLU

Discussion was held relative to the foregoing matter and no vote was taken.

4. Executive Director's presentation of the City's 2019-2020 Providence External Review Authority (PERA) Budget to the Board.

Discussion was held relative to the foregoing matter and no vote was taken.

MR. BATISTA: If we may transition to agenda item number five.

CHAIRMAN FIGUEROA: Sure. Any questions about the budget?

5. Discussion and possible vote to allocate \$5,000.00 from Independent Contractor funds to "Mediation Services".

Discussion was held relative to the foregoing matter.

MR. BATISTA: I'm recommending that we twice allocate \$5,000.00 from that bucket to Mediation Services and Investigative Services. The idea is that the folks we're working with will send the invoices to us and we can submit those invoices to the City and then those invoices will be paid through these line items and so, I'm happy to take any questions, but that's the idea behind agenda item number five and six.

Further discussion was held relative to the foregoing matter.

CHAIRMAN FIGUEROA: Do I hear a motion to entertain bullet number five that would allocate \$5,000.00 for an independent contractor for Mediation Services.

VICE-CHAIRMAN RANKIN: I'll make the motion.

MS. WRAY: Second.

On motion of Vice-Chairman Rankin, Seconded by Ms. Wray, it is voted to allocate \$5,000.00 for an independent contractor for Mediation Services on a Roll Call Vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Vice-Chairman Rankin
SECONDER:	Ms. Wray
AYES:	Chairman Figueroa, Vice-Chairman Rankin, Ms. Bessette, Mr. Cohen, Mr. Fontaine and Ms. Wray – 5.
NAYES:	Ms. DeRita – 1.
ABSENT:	Mr. Fontaine – 1.

6. Discussion and possible vote to allocate \$5,000.00 from Independent Contractor funds to "Investigative Services".

CHAIRMAN FIGUEROA: If I could also entertain a motion to allocate \$5,000.00 for an independent contractor who will participate in Investigative Services.

MR. COHEN: I'll make the motion.

VICE-CHAIRMAN RANKIN: Second.

On motion of Mr. Cohen, Seconded by Vice-Chairman Rankin, it is voted to allocate \$5,000.00 for an independent contractor for Investigative Services on a Roll Call Vote.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Mr. Cohen
SECONDER:	Vice-Chairman Rankin
AYES:	Chairman Figueroa, Vice-Chairman Rankin, Ms. Bessette, Mr. Cohen, Ms. DeRita, Mr. Fontaine and Ms. Wray – 6.
ABSENT:	Mr. Fontaine – 1.

7. Discussion relative to formal complaint received by the Providence External Review Authority (PERA). (The Providence External Review Authority will go into Executive Session pursuant to Rhode Island General Law 42-46-4 and Rhode Island General Law 42-46-5(a)(4)).

CHAIRMAN FIGUEROA: If I could have someone motion for us to go into Executive Session.

MS. DERITA: I'd like to make a motion that we go into Executive Session pursuant to Rhode Island General Law 42-46-4 and Rhode Island General Law 42-46-5 (a)(4).

VICE-CHAIRMAN RANKIN: Second.

CHAIRMAN FIGUEROA: All in favor.

COMMITTEE: Ayes.

MS. BARKER: Hold on. The motion – you need to read the agenda item too. So, pursuant to the General Law and then to discuss and –

MS. DERITA: Would you like me to start from the beginning or to add on?

MS. BARKER: Sure.

MS. DERITA: Okay. I'd like to make a motion that we go into Executive Session pursuant to Rhode Island General Law 42-46-4 and Rhode Island General Law 42-46-5 (a)(4) for a discussion relative to formal complaints received by the Providence External Review Authority.

VICE-CHAIRMAN RANKIN: Second.

On motion of Ms. DeRita, Seconded by Vice-Chairman Rankin, it is voted to go into Executive Session pursuant to Rhode Island General Law 42-46-4 and Rhode Island General Law 42-46-5 (a)(4) for a discussion relative to formal complaints received by the Providence External Review Authority on a Roll Call Vote.

ROLL CALL:

Chairman Figueroa – Aye
Vice-Chairman Rankin – Aye
Ms. Bessette – Aye
Mr. Cohen – Aye
Ms. DeRita – Aye
Mr. Fontaine – Absent
Ms. Wray – Aye

EXECUTIVE SESSION

RECONVENTION

On motion of Mr. Cohen, Seconded by Vice-Chairman Rankin, it is voted to Reconvene into Open Session by the following Roll Call Vote:

ROLL CALL:

Chairman Figueroa – Aye
Vice-Chairman Rankin – Aye
Ms. Bessette – Aye
Mr. Cohen – Aye
Ms. DeRita – Aye
Mr. Fontaine – Absent
Ms. Wray – Aye

MS. BESSETTE: I'll make the motion to Seal the minutes.

VICE-CHAIRMAN RANKIN: Second.

On motion of Ms. Bessette, Seconded by Vice-Chairman Rankin, it is voted to Seal the Minutes of Executive Session.

CHAIRMAN FIGUEROA: Discussion. All in favor.

COMMITTEE: Ayes.

CHAIRMAN FIGUEROA: Opposed. Abstained. Motion passes.

FIRST DEPUTY CITY CLERK MASTROIANNI: So now, based on the discussion held in Executive Session, the following recommendations were voted on and made. Do you want me to read them?

CHAIRMAN FIGUEROA: Yes, please.

FIRST DEPUTY CITY CLERK MASTROIANNI: With regard to Case number 2019-005, the vote was to recommend investigation.

MR. BATISTA: I think we started with number four.

CHAIRMAN FIGUEROA: If you want, I can run through this. Is that okay?

FIRST DEPUTY CITY CLERK MASTROIANNI: Yes, that's fine.

CHAIRMAN FIGUEROA: So, passed in Executive Session would be 2019-004, 2019-005, 2019-006 and 2019-008. Motion to not investigate passed for 2019-007.

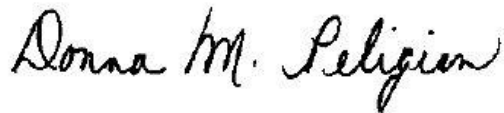
MS. BARKER: I would say it was a motion to dismiss it.

CHAIRMAN FIGUEROA: Motion to dismiss 2019-007. Thank you.

ADJOURNMENT: On motion of Mr. Cohen, Seconded by Ms. Bessette, it is voted to adjourn the meeting at 7:34 o'clock P.M.



First Deputy City Clerk



Assistant Clerk