

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 476

EFFECTIVE ~~XXXXXX~~ November 26, 2006


RESOLVED, That the appointment of Oscar Vargas to the Providence External Review Authority (PERA), in accordance with Section 7 of Ordinance Chapter 2002-39, No. 614, Entitled: "Providence External Review Authority" (PERA), is hereby withdrawn.

IN CITY COUNCIL
NOV 18 2006
READ AND PASSED

PRES.

CLERK

Effective without the
Mayor's Signature:


Anna M. Stetson
City Clerk

Consilium DiLugo

IN CITY COUNCIL
READ AND PASSED

Effect of the
Mayor's Signature:

Ann M. Stetson
City Clerk

Kevin E. Deary
Acting Executive Director
Phone (401) 228-6989
Fax (401) 228-6998



David N. Cicilline
Mayor

PROVIDENCE EXTERNAL REVIEW AUTHORITY

City of Providence, RI

October 27, 2006

• **Officers**

Chair

• *Paul Caswell*

Vice Chair

Luz Bravo-Gleichner

Treasurer

Philip McKendall

Secretary

Kohei Ishihara

• **Board Members**

Stanley A. Bleecker

Kenneth Brown

Robin Evans

Eva-Ann Geoppo

Mary Kay Harris

John Hearn

Dr. Arthur Jones

Mary Jones

Rochelle Lee

David Marshall

• *Oscar Vargas*

Morris Weintraub

• *Myrth York*

Councilwoman Josephine DiRuzzo
Ward 15
141 Roosevelt Street
Providence, RI 02909.

RE: Oscar Vargas

Dear Councilwoman DiRuzzo,

The Providence External Review Authority is comprised of twenty (20) appointees to the Board by members of the city council, mayor and Human Relations Commission. After an initial appointment of one (1) year the appointments are for three (3) years. Your appointee, Oscar Vargas, was appointed to a three (3) year term on April, 2005, and term expires April, 2008.

The appointee has not attended a Board meeting since prior to November 2005. In the midst of a major restructuring push, the Providence External Review Authority (PERA) is recommending removal of this board member from its Board in accordance with Board rules because an internal investigation showed he/she has not responded responsibly to his/her duties to the board or not acting in the best interest of the Authority. Board members are expected to attend all board meetings and subcommittee meetings.

The Authority has asked several times for this board member to attend their regular scheduled board meetings but this appointee has not. The Authority has also asked the appointee to remove himself by resignation to his council person. This not being done the Ordinance and the Bylaws of PERA clearly state as follows:

In the Amendment of Ordinance No. 614, Chapter 2002-39, entitled "Providence External Review Authority" (PERA), in Section 7. Removal:

- Any member of the Authority may be removed for incompetence, neglect of duty, misconduct or malfeasance by resolution of the City Council.

- Any vacancy occasioned by resignation, death, or removal of a member shall be filled for the balance of the unexpired term of appointment by the previously designated appointing Authority.

And according to the Bylaws that have been adopted by a majority of the Authority and in accordance with city and state law on this date: April 20, 2004 found in Section 2.3 Removal of a member:

2.3.1.1 The Authority may recommend to the city council that a member be removed for incompetence, neglect of duty, misconduct or malfeasance for grounds including, but not limited to, the following:

- A member misses three or more Authority meetings within a six month period without timely notice of good cause shown.
- A member misses two or more panel hearings, except for timely notice of good cause shown which is given, whenever possible, prior to hearing.
- A member improperly discloses confidential or privileged information.

Any Board member, regardless of the Ward he/she represents, who accumulates three consecutive unexcused absences from regularly scheduled Board meetings, or (6) six consecutive meetings, shall be eligible for removal from the PERA Board. Any vacancy on a Civilian Review Board (CRB) shall be filled by appointment in the same manner as the vacating member was appointed. His/her successor shall be selected by his/her City Councilor and shall serve for the unexpired term of his/her predecessor.

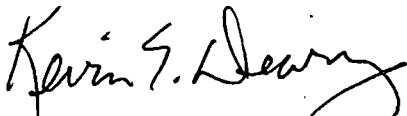
Please remove Oscar Vargas

from the board immediately and replace him/her with a new appointee so we may continue our set goals in making this a full and functioning Authority. Notification of the new appointee should be addressed:

Anna Stetson, Deputy Clerk
City Clerk's Office
City Hall
25 Dorrance Street
Providence, RI 02903

Thank you for your prompt attention to this matter.

Respectfully,



Kevin E. Deary, Acting Executive Director
Providence External Review Authority

Cc: Paul F. Caswell, Chair
Anna Stetson
Oscar Vargas