

CIVIL RIGHTS COMMISSION MEETING

CITY OF DAVENPORT, IOWA

Tuesday, April 9, 2024; 12:00 PM

[HTTPS://US02WEB.ZOOM.US/J/84869608008?PWD=MUHUMUNSUNP4WLZNDK9TBXZIMLY1UT09AMID](https://us02web.zoom.us/j/84869608008?pwd=MUHUMUNSUNP4WLZNDK9TBXZIMLY1UT09AMID)

CONCERNS ABOUT THE SPREAD OF COVID-19 (CORONAVIRUS) WITHIN OUR COMMUNITY, AS AN ONGOING MITIGATION MEASURE, IN COMPLIANCE WITH CDC RECOMMENDATIONS, THE COMMISSION WILL HOST ITS NEXT MONTHLY MEETING, SCHEDULED FOR APRIL 9, 2024 AT NOON THROUGH A VIRTUAL FORMAT. THIS ACTION HAS BEEN TAKEN DUE TO SAFETY CONCERNS ASSOCIATED WITH COVID-19. THE HEALTH AND SAFETY OF COMMUNITY MEMBERS, VISITORS, CUSTOMERS AND OUR STAFF AT THE DAVENPORT CIVIL RIGHTS COMMISSION IS ALWAYS A TOP PRIORITY. IT IS WITH THIS IN MIND THAT WE HAVE TAKEN THIS STEP TO MITIGATE THE POSSIBILITY OF COMMUNITY TRANSMISSION. IF YOU WOULD LIKE TO SIGN UP TO ATTEND OUR NEXT MEETING, PLEASE REGISTER IN ADVANCE FOR THIS MEETING- YOU WILL FIND THE LINK IN THE AGENDA UNDER ROLL CALL. AFTER REGISTERING, YOU WILL RECEIVE A CONFIRMATION EMAIL CONTAINING INFORMATION ABOUT JOINING THE MEETING.

I. Roll Call

Virtual Via Zoom:

<https://us02web.zoom.us/j/84869608008?pwd=MUHuMUNSUnp4WIZndk9tbXZiMIY1UT09>

II. Approval of Agenda

III. Approval of Minutes

A. Amended February 2024 Meeting Minutes

IV. Director's Report

A. March 2024 Director's Report

B. March 2024 Case Status Report

V. New Business

A. Legal Opinion for Commission

VI. Old Business

A. Authorization for Implementation of Legal Action on the Refusal to Process the Commission Director's Vacation Pay Correction

VII. Public Comment and Presentation

VIII. Closed Session Pursuant to Iowa Code 21.5(1)(i) to evaluate the professional competency of an individual whose performance is being considered as that individual has requested a closed session.

A. Director's Compensation

IX. Adjourn

X. Next Meeting

City of Davenport

Department: Civil Rights

Contact Info: |

Action / Date

4/9/2024

Subject:

Amended February 2024 Meeting Minutes

Recommendation:

Background:

Attachments:

1. Amended February 2024 Minutes

DAVENPORT CIVIL RIGHTS COMMISSION

Minutes of Regular Meeting

Tuesday, February 13, 2024; 12:00 PM

The Davenport Civil Rights Commission (DCRC) met at 12:00 p.m. Tuesday, February 13, 2024, online using Zoom. Commission Chair Michael Guster, presided.

COMMISSIONERS PRESENT:

Ethelene Boyd (Joined at 12:25 p.m. due to technical difficulties)
Michael Guster
Frank Holley
Glenn Peterson
Angela Reyes
Charlene Upchurch-Taylor
Jeff Transou

COMMISSIONERS ABSENT

None

OTHER PERSONS PRESENT:

Director Lacey
Others from the community

AGENDA

Commissioner Guster called for the approval of the agenda. Commissioner Holley made a motion to approve the agenda, Commissioner Upchurch-Taylor second the motion. All Commissioners voted to approve the agenda.

APPROVAL OF MINUTES

On motion by Commissioner Holley, seconded by Commissioner Upchurch- Taylor, the minutes of the regular meeting on January 9, 2023, were moved. All Commissioners approved.

REPORT OF THE DIRECTOR

Director Lacey stated there was no right to sue letters for the month of January. There were three housing cases resolved in mediation and conciliation in the month of January. One case, involving inaccessibility relating to a non-working elevator settled in conciliation for \$2500.00 and the development and implementation of an elevator policy with the Respondent. The remaining two cases were related and involved a post-cause complaint alleging disability discrimination, failure to accommodate with a refusal to assign an accessible parking space and a retaliation case involving additional allegations after the filing of the initial complaint. Each case settled for \$2,000 and relief in the public interest.

Director Lacey participated in planning sessions to discuss upcoming outreach and education initiatives on racial trauma for the community in collaboration with Transitions Mental Health, St. Ambrose School of Social Work, and the Davenport Branch of the NAACP. The first event was held February 3, 2024, and was catered by Nest Cafe, and the second event was held on February 10, 2024. Both events were held at the MLK Interpretive Center. The next event will be held March 2, 2024, and March 3rd and the 9th in 2024.

The Director stated she completed case processing documentation, worked on pre-hearing and post-hearing preparation, and worked on litigation. Director Lacey stated she continues to monitor COVID-19 rates and its impact on office functions. She stated masks are being used in common areas.

Director Lacey stated she conducted research on the upcoming environmental justice report. Through this process, we submitted a FOIA request to the City for additional information on the history of the area labeled "D2" on the redlined map of Davenport. However, we received a denial of the FOIA last week, with Brian Heyer stating that he believed that we didn't need the information because it "has nothing to do with anything within the powers or duties of the Commission, as it is entirely unrelated to the investigation of unfair or discriminatory practices." He went on to state that he did not believe that the Commission authorized the submission of the FOIA and that he believed that the Commission's name was being used to circumvent City policy. He does not elaborate on the basis of this perception and it is unclear how he reached this conclusion - however, he is incorrect.

The Director drafted a redlining presentation for the Black History Month presentation held on February 8, 2024, at the Davenport Library. Director Lacey also stated she and staff worked on the annual report topics and assignments.

Director Lacey stated that for cases area by area there were 160 that were under employment, 52 under housing, 19 under public access, and 18 under education.

Under new business, the Director stated that volunteers were needed for the March 2nd event which would be on a Saturday from 12 noon to 1:15 pm. The volunteers would set up tables starting at 11 a.m. Two or three Commissioners volunteered for the event.

Protecting Places of Worship, or (PPOW) was discussed and some Commissioners volunteered to be on the committee.

Director Lacey discussed the office updates at City Hall and stated they would be done in three stages. A. Conference room/wall/closet/storage B. Office C. Security and front vestibule updates, and soundproofing.

The Director brought up the budget presentation which the Commission has been waiting on. Director Lacey stated that City employees were unable to come to a meeting in March. Commissioner Guster stated that a presentation should be during a regular meeting as the Commissioners don't get paid. Other Commissioners agreed.

NEW BUSINESS

A. ED-0109-0002-14

Director Lacey stated there was a court order for the Commission to close this case. Commissioner Boyd made a motion for the Commission to close the case, Commissioner Upchurch-Taylor seconded the motion. All Commissioners approved and the motion was carried.

B. Commission Election of Officers

Current Commission Chair Guster was nominated and voted back in the Chair position by the Commission unanimously. The Vice Chair position was up next and Commissioner Boyd was nominated but declined the position. Commissioner Boyd nominated Commissioner Holley and the Commission voted Commissioner Holley into that position unanimously. Commissioner Upchurch-Taylor nominated Commissioner Transou for Secretary and the Commissioner declined.

Commissioner Boyd nominated Commissioner Upchurch-Taylor who also declined. Commissioner Boyd then nominated Commissioner Petersen who then also declined. After it was clear no one on the Commission wanted the Secretary position, Commissioner Guster asked Director Lacey if it would have to be done or could be done by the Commission secretary at the Commission office at City Hall. Director Lacey stated she could see about it. Commissioner Transou who is the current Secretary then stated he would stay on rather than have the other secretary have to do our secretarial work for us. Commissioner Holley then nominated Commissioner Transou and the Commission voted unanimously to keep Commissioner Transou as Secretary.

C. Commission Budget

This topic had been discussed earlier. There was no date set currently on the Commission being presented with the budget by City staff.

D. Director's Vacation Pay

The Director stated that currently she is still waiting on an update, outside counsel in investigating, and a possible lawsuit is being discussed, an attorney is possible to deal with the issue. Commissioner Upchurch-Taylor made a motion to put the vacation pay issue on next month's agenda. Commissioner Boyd then seconded the motion. All Commissioners approved.

OLD BUSINESS

None

PUBLIC COMMENT

There were no comments from the public.

ADJOURN

Commissioner Transou made a motion to adjourn the meeting, Commissioner Boyd second the motion. All Commissioners approved the motion to adjourn the meeting.

NEXT MEETING

The next regular meeting of the Commission is March 12 , 2024, at 12 noon.

Submitted by Jeff Transou, Secretary

City of Davenport

Department: Civil Rights

Contact Info: |

Action / Date

4/9/2024

Subject:

March 2024 Director's Report

Recommendation:

Background:

Attachments:

1. March 2024 Directors Report

DIRECTOR'S REPORT FOR THE DAVENPORT CIVIL RIGHTS COMMISSION FOR March 2024

I. CASE STATUS

1. No "right to sue" letters were issued in the month of March.
2. One housing case settled in mediation for \$7500 and relief in the public interest. This case involved allegations of race discrimination and retaliation.

II. OTHER ACTIVITY

1. Director completed case processing documentation.
2. Director attended Iowa Public Information Board (IPIB) hearing regarding 24FC0017. This complaint, involving the City of Davenport's refusal to produce records pursuant to Iowa Code §22.2(1) was accepted by the IPIB, stating, "Every person shall have the right to examine and copy a public record and to publish or otherwise disseminate a public record or the information contained in a public record." Iowa Code § 22.2(1). The purpose of a records request is not relevant."
3. Director attended EEOC Quarterly meeting.
4. Director worked on pre-hearing preparation.
5. Director continued to monitor COVID-19 rates and its impact on office functions.
6. Director worked on case resolution documents.
7. Director worked on litigation.
8. Director is monitoring a possible issue involving DCRC witness intimidation and retaliation.
9. Director continued to follow up on the FY2025 budget request. It was learned during the budget presentation that council did not receive the Commission's request for a budget increase.
10. Director is working with DOJ CRS, Commissioners and members of the League of Iowa Civil and Human Rights Agencies to plan and schedule an upcoming training with the League of Iowa Civil and Human Rights Agencies.
11. Director is working with DOJ CRS, Commissioners and members of the community to host a Protecting Places of Worship training for the Quad Cities region.
12. Director has continued to conduct research on an upcoming environmental justice and historical redlining report. We have not received the FOIA'd documents from the city to date.
13. Director prepared for oral arguments on a judicial review proceeding.
14. Director met with Chief Bladel and DOJ CRS regarding an upcoming active shooter training.
15. Director participated in meetings for the upcoming report on environmental justice.
16. Director and staff worked on the annual report topics and assignments.
17. Asst. Director/Housing Programs Manager presented the DCRC Black History Month presentation at the Davenport Library.
18. Asst. Director/Housing Programs Manager worked on investigations.
19. Asst. Director/Housing Programs Manager worked on housing investigations.
20. Asst. Director/Housing Programs Manager worked on housing inquiries.
21. Asst. Director/Housing Programs Manager worked on case resolutions.
22. Asst. Director/Housing Programs Manager worked on annual report articles.
23. Civil Rights Specialist worked on annual report articles.

24. Civil Rights Specialist worked on intakes.
25. Civil Rights Specialist worked on case investigations.
26. Civil Rights Specialist worked on case resolutions.
27. Investigator worked on annual report articles.
28. Investigator worked on mediations.
29. Investigator worked on investigations.
30. Investigator worked on housing inquiries.

III. OLD BUSINESS

1. Ongoing discrimination, harassment and bullying of Commission staff.
 1. Retaliatory actions against Commission staff and further examples of different treatment.
2. Legal Department refusal to accept Commission referral.
3. Use of racial slurs in City Hall. City's failure to initiate complaint investigation.
4. Investigation of hostile working environment.

IV. NEW BUSINESS

1. New refusal to fulfill records requests, continuing the pattern and practice of harassment from the city's legal department.
2. Continues refusal to process vacation correction, despite receiving their legal opinion which clearly indicates that the Commission's procedure for processing the correction was appropriate.

City of Davenport

Department: Civil Rights

Contact Info: |

Action / Date

4/9/2024

Subject:

March 2024 Case Status Report

Recommendation:

Background:

Attachments:

None

City of Davenport

Department: Civil Rights

Contact Info: |

Action / Date

4/9/2024

Subject:

Legal Opinion for Commission

Recommendation:

Background:

Attachments:

None

City of Davenport

Department: Civil Rights
Contact Info: |

Action / Date
4/9/2024

Subject:

Authorization for Implementation of Legal Action on the Refusal to Process the Commission Director's Vacation Pay Correction

Recommendation:

Background:

Attachments:

None