

# CIVIL RIGHTS COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, MAY 9, 2023; 12:00 PM

VIRTUAL VIA ZOOM [HTTPS://US02WEB.ZOOM.US/J/84869608008?](https://us02web.zoom.us/j/84869608008?pwd=MUHUMUNSUNP4WLZNDK9TBXZIMLY1UT09)  
PWD=MUHUMUNSUNP4WLZNDK9TBXZIMLY1UT09

AMID 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 MARCH 14TH, 2023 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

- A. VIRTUAL VIA ZOOM [https://us02web.zoom.us/j/84869608008?](https://us02web.zoom.us/j/84869608008?pwd=MUHuMUNSUnp4WIZndk9tbXZiMIY1UT09)  
pwd=MUHuMUNSUnp4WIZndk9tbXZiMIY1UT09

## II. Approval of Agenda

## III. Approval of Minutes

- A. Meeting Minutes April 2023

## IV. Directors Report

- A. Director's Report April 2023

## V. New Business

## VI. Old Business

- A. Meeting Format

## VII. Public Comment and Presentation

## VIII. Adjourn

## IX. Next Meeting

City of Davenport  
Civil Rights Commission

Department:  
Contact Info:

**Date**

Subject:  
VIRTUAL VIA ZOOM [https://us02web.zoom.us/j/84869608008?](https://us02web.zoom.us/j/84869608008?pwd=MUhuMUNSunp4WIZndk9tbXZiMIY1UT09)  
[pwd=MUhuMUNSunp4WIZndk9tbXZiMIY1UT09](https://us02web.zoom.us/j/84869608008?pwd=MUhuMUNSunp4WIZndk9tbXZiMIY1UT09)

REVIEWERS:

| Department   | Reviewer          | Action   | Date                |
|--------------|-------------------|----------|---------------------|
| Civil Rights | Musser, Stephanie | Approved | 5/8/2023 - 11:06 AM |

City of Davenport  
Civil Rights Commission

Department:  
Contact Info:

**Date**

Subject:  
Meeting Minutes April 2023

ATTACHMENTS:

| Type         | Description        |
|--------------|--------------------|
| ▢ Cover Memo | April 2023 Minutes |

REVIEWERS:

| Department   | Reviewer          | Action   | Date                |
|--------------|-------------------|----------|---------------------|
| Civil Rights | Musser, Stephanie | Approved | 5/8/2023 - 11:06 AM |

DAVENPORT CIVIL RIGHTS COMMISSION  
Minutes of Regular Meeting  
April 11, 2023

The Davenport Civil Rights Commission (DCRC) met at 12:00 p.m. Tuesday, April 11, 2023, online using Zoom. Commissioner Guster presided over the Commission.

**COMMISSIONERS PRESENT:**

Ethelene Boyd  
Michael Guster  
Frank Holley  
Angela Reyes  
Charlene Upchurch-Taylor  
Jeff Transou

**COMMISSIONERS ABSENT**

Andrew Lopez

Commissioner Lopez sent an email to Director Lacey just before the Commission meeting today saying that he is resigning.

**OTHER PERSONS PRESENT:**

Director Latrice Lacey  
Jeri Nagle

**APPROVAL OF AGENDA**

Commissioner Transou made a motion to approve the agenda, it was seconded by Commissioner Boyd. All Commissioners approved the agenda.

**APPROVAL OF MINUTES**

**A. Special Meeting of March 29, 2023.**

A motion was made by Commissioner Upchurch-Taylor, seconded by Commissioner Boyd, to approve the minutes of the March 29, 2023 Special Meeting. All Commissioners voted yes.

**REPORT OF THE DIRECTOR**

Director Lacey stated there were no right to sue letters issued in the month of March. There was one case closed in mediation in the month of March. The case involved a failure to accommodate a person with a disability who was denied housing because of their service dog. This case settled for \$2500.00 and relief in the public interest. Director Lacey stated she organized Commission staff training, attended the League of Civil and Human Rights Commissions meeting where there was discussion of the LGBTQ community and especially the impact of recent legislation involving sexual orientation/gender identity and its potential impact on the trans community. Director Lacey stated there were Commissions that were signing on to Trans Visibility Day and our Commission was being asked to join them. Director Lacey stated one of the questions that came out of the meeting related to what the state and local commissions

should do to show support for the trans community. Commissioner Boyd mentioned that outreach and education initiatives could be a part of something DCRC could do. Commissioner Holley stated he was new to the Commission but was concerned about us singling out a group to help. Commissioner Holley felt this was a special interest group and wondered whether we should be reaching out to this group. Commissioner Guster explained that as long as it's the initiative is supported by the Ordinance that the DCRC is tasked uphold, that he believed that we should do that for any group that the Commission is tasked with ensuring equity and fairness on behalf of. Commissioner Guster mentioned all the groups that we represent that may come to us seeking our solidarity with them and that we should welcome that. Commissioner Transou stated they are one of the many protected classes within our Commission and the City of Davenport. Commissioner Transou stated he is a member of the LGBTQ community and stated that trans people are certainly a member of the protected classes that we ensure equity and equality on behalf of, through the Commission, and that we have supported other groups as well. Commissioner Transou reiterated that when other groups have put these types of petitions before the Commission we don't single out any one particular group. Director Lacey clarified that that there are currently particular actions that have been undertaken to target this community, which is why there would be particular initiatives to ensure that DCRC protections relating to this community, are clarified. Director Lacey stated we sign on to things like this with all kinds of groups, not just a few in particular. Commissioner Holley stated he understood more about the Commission signing onto this and that it appeared to be statewide. Commissioner Transou mentioned some Pride events coming up in June in Rock Island, IL, and Moline, IL, including a parade at one of them. Director Lacey stated that the Commission will have two fair housing trainings at the Fairmount Library and a table set up at the Rock Island Pride on the 2nd and 3rd of June. Commissioner Guster stated we should be doing something at these events in our community and for Commissioner Transou to get the dates of everything to Director Lacey to be distributed to everyone. Commissioner Upchurch-Taylor stated she would like the dates so she could put them on her calendar.

Director Lacey also stated she participated in a mediation last month, she also stated that the annual report is still being worked on. The Director stated she has been working on cases and investigations and resolutions during last month and continues to do so. Director Lacey explained to Commissioner Holley when asked what it means when a case is settled in relief of the public interest.

## **NEW BUSINESS**

### **A. Director's Leave**

Commissioner Guster showed and read to the Commission two paragraphs from two prior dates where the Commission had approved the Director's leave correction. The City apparently couldn't understand what the Commission had passed, despite the Commission using the language it had been instructed to utilize by the city staff.

### **October 13, 2020**

At the October 13, 2020 Commission meeting, there was a motion made and an explanation given, which indicates that there was a discussion with Mallory Merritt. The statement from Janelle Swanberg was, "In discussing this matter with the City's Human Resources Department, they indicated that if the Commission would vote to accord Director Lacey the vacation to which she was entitled, that they would honor that directive. So, I am proposing that someone make a motion that would say, **"The Commission votes for Director Lacey to receive retroactive to her hire date, the vacation she should have received as a director starting at the sixth year service pursuant to Administrative Policy number 6.6 (I) 25 work days of vacation annually for years 6 through 12; 30 work days for years 13+" and for such further vacation increases according to that administrative policy at the negotiated rate.**"

**September 13, 2022**

On Tuesday September 13, 2022, after two years of delays and repeated refusals to correct the leave by city staff, the Davenport Civil Rights Commission voted to approve Director Lacey receiving a corrected leave accrual amount in accordance with the Director's leave schedule, reflecting that she was entitled to leave as a Director starting in her 6th year upon hire. The corrected leave should be backdated to her start date of September 15, 2014 and any leave in excess of the current annual accrual limits should be paid out to Director Lacey at her current hourly wage.

Discussion ensued of what the Commission had already done in the past and what the city apparently doesn't understand and wants from the Commission. Commissioner Guster showed and read an email from Mallory Merritt stating she felt the City had compensated Director Lacey properly. Commissioner Guster stated he would review the document and respond by providing the number of hours that Director Lacey is entitled to. Commissioner Guster stated he would figure the numbers and take his response to the City on the matter. Commissioner Guster stated he would report to the Commission at the next meeting what he found out from the City. The Commission members all agreed to let Commissioner Guster go to the City and discuss Director Lacey's leave.

**B. Closed Session Pursuant to Iowa Code 21.5 (1) (c)**

**At 12:54 o'clock pursuant to Iowa Code 21.5 (1) (c) and upon motion by Commissioner Boyd, seconded by Commissioner Upchurch-Taylor, and with all Commissioners; Boyd, Guster, Holley, Reyes, Upchurch-Taylor, and Transou present and voting yes, the Commission moved into closed session to review or discuss the actions of a former Commissioner, and hear about an investigation from two Commissioners.**

The Commission came back into open session at 1:36 p.m. Secretary Transou took the roll call and all Commissioners were back into the open session.

The Commission voted to accept the findings and recommendations of the investigative team and their report. The Commissioners voted as follows:

|                              |           |
|------------------------------|-----------|
| Commissioner Boyd            | Yes       |
| Commissioner Guster          | Yes       |
| Commissioner Holley          | Abstained |
| Commissioner Reyes           | Yes       |
| Commissioner Upchurch-Taylor | Yes       |
| Commissioner Transou         | Yes       |

**Closed Session Pursuant to Iowa Code 21.5 (1)(c)**

**At 1:42 o'clock pursuant to Iowa Code 21.5 (1)(c) and upon motion by Commissioner Transou, seconded by Commissioner Holley, and with all Commissioners (except Reyes, whom recused herself from this case) Boyd, Guster, Holley, Upchurch-Taylor, and Transou present and voting yes, the Commission moved into closed session to review or discuss litigation of a case.**

The Commission came back into open session at 1:57 p.m. A roll call was taken and all Commissioners were back into the open session.

Commissioner Holley made a motion to allow Director Lacey to enter into a settlement agreement in the Seeberger case, it was seconded by Commissioner Upchurch-Taylor. Commissioner Guster called for Secretary Transou to conduct a roll call for the votes.

|        |     |
|--------|-----|
| Boyd   | Yes |
| Guster | Yes |

|                 |     |
|-----------------|-----|
| Holley          | Yes |
| Transou         | Yes |
| Upchurch-Taylor | Yes |

## **OLD BUSINESS**

### **A. Meeting Format**

Commissioner Guster asked the Commissioners what format they liked for the Commission meetings. Commissioners discussed what format each of them would like. Commissioner Guster stated he would like to table this discussion until the next meeting since Commissioner Reyes was not with us here at the end of the Commission meeting today. All Commissioners agreed to table the discussion for the next meeting on May 9, 2023.

## **PUBLIC COMMENT and PRESENTATION**

There were no comments from the public.

## **ADJOURN**

At 2:04 p.m. the Commission adjourned with unanimous consent. All Commissioners voted yes.

## **NEXT MEETING**

The next meeting of the Commission will be May 9, 2023, at 12:00 p.m.

Submitted by Jeff Transou, secretary

City of Davenport  
Civil Rights Commission

Department:  
Contact Info:

**Date**

Subject:  
Director's Report April 2023

ATTACHMENTS:

| Type         | Description                |
|--------------|----------------------------|
| ▢ Cover Memo | Director Report April 2023 |

REVIEWERS:

| Department   | Reviewer          | Action   | Date                |
|--------------|-------------------|----------|---------------------|
| Civil Rights | Musser, Stephanie | Approved | 5/8/2023 - 11:07 AM |



# **DIRECTOR'S REPORT FOR THE DAVENPORT CIVIL RIGHTS COMMISSION FOR April 2023**

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## **I. CASE STATUS**

1. No "right to sue" letters were issued in the month of April.
2. One housing case closed in mediation in the month of April. This case involved a failure to accommodate a person with a disability who was denied access to a common area. This case settled for \$500.00 and relief in the public interest.

## **II. OTHER ACTIVITY**

1. Director organized Commission staff training.
2. Director attended planning meeting for upcoming conference.
3. Director planned and hosted training for state and local commissions.
4. Director compiled and drafted documentation for Commissioners.
5. Director completed case processing documentation.
6. Director worked on pre-hearing and post-hearing preparation.
7. Director continued to monitor COVID-19 rates and its impact on office functions.
8. Director worked on case resolution documents.
9. Director worked on litigation.
10. Director, Housing Analyst and Civil Rights Specialist worked on annual report finalization.
11. Housing Analyst worked on investigations.
12. Housing Analyst worked on housing investigations.
13. Housing Analyst worked on housing inquiries.
14. Housing Analyst worked on case resolutions.
15. Housing Analyst conducted 2 trainings on LGBT Protections Under the Law
16. Housing Analyst attended Training on Fair Housing Act Design Manual Requirements
17. Housing Analyst attended Training on Criminal Records Discrimination
18. Housing Analyst attended Training on Employment Barriers for People Upon Reentry
19. Housing Analyst attended Training from NFHTA
20. Housing Analyst attended Rooting Out Poverty Conference
21. Civil Rights Specialist attended investigations training.
22. Civil Rights Specialist worked on intakes.
23. Civil Rights Specialist worked on case investigations.
24. Civil Rights Specialist worked on case resolutions.

## **III. OLD BUSINESS**

1. Ongoing harassment and bullying of Commission staff

## **IV. NEW BUSINESS**

1. Legal Department refusal to accept Commission referral

City of Davenport  
Civil Rights Commission

Department:  
Contact Info:

**Date**

Subject:  
Meeting Format

REVIEWERS:

| Department   | Reviewer          | Action   | Date                |
|--------------|-------------------|----------|---------------------|
| Civil Rights | Musser, Stephanie | Approved | 5/8/2023 - 11:08 AM |