

CIVIL RIGHTS COMMISSION MEETING

CITY OF DAVENPORT, IOWA

TUESDAY, APRIL 11, 2023; 12:00 PM

VIRTUAL VIA ZOOM [HTTPS://US02WEB.ZOOM.US/S/84869608008](https://us02web.zoom.us/j/84869608008)

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>

II. Approval of Agenda

III. Approval of Minutes

A. Special Meeting March 29, 2023

IV. Directors Report

A. March 2023 Director's Report

V. New Business

A. Director's Leave

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

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>

REVIEWERS:

Department	Reviewer	Action	Date
Civil Rights	Musser, Stephanie	Approved	4/10/2023 - 9:53 AM

City of Davenport
Civil Rights Commission

Department:
Contact Info:

Date

Subject:
Special Meeting March 29, 2023

ATTACHMENTS:

Type	Description
▢ Cover Memo	Special Meeting March 29, 2023

REVIEWERS:

Department	Reviewer	Action	Date
Civil Rights	Musser, Stephanie	Approved	4/10/2023 - 9:54 AM

DAVENPORT CIVIL RIGHTS COMMISSION
Minutes of a Special Meeting
March 29, 2023

The Davenport Civil Rights Commission (DCRC) met at 10:00 a.m. Wednesday, March 29, 2023 online using Zoom. Commissioner Michael Guster presided.

COMMISSIONERS PRESENT:

Ethelene Boyd
Michael Guster
Frank Holley
Angela Reyes (Joined the meeting during a closed session at 12:02 p.m.)
Charlene Upchurch-Taylor
Jeff Transou

COMMISSIONERS ABSENT

Andrew Lopez

OTHER PERSONS PRESENT:

Director Latrice Lacey
Others from the community

AGENDA

A motion was made by Commissioner Transou to approve the agenda, it was seconded by Commissioner Boyd. All commissioners voted yes.

NEW BUSINESS

A. Meeting Format

Commissioner Guster discussed the meeting format with Commissioners, stating that meeting in person should be considered again. Commissioner Guster stated he would like all Commissioners to discuss and vote on the format and with Commissioners Reyes and Lopez absent, he suggested the Commission table the meeting format until its next meeting in April. All Commissioners approved waiting.

B. Position Development and Implementation

Director Lacey stated the Commission was given no new funds, and a new position title was developed and will be in charge of housing completely. Director Lacey stated that more managerial responsibility is involved, and this combines two positions into one. Commissioner Holley asked about the new position's description. Director Lacey stated she would send a description out to all Commissioners. Commissioner Guster stated the Commission has asked for funds and we could never get any, until then we will look at this position. Commissioner Boyd made a motion for the implementation of the position from Director Lacey and for Assistant Director and Housing Analyst to be combined. Commissioner Upchurch-Taylor seconded the motion. All Commissioners approved.

OLD BUSINESS

A. Closed Session E-0139-0069-16

"At 10:27 a.m. o'clock pursuant to Iowa Code 21.5 (1)(f) and upon motion by Commissioner Boyd, seconded by Commissioner Transou and with all Commissioners Boyd, Guster, Holley, Transou, and Upchurch-Taylor present and voting yes, the Commission moved into closed session to discuss the decision in a contested case proceeding."

The Commission reconvened into open session at 11:36 a.m. All Commissioners, Boyd, Guster, Holley, Transou, and Upchurch-Taylor were present after a roll call.

"On motion by Commissioner Upchurch-Taylor, seconded by Commissioner Boyd, the Commission makes a motion to award the Complainant's requested damages and attorney's fees in the amount of \$153,639.75, as itemized within the Complainant's Request for Damages as the Commission finds that Complainant has provided adequate evidence of a nexus between the Respondent's discriminatory conduct in the unlawful discrimination supporting an award of the claimed costs. The Commission assesses all costs of the hearing to the Respondent, which will be supported by a bill of costs issued by Commission Director, Latrice Lacey, and orders to change the Respondent's hiring practices to ensure that there is more equity in the decision making process for hiring coaches."

All Commissioners approved the motion by voting yes.

Boyd	yes
Guster	yes
Holley	yes
Transou	yes
Upchurch-Taylor	yes

B. Closed Session ED-0118-0002-15

"At 11:42 a.m. o'clock pursuant to Iowa Code 21.5 (1)(f) and upon motion by Commissioner Boyd, seconded by Commissioner Upchurch-Taylor, and with all Commissioners Boyd, Guster, Holley, Transou, and Upchurch-Taylor present and voting yes, the Commission moved into closed session to discuss the decision in a contested case proceeding."

The Commission reconvened into open session at 12:31 p.m. A roll call was taken and all Commissioners Boyd, Guster, Holley, Reyes (who entered the closed meeting at 12:02 p.m.), Transou, and Upchurch-Taylor were all present.

"We the Commission have voted to reject the Respondent's Request for Interlocutory Review. We cite for our decision Davenport Civil Rights Commission Ordinance 2.58.170 Public hearing item L." "The Commission may adopt or modify or reject a hearing officer's recommended decision, or it may remand the case to the hearing officer for the taking of such additional evidence and the making of such further recommended findings of facts, and conclusions of law, decision, and order as the Commission deems necessary."

Commissioner Boyd made a motion to reject the Respondents Request for Interlocutory Review, it was seconded by Commissioner Guster. All Commissioners voted yes except Commissioner Holley who abstained.

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

C. Closed Session H-0123-0026-14

"At 12:37 p.m. o'clock pursuant to Iowa Code 21.5 (1) (c) and upon motion by Commissioner Upchurch-Taylor, seconded by Commissioner Boyd and with all Commissioners Boyd, Guster, Holley, Transou, and Upchurch-Taylor, present and voting yes, (Reyes abstained from this case), the Commission moved into a closed session to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation."

The Commission reconvened into open session at 1:06 p.m. A roll call was taken and all Commissioners Boyd, Guster, Holley, Transou, and Upchurch-Taylor were present.

Commissioner Boyd made a motion, seconded by Commissioner Upchurch-Taylor, for Director Lacey to issue a counter offer of \$8,280.22 for the Commission, and accept a settlement of \$12,000 for the Complainant to resolve case number H-0123-0026-14. All Commissioners voted yes except Commissioner Holley who abstained.

Boyd	Yes
Guster	Yes
Holley	Abstained
Transou	Yes
Upchurch-Taylor	Yes

ADJOURN

At 1:16 p.m. a motion was made by Commissioner Boyd, seconded by Commissioner Upchurch-Taylor to adjourn the meeting. All Commissioners voted yes.

NEXT MEETING

The next Commission meeting is scheduled for Tuesday, April 11, 2023, at 12 noon.

Submitted by Jeff Transou, secretary

City of Davenport
Civil Rights Commission

Department:
Contact Info:

Date

Subject:
March 2023 Director's Report

ATTACHMENTS:

Type	Description
▢ Cover Memo	March 2023 Director's Report

REVIEWERS:

Department	Reviewer	Action	Date
Civil Rights	Musser, Stephanie	Approved	4/10/2023 - 9:54 AM

DIRECTOR'S REPORT FOR THE DAVENPORT CIVIL RIGHTS COMMISSION FOR March 2023

I. CASE STATUS

1. No "right to sue" letters were issued in the month of March.
2. One housing case closed in mediation in the month of March. This 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.

II. OTHER ACTIVITY

1. Director organized Commission staff training.
2. Director attended planning meeting for upcoming conference.
3. Director drafted employment training.
4. Director attended League of Civil and Human Rights Commissions meeting.
5. Director conducted Commissioner training.
6. Director implemented updated case status reporting procedures.
7. Director participated in mediation.
8. Director completed case processing documentation.
9. Director worked on pre-hearing and post-hearing preparation.
10. Director continued to monitor COVID-19 rates and its impact on office functions.
11. Director worked on case resolution documents.
12. Director worked on litigation.
13. Director attended status conference.
14. Director, Housing Analyst and Civil Rights Specialist worked on annual report preparation.
15. Housing Analyst worked on investigations.
16. Housing Analyst worked on housing investigations.
17. Housing Analyst worked on housing inquiries.
18. Housing Analyst worked on case resolutions.
19. Civil Rights Specialist attended training.
20. Civil Rights Specialist worked on intake.
21. Civil Rights Specialist worked on case investigations.
22. Civil Rights Specialist worked on case resolutions.

III. OLD BUSINESS

1. Ongoing harassment and bullying of Commission staff

IV. NEW BUSINESS

1. League of Civil and Human Rights Commissions Statement

City of Davenport
Civil Rights Commission

Department:
Contact Info:

Date

Subject:
Director's Leave

REVIEWERS:

Department	Reviewer	Action	Date
Civil Rights	Musser, Stephanie	Approved	4/10/2023 - 9:55 AM

City of Davenport
Civil Rights Commission

Department:
Contact Info:

Date

Subject:
Closed Session Pursuant to Iowa Code §21.5(1)(c)

REVIEWERS:

Department	Reviewer	Action	Date
Civil Rights	Musser, Stephanie	Approved	4/10/2023 - 9:56 AM

City of Davenport
Civil Rights Commission

Department:
Contact Info:

Date

Subject:
Meeting Format

REVIEWERS:

Department	Reviewer	Action	Date
Civil Rights	Musser, Stephanie	Approved	4/10/2023 - 9:56 AM