

CIVIL RIGHTS COMMISSION MEETING

CITY OF DAVENPORT, IOWA

Tuesday, June 11, 2024; 12:00 PM

Virtual Via

Zoom: <https://us02web.zoom.us/j/84869608008?pwd=MUhuMUNSUUnp4WIZndk9tbXZiMIY1UT09>

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 JUNE 11, 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=MUhuMUNSUUnp4WIZndk9tbXZiMIY1UT09>

II. Approval of Agenda

III. Approval of Minutes

A. April 2024 Meeting Minutes

B. May 2024 Meeting Minutes

IV. Director's Report

A. Case Status Report May 2024

B. May 2024 Director's Report

V. New Business

A. H-0008-0002-23*Amended as of 6/11/24

VI. Old Business

VII. Public Comment and Presentation

VIII. Adjourn

IX. Next Meeting

City of Davenport
Civil Rights Commission

Department: Civil Rights
Contact Info: |
Subject:
April 2024 Meeting Minutes

Action / Date
6/11/2024

Attachments:

1. April 2024 Meeting Minutes

DAVENPORT CIVIL RIGHTS COMMISSION

Minutes of Regular Meeting

Tuesday, April 9 2024; 12:00 PM

The Davenport Civil Rights Commission (DCRC) met at 12:00 p.m. Tuesday, April 9, 2024, online using Zoom. Commission President Mike Guster presided.

COMMISSIONERS PRESENT:

Ethelene Boyd

Mike Guster-President

Frank Holley

Glenn Peterson

Angela Fritz-Reyes

Charlene Upchurch-Taylor

COMMISSIONERS ABSENT:

Jeff Transou

OTHER PERSONS PRESENT:

Director Lacey

Others from the community

AGENDA

Commissioner Guster called for the approval of the agenda. Commissioner Boyd made a motion to approve the agenda, Commissioner Holley seconded the motion. All Commissioners voted to approve the agenda.

APPROVAL OF MINUTES

The February minutes were presented. It was noted that these minutes have already been accepted. The amended minutes were received. Commissioner Transou will provide the March minutes next month. He was having issues with his computer.

REPORT OF THE DIRECTOR

Director Lacey stated there was no right to sue letters for the month of March. One housing case was settled in mediation for \$7,500 and relief in the public interest. This case involved racial discrimination and retaliation.

Director Lacey attended the Iowa Public Information Board (IPIB) hearing regarding 24FC0017. This case involving the City of Davenport's refusal to produce records pursuant to Iowa Code 22.1 was accepted by the IPIB. Still haven't received records requested from January. Commissioners asked why this is not being complied with and why it is taking so long. Director Lacey will send out the Code section after the meeting today.

Director Lacey attended EEOC Quarterly meeting.

Still waiting to hear about the FY 2025 budget request that was submitted. Public hearing will be tomorrow.

We are still working on the conference for July. Ready to send out a formal press release.

Continue to do the research on the upcoming environmental justice and historical redlining report. We haven't received the FOLA'd documents that were requested from the city.

Still bullying and harassment of the Commissioner's staff in the office is still prevalent. Staff morale is low.

Commissioner Guster is going to send another request to Ms. Mallory for a representative to come and explain the budget process and demand that someone comes to the Commissioner's meeting. Lack of response from the city is very concerning.

OLD BUSINESS:

A lot of discussion was on the lack of support from administration and the run around that Director Lacey is experiencing. Staff is leaving as a result of being harassed and terrorized and it is being perceived as ok.

3 FOYER

1. Compensation packet-pay increase Asst. Director
2. Dump-Historical use of the Dump Park came to be
3. Remodeling project-Funded, Security, featured installed

Commissioner Guster wants to put it on the record the recommendation for Director Lacey to get a raise for all her work.

Mallory Bagby sent a letter to the Commissioners that was inappropriate.

Commissioner Angela Fritz-Reyes left the meeting at 1:06 PM

NEW BUSINESS:

Legal opinion for Commission-hiring an attorney

1. Finance-Recommend the Finance Director receive clarification from Human Resource Commission
2. Legal Dept.-Has no authority to take action from Commission not unless told to do so.
3. Recommendation they receive communication stating no email should be open

Motion:

It was moved to that Director Lacey implement legal opinion from the Commission to send out to the city staff.

Roll Call:

Holly-Yes

Body-Yes

Guster-Yes

Peterson-Yes

Upchurch-Taylor-Yes

It was moved by Commissioner Frank Holly and 2nd by Commissioner Ethelene Boyd that the Davenport Civil Rights Commission voted for Authorization for Implementation of Legal Action on the City's Refusal to Process the Commissioner Director Lacey's Vacation Pay Correction. Motion passed

Guster-Yes

Boyd-Yes

Upchurch-Taylor-Yes

Holly-Yes

Peterson-Yes

Closed Session Pursuant to Iowa Code 21.5(1)(i)-Deferred to the top of the agenda for next month.

Director Lacey will send out information so that we move forward.

PUBLIC COMMENT

There were no comments from the public.

ADJOURN:

Commissioner Boyd made a motion to adjourn the meeting, Commissioner Holley second the motion. All Commissioners approved the motion to adjourn the meeting. The meeting ended at 2:40 p.m.

NEXT MEETING:

The next regular meeting of the Commission is May 14, 2024, at 12 noon.

Submitted by Charlene Upchurch-Taylor, Acting Secretary

City of Davenport
Civil Rights Commission

Department: Civil Rights
Contact Info: |
Subject:
May 2024 Meeting Minutes

Action / Date
6/11/2024

Attachments:

1. May 2024 Meeting Minutes

DAVENPORT CIVIL RIGHTS COMMISSION
Minutes of Regular Meeting
Tuesday, May 14, 2024; 12:00 PM

The Davenport Civil Rights Commission (DCRC) met at 12:00 p.m. Tuesday, May 14, 2024, online using Zoom. Commission Chair Michael Guster, presided.

COMMISSIONERS PRESENT:

Ethelene Boyd
Michael Guster
Frank Holley
Glenn Peterson
Charlene Upchurch-Taylor
Jeff Transou

COMMISSIONERS ABSENT

Angela Reyes

OTHER PERSONS PRESENT:

Director Lacey
Others from the community

AGENDA

Commissioner Guster called for the approval of the agenda. Commissioner Boyd 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 Boyd, seconded by Commissioner Upchurch-Taylor, the minutes of the regular meeting on March 12, 2024, were moved. All Commissioners approved.

REPORT OF THE DIRECTOR

Director Lacey stated there was no right to sue letters for the month of April. There were no cases settled in mediation or conciliation during the month of April.

Director Lacey awaited the Iowa Public Information Board (IPIB) update 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 on March 21, 2024. The City's refusal seemed to be based upon the City attorney's analysis on the perceived relevance of the information, as the Commission was issued a denial letter 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." It was decided the Commission would publish what we have and let the public know it is partial information.

The Director stated she attended the EEOC Conference. Director Lacey also stated she continued to follow up on the FY 2025 budget request. The Director met with the Chair of the Finance Committee and selected members of the Commission, this offer was accepted. The Director followed up on this request however City staff had not provided proposed dates for the Finance Committee as of our last correspondence. To date, staff assigned to schedule the meeting have not issued a request for dates to the Commission.

The Director stated she 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, the proposed date will have to be postponed, we are currently selecting new dates.

Director Lacey stated she is working with DOJ CRS and Commissioners to set up training for DCRC Commissioners, there is a potential for the US Attorney to assist with this training as well.

The Director presented the DCRC Fair Housing month presentations. Director Lacey and Asst. Director/Housing Programs Manager received a litigation hold notice from the City's outside counsel relating to a member of the legal department's staff. The Director also worked on staffing realignment due to the forced departure of the Asst. Director/Housing Programs Manager.

(Commissioner Upchurch-Taylor had to leave the meeting today at 12:30 p.m.)

The Commission and the Director discussed the continued refusal of the City to process vacation corrections, despite receiving their legal opinion which clearly indicates that the Commission's procedure for processing the correction was appropriate.

The Director noted the constructive discharge of Commission employees. The departure of the Asst. Director/Housing Programs Manager is a constructive discharge due to the ongoing severe and pervasive pattern and practice of harassment which has made working conditions so intolerable that the employee was forced to resign as there have been no actions to intervene to stop the harassment from the City officials with decision-making authority.

PUBLIC COMMENT

None

NEW BUSINESS

Closed Session Pursuant to Iowa Code 21.5 (1)(i)

A. Director's Compensation

Commissioner Guster asked for a motion to go into closed session pursuant to Iowa Code 21.5 (1)(i) To evaluate the professional competency of an individual whose appointment, hiring, Performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

At 12:45 p.m. o'clock pursuant to Iowa Code 21.5 (1)(i) and upon motion by Commissioner Boyd, seconded by Commissioner Transou, and with all Commissioners Boyd, Guster, Holley, Peterson, and Transou present and voting yes, the Commission moved into closed session to evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.

The Commission reconvened into open session at 1:21 p.m. The Commission had the following statement:

Commissioner Boyd made a motion to increase Director Lacey's base salary to \$174,752.52 effective the pay period for the week ending May 17, 2024. Commissioner Transou seconded the motion.

All Commissioners, Boyd, Guster, Holley, Peterson, and Transou voted "Aye" to the motion. Commissioners Reyes and Upchurch-Taylor were absent for the vote.

Closed Session to Discuss Litigation Pursuant to 21.5(1)(c)

Commissioner Guster asked for a motion to go into a closed session.

At 1:28 o'clock pursuant to Iowa Code 21.5 (1)(c) and upon motion by Commissioner Boyd, seconded by Commissioner Holley and with all Commissioners; Boyd, Guster, Holley, Peterson, and Transou present and voting yes, the Commission moved into 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 1:46 p.m. The Commission had the following statement.

Commissioner Holley made a motion that the Commission has found there to be a conflict of interest with counsel Lane and Waterman, it was seconded by Commissioner Boyd. All Commissioners present, Boyd, Guster, Holley, Peterson, and Transou approved the motion.

OLD BUSINESS

None

ADJOURN

Commissioner Holley made a motion to adjourn the meeting, Commissioner Boyd second the motion. All Commissioners approved the motion to adjourn the meeting. The meeting ended at 1:49 p.m.

NEXT MEETING

The next regular meeting of the Commission is June 11, 2024, at 12 noon.

Submitted by Jeff Transou, Secretary

City of Davenport
Civil Rights Commission

Department: Civil Rights
Contact Info: |
Subject:
Case Status Report May 2024

Action / Date
6/11/2024

Attachments:
None

City of Davenport
Civil Rights Commission

Department: Civil Rights
Contact Info: |
Subject:
May 2024 Director's Report

Action / Date
6/11/2024

Attachments:

1. May 2024 Directors Report

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

I. CASE STATUS

1. No "right to sue" letters were issued in the month of May.
2. No cases settled in mediation or conciliation in the month of May.

II. OTHER ACTIVITY

1. Director completed case processing documentation.
2. Director received the FOIA results for PRR-52-2024, however the results for PRR-149-2024 & PRR-171-2024 were incomplete. We are currently awaiting Iowa Public Information Board's (IPIB) update regarding 24FC0017. This complaint, involving the City of Davenport's refusal to produce records pursuant to Iowa Code §22.2(1) in PRR-52-2024, was accepted by the IPIB on March 21, 2024. The subsequently denied FOIAs (PRR-149-2024 & PRR-171-2024) were added to this complaint. The city's initial refusal seemed to be based upon the city attorney's analysis on the perceived relevancy of the information, as the Commission was issued a denial letter 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." The subsequent denial was based upon the Assistant City Attorney's assessment that the FOIA requests were too similar to others submitted by members of the public.
3. Director attended statewide Know Your Rights campaign planning meeting.
4. Director presented at Davenport U.
5. Director hosted a Protecting Places of Worship training for the Quad Cities region in collaboration with DOJ CRS, DCRC Commissioners, DCRC staff and members of the community on May 2, 2024.
6. Director attended meeting with the DOJ Civil Rights Division.
7. Director attended EEOC FEPA forum meeting.
8. Director attended the FY2024 FHAP Rollout meeting.
9. Director worked on pre-hearing preparation.
10. Director participated in a public hearing.
11. Director continued to monitor COVID-19 rates and its impact on office functions.
12. Director worked on case resolution documents.
13. Director worked on litigation.
14. Director met with community members to discuss a proposed rent abatement ordinance.
15. Director attended a community meeting to learn more about the rent abatement ordinance that has been implemented in Iowa City and how that could be utilized here in Davenport.
16. Director continues to monitor a possible issue involving DCRC witness intimidation and retaliation.
17. Director attended a League of Civil and Human Rights Agencies meeting.
18. Director met with city staff and to review office update options.
19. Director conducted an in-service training for staff.
20. Director continued to follow up on the FY2024/25 budget requests. The p/t Investigator position has still not been changed to f/t and the Housing Analyst position has not been added back to the budget to replace the Assistant Director position.

21. 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, the initial proposed date will have to be postponed, we are currently selecting new dates.
22. 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.
23. Director is working with DOJ CRS and Commissioners to set up a training for DCRC commissioners, there is a potential for the US Attorney to assist with this training as well.
24. Director has completed the research on an upcoming environmental justice and historical redlining report and we are currently working on condensing the information.
25. Director prepared for oral arguments on a judicial review proceeding.
26. Director reviewed and compiled records relating to an environmental justice issue.
27. Director worked on staffing realignment due to the forced departure of the Asst. Director/Housing Programs Manager.
28. Asst. Director/Housing Programs Manager resigned effective May 10, 2024, due to ongoing workplace harassment from city staff and elected/appointed officials.
29. Asst. Director/Housing Programs Manager worked on housing investigations.
30. Asst. Director/Housing Programs Manager worked on housing inquiries.
31. Asst. Director/Housing Programs Manager worked on case resolutions.
32. Civil Rights Specialist worked on intakes.
33. Civil Rights Specialist worked on case investigations.
34. Civil Rights Specialist worked on case resolutions.
35. Investigator worked on mediations.
36. Investigator worked on investigations.
37. Investigator worked on housing inquiries.
38. Investigator and Administrative Assistant attended the Quad Cities Pride Festival.

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.
5. New refusal to fulfill records requests, continuing the pattern and practice of harassment from the city's legal department.
6. Continued refusal to process vacation correction, despite receiving their legal opinion which clearly indicates that the Commission's procedure for processing the correction was appropriate.
7. Constructive discharge of Commission employees.
8. Refusal to process personnel actions.

IV. NEW BUSINESS

1. In-person meetings.
2. Housing Intake no-shows.
3. Juneteenth tabling volunteers.

City of Davenport
Civil Rights Commission

Department: Civil Rights

Contact Info: |

Subject:

H-0008-0002-23*Amended as of 6/11/24

Action / Date

6/11/2024

Attachments:

None