

CIVIL RIGHTS COMMISSION MEETING

CITY OF DAVENPORT, IOWA

Tuesday, June 10, 2025; 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 10, 2025, 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. May 2025 Minutes

B. April 2025 Minutes

IV. Director's Report

A. May 2025 Director's Report

B. May 2025 Case Status Report

V. New Business

A. Joint Council and DCRC Commission Meeting - Followup

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:  
May 2025 Minutes

**Action / Date**  
**6/10/2025**

Attachments:

1. DCRS Reg Meeting May 13. 2025

DAVENPORT CIVIL RIGHTS COMMISSION  
Minutes of Regular Meeting  
Tuesday, May 13, 2025; 12:00 PM

The Davenport Civil Rights Commission (DCRC) met at 12:00 p.m. Tuesday, May 13, 2025, online using Zoom. Commission Chair Michael Guster presided over the meeting.

**COMMISSIONERS PRESENT:**

Ethelene Boyd  
Michael Guster  
Frank Holley  
Glenn Peterson  
Jeff Transou

**COMMISSIONERS ABSENT**

Charlene Upchurch-Taylor

**OTHER PERSONS PRESENT:**

Director Lacey  
Mr. Jesse Dill  
Mr. Charles Owens  
City of Davenport  
Others from the community

**AGENDA**

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

**APPROVAL OF MINUTES**

- A. The minutes of the April meeting were tabled until the June meeting.

**OLD BUSINESS**

**A. E-0093-0048-17**

Respondent's counsel, Jesse Dill spoke first to the Commissioners about the opposition to Mr. Charles Owens' proposed damages relating to his employment discrimination complaint at Kraft-Heinz. Complainant Charles Owens then spoke about his damages relating to his employment discrimination complaint against Kraft-Heinz and why he believed he deserves the requested compensation.

Commissioner Peterson asked if he could ask a question of the parties relating to the underlying facts of the claim. Commission Chair Guster explained that this would not be permitted as we were done with the liability aspect at this point and solely assessing damages, we were ready to go into closed session to decide an outcome based upon what has already been presented to the Commission by the Respondent and the Complainant, as found within the record.

- 1. “At 12:21 p.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, Peterson, and Transou present and voting yes, the Commission moved into closed session to discuss discuss the decision to be rendered in a contested case proceeding conducted according to the provisions of chapter 17A.”**

The Commission came back into an open session at 1:50 p.m. A roll call was taken by Commissioner Transou.

Commissioner Boyd	Yes
Commissioner Guster	Yes
Commissioner Holley	Yes
Commissioner Peterson	Yes
Commissioner Transou	Yes

The Commission then took a vote on its decision on the damages awarded to the Complainant. The following statement was then read by Commissioner Transou:

The Complainant shall be reinstated solely for the purpose of effectuating the award of retirement and pension benefits. The terms of reinstatement shall be limited to administrative purposes necessary to confer such benefits and shall not require actual return to work.

For purposes of calculating and awarding retirement benefits, the Complainant shall be deemed to have retired effective March 31, 2021, at the age of 62.

The Respondent shall pay the Complainant the difference between:

1. The retirement and pension benefits actually received by the Complainant to date; and
2. The total amount of retirement and pension benefits the Complainant would have received had he retired on March 31, 2021, at age 62, with full benefits under the applicable retirement plan(s).

In addition to reinstating the Complainant to award benefits, the Commission is awarding the Complainant \$261,007.95 in compensatory damages and \$8856.08 for the costs of the hearing. The Respondent has 120 days of this ruling to implement the Commission's decision.

## **REPORT OF THE DIRECTOR**

Director Lacey stated there was no right to sue letters issued in the month of April, and no cases were settled in mediation in the month of April.

The Director finalized the DCRC annual report. Director Lacey worked on compiling back data for the joint follow-up meeting with DCRC and City Council.

Director Lacey continues to wait for responses to the Director and the Commission's separate request for the salary assessment data for the investigation related positions within the agency. The Director's requests were submitted on October 11 and 21<sup>st</sup> of 2024 and December 12, 2024. The Commission's request was submitted with a requested response date of January 31, 2025. The information has not been received to date, we do not have a prospective date of receipt from Human Resources and have not received any information from Human Resources, aside from the acknowledgement of receipt of the requests. Without information on salaries, the Director cannot make decisions on the budget, further if someone is offered the Civil Rights Specialist position, there is no available salary data to provide to candidates. Six months is an inordinate amount of time to await responsive information on such a pertinent matter. The Director continues to await receipt of this information.

The Director drafted a motion in a proceeding for intervention, seeking a temporary injunction.

Director Lacey continued to await responsive information from the City Administrator regarding the information from Finance relating to the HUD funding, where we were notified that Finance would no longer do the Finance-related certification for our HUD contract, despite controlling the funding and the lack of response from Human Resources, the delays in processing personnel actions by Finance and Human Resources, the unilateral removal of the Civil Rights Investigator job posting from Human Resources and the absence of resolution to the internal complaint regarding the interception of the Commission's confidential mail, submitted on December 20, 2023.

Under new business, the Director reminded the Commission of the Joint DCRC City Council meeting on May 20, 2025, at 5 p.m. at the Police Station's Community Meeting Room.

The Director stated she would be out of the office between the 15<sup>th</sup> and 19<sup>th</sup> of May.

## **NEW BUSINESS**

### **A. Davenport Civil Rights Commission Litigation**

- 1. Legal Representation – the Commission voted to approve hiring counsel to represent the Commission in litigation filed against it by former Davenport City Attorney, Mallory Hoyt Bagby.**

### **Closed session pursuant to Iowa Code 21.5 (1)(c)**

- A. 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.**

There was not a quorum, and so this session was put on the agenda for the next meeting.

## **PUBLIC COMMENT AND PRESENTATION**

None

## **ADJOURN**

The meeting was adjourned by unanimous consent of the members of the Commission.

**NEXT MEETING**

The next regular meeting of the Commission is June 10, 2025, at 12 noon.

Submitted by Commissioner Jeff Transou

City of Davenport  
Civil Rights Commission

Department: Civil Rights  
Contact Info: |  
Subject:  
April 2025 Minutes

**Action / Date**  
**6/10/2025**

Attachments:

1. April 8, 2025 Meeting MInutes

**CIVIL RIGHTS COMMISSION MEETING  
CITY OF DAVENPORT, IA  
TUESDAY, APRIL 8, 2025**

The Davenport Civil Rights Commission met and Called to Order: 12:03 via Zoom.  
Commissioner Chair Michael Guster presided over the meeting.

**ROLL CALL:**

**COMMISSIONERS PRESENT:**

Mike Guster  
Frank Holley  
Charlene Upchurch-Taylor  
Jeff Transou  
Glenn Peterson

**COMMISSIONERS ABSENT:**

Ethelene Boyd

**OTHER ATTENDEES:**

**Director Latrice Lacey  
The City of Davenport**

**AGENDA:**

Commissioner Mike Guster called for the approval of the agenda. It was moved by Commissioner Frank Holley to accept the agenda: seconded by Commissioner Glenn Peterson; motion carried.

**APPROVAL of FEBRUARY 2025 MINUTES:** Tabled in March –

It was moved by Commissioner Frank Holley to accept the minutes with any necessary corrections; Seconded by Commissioner Jeff Transou; motion carried

**APPROVAL of MARCH 2025 MINUTES:**

It was moved by Commissioner Frank Holley to accept the minutes with any necessary corrections; Seconded by Commissioner Glenn Peterson; motion carried

**DIRECTOR'S REPORT:**

- No right to sue letters issued in the month of March
- No mediation or conciliation settlements.

**Annual Report Topics** - No additional topics for Annual Report. Two remaining articles for the report's completion.

**Salary Assessment Issue** –

- Submitted a salary assessment for the investigative positions in October 2024.
- Submitted a formal written request in December 2024. Last Friday.
- April 4, 2025, received an unresponsive reply.
- Outlined the need for a comparison of the Civil Rights Investigator and Civil Rights Specialist positions within our department to similar roles across other commissions in the state. The aim was to ensure that our compensation structure aligns with industry standards, reflecting the complexity and responsibilities of these roles. The comparison was made between the Investigations Manager (IM) role—something entirely different from what had been asked about, which was not mentioned in the original request—and the Senior Civil Rights Investigator roles statewide.
- This response ignored the clear distinctions which had been outlined between the Civil Rights Investigator and Civil Rights Specialist positions in the written correspondence and prior verbal communications, which was the core of the request.
- The response received erroneously compared our Civil Rights Specialist role to lower-level Civil Rights Investigator positions.

**Finance Issue** - Have not received the correct figures on budget.

**Meeting Follow-up w/ City Administrator Maxeiner** - no responses to the complaints submitted in December 2023 or April 2024, nor answers to the questions asked about the repeated and continued delays, issues with Finance and HR silent treatment.

- Commissioner Mike Guster recommended these concerns be put on the agenda for discussion at the Joint meeting on April 15<sup>th</sup>.
- Questions asked should be submitted to the Commissioners in advance

**MARCH CASE STATUS**

- 2 new employment cases - 172
- 2 new housing cases - 67
- 25 public accommodations cases
- 19 public education cases
  
- 1 employment case closed
- 3 pending public hearings
- 1 case in judicial review

**NEW BUSINESS: None**

**OLD BUSINESS: Stated in Director's Report**

**PUBLIC COMMENTS AND PRESENTATIONS: None**

**NEXT MEETING:**

Regular DCRC Meeting, May 13, 2025

Joint Meeting DCRC/City Council, April 15, 2025, at 5:00 p.m.

**ADJOURN:**

Commissioner Mike Guster called to adjourn the meeting. It was moved by Commissioner Frank Holley and Seconded by Commissioner Charlene Upchurch-Taylor to adjourn the meeting at 12:53; motion carried.

Submitted by,

*Commissioner Charlene Upchurch-Taylor*

Commissioner Charlene Upchurch-Taylor,  
Secretary

City of Davenport  
Civil Rights Commission

Department: Civil Rights  
Contact Info: |  
Subject:  
May 2025 Director's Report

**Action / Date**  
**6/10/2025**

Attachments:

1. May 2025 DR

**DIRECTOR'S REPORT FOR THE DAVENPORT CIVIL RIGHTS COMMISSION FOR  
May 2025**

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**I. CASE STATUS**

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

**II. OTHER ACTIVITY**

1. The Director completed case processing documentation.
2. The Director worked on pre-hearing preparation.
3. The Director worked on compiling additional back data and developing additional presentations for the joint followup meetings with DCRC and City Council, scheduled for May 20 and June 3.
4. The Director continued to wait responses to the Director and the Commission's separate request for the salary assessment data for the investigation related positions within the agency. The Director's requests were submitted on October 11, 2024, October 21, 2024 and December 12, 2024. The Commission's request was submitted with a requested response date of January 31, 2025. The information has not been received to date, we do not have a prospective date of receipt from Human Resources and have not received any information from Human Resources, aside from the acknowledgment of receipt of the requests. Without information on salaries, the Director cannot make decisions on the budget, nor hiring for the Civil Rights Specialist position, as there is no available salary data to provide to candidates. Six months is an inordinate amount of time to await responsive information on such a pertinent matter. The Director continues to await the receipt of this information, despite receiving acknowledgement that city staff are not supposed to be making these decisions for the Commission and are usurping the Commission and the Director's authority, the Human Resources Director's supervisor has failed to direct her to cease this conduct going forward.
5. The Director reviewed the proposal submitted by the City Administrator, which was intended to address staff noncompliance with duties related to the Commission. However, the proposal reflects a misunderstanding of both the staff's actual responsibilities and the independent structure of the Commission. As a result, it merely attempts to reorganize the Commission's functions rather than resolving the underlying issue, city staff's failure to perform their duties.
6. The Director attended the Joint City Council/Civil Rights Commission meeting.
7. The Director worked on post hearing briefing in the housing public hearing.
8. The Director worked on post hearing briefing in the education public hearing.
9. The Director provided the Commission with a follow-up regarding the misinformation included in the partial responses to the DCRC and City Council concerning the office remodel and the furniture purchases for the Commission. This clarification was necessary due to the misinformation and lack of responsiveness from City Administration, Human Resources, and Finance.
10. The Director continued to await responsive information from the City Administrator regarding the information from Finance relating to the HUD funding, where we were notified that Finance would no longer do the Finance-related certification for our HUD contract, despite controlling the funding and the lack of response from Human Resources, the delays in processing personnel actions by Finance and Human Resources,

the unilateral removal of the Civil Rights Investigator job posting from Human Resources and the absence of resolution to the internal complaint regarding the interception of the Commission's confidential mail, submitted on December 20, 2023.

11. The Director continued to monitor COVID-19<sup>1</sup> rates and its impact on office functions.
12. The Director worked on case resolution documents.
13. The Director worked on litigation.
14. The Director worked on pre-hearing motions and responses.
15. The Director paused reviewing applications for the Civil Rights Specialist position as we have continued to await information on salaries, which does not appear to be forthcoming.
16. The Director continues to work on the development of training and professional development opportunities related to the staffing realignment related to the forced departure of the Asst. Director/Housing Programs Manager.
17. Housing Analyst worked on housing investigations.
18. Housing Analyst worked on housing inquiries.
19. Housing Analyst worked on case resolutions.
20. Investigations Manager worked on case file reviews and updates.
21. Investigations Manager worked on case resolutions.
22. Investigations Manager worked on complaint intakes.

### **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, still no findings over a year after the initiation of the investigation.
5. 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.
6. Constructive discharge of Commission employees.
7. Staffing Concerns - Investigation position postings and salary.
8. The Commission continues to face delays and obstructive actions by City Administration that have hindered resolution of matters previously presented to the City Council. These actions appear to undermine the Commission's mission and reflect ongoing retaliation and retaliatory harassment in response to substantiated complaints of discrimination and harassment.

### **IV. NEW BUSINESS**

1. Unscheduled Joint DCRC City Council meeting - DCRC must initiate discussion regarding the status of the next Joint Commission-City Council meeting. Although an additional meeting was discussed and anticipated, scheduling did not occur due to the early departure of the Mayor, City Administrator, and other elected officials before a date could be confirmed.

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<sup>1</sup> Also, influenza and RSV.

City of Davenport  
Civil Rights Commission

Department: Civil Rights  
Contact Info: |  
Subject:  
May 2025 Case Status Report

**Action / Date**  
**6/10/2025**

Attachments:  
None

City of Davenport  
Civil Rights Commission

Department: Civil Rights

Contact Info: |

Subject:

Joint Council and DCRC Commission Meeting - Followup

**Action / Date**

**6/10/2025**

Attachments:

None