

RESOLUTION NO. _____

DATE ADOPTED: _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS TO CENSURE COMMISSIONER MICHAEL B. O'DONNELL, II, AND REQUEST THAT HE RESIGN FROM HIS POSITION AS A COUNTY COMMISSIONER

WHEREAS, pursuant to K.S.A. 19-101, *fourth*, the Board of County Commissioners has the power to do all acts in relation to the concerns of the County, necessary to the exercise of its corporate and administrative powers; and

WHEREAS, pursuant to K.S.A. 19-101, *fifth*, the Board of County Commissioners has the power to exercise the powers of home rule to determine local affairs and government; and

WHEREAS, the Board of County Commissioners adopted a Code of Ethical Conduct for County Commissioners within Resolution No. 159-2018 ("Code of Ethical Conduct") on November 14, 2018; and

WHEREAS, as stated within the Code of Ethical Conduct Preamble, "[t]he opportunity to serve the public as a county commissioner is a high honor and confers sacred trust to the office holder. Stewardship of the public trust not only requires allegiance to the law, but also obligates a county commissioner to act in ways consistent with the highest standards of ethical conduct"; and

WHEREAS, the audio recording from a November 3, 2019 meeting between Commissioner O'Donnell, Representative Michael Capps, Wichita City Council Member James Clendenin, and Matthew Colborn, and Commissioner O'Donnell's apparent involvement in the facts and circumstances surrounding the aforementioned meeting display a lack of honesty and integrity; and

WHEREAS, Sedgwick County District Attorney Marc Bennett has initiated an investigation that involves Commissioner O'Donnell and the District Attorney's press release for regarding the investigation included statutes referring to ouster of an elected official; and

WHEREAS, the Board of County Commissioners of Sedgwick County has deemed it appropriate to formally censure Michael B. O'Donnell, II due to conduct inconsistent with the Code of Ethical Conduct, and requests that he resign from his position as County Commissioner for District 2.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS that:

SECTION 1.

Principle 1 of the Code of Ethical Conduct states that, "[a] county commissioner should be

vigorously dedicated to the democratic ideals of honesty, openness and accountability in all public matters involving county government.”

An audio recording was recently released to the public regarding a meeting Commissioner O'Donnell participated in with Representative Michael Capps, City of Wichita City Council Member James Clendenin, and Matthew Colborn on November 3, 2019 (“audio recording”). During the course of the audio recording, it became clear that all participants, including Commissioner O'Donnell, were engaged in an attempt to shift any blame for the production and/or involvement in the production of a City of Wichita mayoral election negative campaign video away from themselves and towards other individuals. The content of the audio recording could lead to a reasonable conclusion that this attempt to shift blame was dishonest and that the other individuals sought to be blamed were not involved in the production of the negative campaign video.

The comments and conduct by Commissioner O'Donnell within the audio recording were not consistent with the democratic ideals of honesty, openness, and accountability, which are stated within Principle 1 of the Code of Ethical Conduct.

SECTION 2.

Principle 2 of the Code of Ethical Conduct states that, “[a] county commissioner should model decorum, respect for others and civility in all public relationships.”

Comments and conduct by Commissioner O'Donnell described within Section 1 of this Resolution and other comments he made during the audio recording demonstrated a failure to model decorum, respect for others and civility in all public relationships, contrary to Principle 2 of the Code of Ethical Conduct.

SECTION 3.

As a result of the comments and conduct of Commissioner O'Donnell within the audio recording, as described within Sections 1 and 2 of this Resolution, the Board of County Commissioners hereby censures Commissioner O'Donnell and formally requests that he resign his position as County Commissioner for District 2, effective immediately. Also, if Commissioner O'Donnell should be elected as the County Commissioner for District 2 with a term beginning in January 2021, the Board of County Commissioners requests that he decline to serve such term.

SECTION 4.

This Resolution shall be effective upon its adoption.

Commissioners present and voting were:

PETER F. MEITZNER _____
MICHAEL B. O'DONNELL, II _____
DAVID T. DENNIS _____
LACEY D. CRUSE _____
JAMES M. HOWELL _____

Dated this _____ day of _____, 2020.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

PETER F. MEITZNER, Chairman
Commissioner, First District

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

JUSTIN M. WAGGONER
Assistant County Counselor

MICHAEL B. O'DONNELL, II
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

