



TO: City Council
FROM: Ethics Board
SUBJECT: Ethics Board Report on Ethics Complaint 2025-11
DATE: February 13, 2025

On January 3, 2025, Mary Dean, president of Kansas Justice Advocate, Inc. (“Complainant”), signed a complaint which states it was brought on behalf of Kansas Justice Advocate, Inc. “and countless Black residents...” alleging two violations by Mayor Lily Wu (“Respondent”).

The City’s policy says a complaint must be in writing on the prescribed form, signed by the Complainant under oath. Mary Dean is the Complainant for the purposes of the Ethics Board’s analysis. Whether she is signing on behalf of an organization does not affect the Board’s analysis.

In compliance with City Council Policy 39 and Ordinance 52-549, our report is as follows:

1. Summary of Complaint

Summarized, the Complainant alleges Respondent disregarded numerous outreach efforts (emails, presentations at City Council meetings, etc.), failed to respond or acknowledge those efforts, and refused to engage with proposals to repair harm and promote justice for Black residents.

Dean alleges Wu violated the Ethics Ordinance section requiring city officials to conduct themselves so as to maintain public confidence and the section requiring city officials to address constituent concerns and needs.

2. Scope of Investigation

This report does not attempt to provide an exhaustive description of all documents, exhibits, and information reviewed. The written Complaint, Response, and attached documents were reviewed, which included timelines provided by both parties, emails, documents, and letters. Minutes and/or video of multiple Wichita City Council meetings were viewed. Minutes and available video of multiple meetings of Wichita’s Diversity, Inclusion, and Civil Rights Advisory Board (DICRAB) also were reviewed.

Some of the documents received primarily dealt with the underlying issue about which Dean requested action be taken by the City Council. Highly summarized, Dean’s issue is creation of a commission to study reparations and a related proposed ordinance.

The scope of work of the Ethics Board in this claim is to assess whether Respondent violated specific provisions of the Ethics Ordinance, not whether the policy decisions or actions taken meet the expectations of individual constituents. Because the Ethics Board makes no judgment

about policy matters presented to or addressed by legislative bodies, the subject matter documents provided did not serve to inform or influence the Board's assessment of the alleged violations of the code of ethics.

3. Summary of Facts

The Complainant presented a list of dates when alleged violations occurred and which reference things like personal appearances, emails, and letters sent. The first three dates of communication occurred prior to Mayor Wu taking office. The majority of the dates/communications appear to be to the whole City Council, or multiple recipients. Some are to the Mayor, and some do not include the Mayor directly. Other dates reference Dean's appearance at City Council meetings.

Respondent provided a detailed response and timeline with supporting documents. She emailed a letter January 2, 2025 at 2:23 p.m. to Mary Dean that was a response to Dean's December 20, 2024 letter. Dean had requested a response by January 2. Mary Dean acknowledged receipt at 2:47 p.m. on January 2. She then filed the present ethics complaint on January 3. In her complaint, where she lists "Dates of Violations," she stated:

December 20, 2024, Letter to Mayor Lily Wu from President Mary Dean KJA, Inc. **No Response**

As noted, Respondent provided documents evidencing she in fact responded January 2, 2024 and received Dean's response within minutes. Yet, Complainant attested there was no response.

According to Complainant, she appeared at City Council meetings February 13, 2024, June 11, 2024, and November 19, 2024. At the June 11 meeting, Dean's request was assigned by the Council to its advisory board known as the Diversity, Inclusion and Civil Rights Advisory Board (DICRAB). That board has since discussed the issue on multiple occasions in multiple monthly meetings as discussed below.

The DICRAB provided the Ethics Board the following timeline and summary of events related to Dean's request and DICRAB:

2024

July - Mary Dean's first meeting with DICRAB

August - notification to the Board that Mary withdrew the proposed ordinance

October - the reintroduction of the amended proposed ordinance and discussion

November - ordinance discussion and Board votes to request legal review and information gathering

December - information presentation from other municipalities and further discussion

2025

January - Mary Dean presentation, Law Department presentation.

The DICRAB minutes are available online for most of these meetings with a link to a recording for December 17, November 19, and August 20, 2024.

A July 26, 2024 email from Dean to several people including the Council and Mayor asks that a previously submitted ordinance be withdrawn and that she will resubmit a new one. At the August 20, 2024 meeting, according to video, it was announced Dean withdrew her proposed

ordinance that was before the DICRAB, and the Board would not take further action until Dean reintroduced something.

According to the DICRAB October 14, 2024 minutes (no recording was posted), the reparations related issues were discussed at that meeting. The minutes and video of the November 19, 2024 meeting confirm the reparations ordinance was discussed. Dean separately spoke at the City Council meeting on the subject on November 19. According to the minutes and review of the video, there was detailed discussion at the December 17, 2024 DICRAB meeting.

Minutes are not available yet for the January 21, 2025 DICRAB meeting, but Dean was scheduled to appear on the Public Agenda regarding the Reparations Ordinance. The agenda also included "Reparations Legality Update from Staff." It is not necessary to review the video or minutes of the January 21, 2025 meeting to confirm Dean's issue was discussed by DICRAB.

4. Applicable section(s) of the Code of Ethics

The Ethics Ordinance ("Ordinance") applies to alleged violations that occurred on or after September 20, 2024 when the ordinance was published, while Council Policy 39 ("Policy") applies to alleged violations that occurred before September 20, 2024. Both documents include identical or substantially similar provisions to those cited by Complainant and state:

Section g. (Ordinance and Policy sections the same)

Address constituents' concerns and needs, striving to provide the highest level of service with equity, neither granting special favor nor discriminating against any citizen.

Section b (Ordinance).

Conduct themselves so as to maintain public confidence in the City and its officials.

Section B (Policy)

. Conduct themselves so as to maintain public confidence in the performance of their job duties.

5. Findings of the Ethics Board

Section g. Address constituents' concerns and needs, striving to provide the highest level of service with equity, neither granting special favor nor discriminating against any citizen.

The Mayor responded in writing to Dean before her complaint was filed and by a deadline set by Dean. The Mayor emailed Dean a letter January 2 responding to Dean's December 20 letter, prior to Dean filing the ethics complaint in which she stated she had received "no response" to that letter. Asserting she received "no response" to her letter is not accurate, despite her attesting to the accuracy of her complaint.

The ethics provision regards "addressing" constituents' concerns. Complainant's concerns were "addressed" prior to Respondent's January 2 email. "Addressing" concerns could take multiple forms in this context other than a direct responsive communication from the Mayor to Dean. Dean spoke at and presented information at multiple City Council Meetings attended by the

Mayor and Council. Dean sent material regarding her requests numerous times to a number of recipients. Her requests were again addressed when the City Council referred them to the DICRAB for further action. The DICRAB then addressed Dean's requests at multiple meetings. Dean and/or someone else in support of her efforts personally appeared at these DICRAB meetings.

Also, "addressing" constituents' concerns does not require elected officials respond in writing to each and every email or communication particularly when addressed in other ways. Regardless, asking for action by an elected body repeatedly and not getting the result one seeks would not typically be the basis for an ethics complaint. As noted, it appears Complainant's request is still being addressed.

Singling out one city official for action taken or not taken by a majority of the elected body is inconsistent with the purposes of the Ethics Ordinance. A citizen disagreeing with the outcome or the method of a response received from a city official is not typically a matter for the Ethics Board to consider.

Again, the Ethics Board is not addressing the underlying subject matter of Complainant's concern about which she provides data and arguments. The Ethics Board's review is limited to whether Respondent violated the two ethics provisions.

Section b. Conduct themselves so as to maintain public confidence in the performance of their job duties, and Section B. Conduct themselves so as to maintain public confidence in the City and its officials.

The second claim requires a finding that Respondent violated the requirement of maintaining public confidence in her job performance or the City and its officials, depending on whether reviewing under the Ordinance definition or Policy definition. Neither provision was violated by Mayor Wu.

Complainant takes issue with Respondent's lack of written response and lack of engagement regarding her proposals. However, as previously noted, the Mayor sent Complainant a written response, City Council forwarded Complainant's proposal to the DICRAB, and the DICRAB subsequently held meetings and discussed the proposal. Complainant does not explain how this engagement does not maintain public confidence nor how Respondent alone would be in violation of either definition of Section B or b.

Respondent did not provide a written response to every one of Complainant's communications, and albeit bothersome to Complainant, does not demonstrate failure to maintain public confidence in the City, its officials, or in the performance of the Mayor's job duties when considering all actions taken.

The Board finds Mayor Wu did not violate the Ethics Ordinance or Policy. No violation of the Code of Ethics occurred.

Next Steps

In compliance with City ordinance and Ethics Board procedures, this report is being provided to the Complainant, Respondent, outside counsel to the Board, City Council, City Attorney, City Manager, City staff liaison to the Board, and City Clerk.

The Complainant and Respondent have seven (7) business days in which to email a response to Kathy.Sexton@wichita.edu requesting additional review and stating any specific dispute of the facts or interpretation of the Code of Ethics.

After seven (7) business days, assuming no request for further review is received, the findings become final. If a request is received within seven (7) business days, the issues raised will return to the Ethics Board agenda for reconsideration and a final decision.

In either case, this report shall be posted on the Ethics webpage at <https://www.wichita.gov/895/Ethics-Board>.