

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY CHARGING COMMISSIONER DAVID GUESS WITH MISCONDUCT PURSUANT TO KRS 83A.040(9)

WHEREAS, on November 8, 2022, Commissioner David Guess sent text messages to a City employee which included language with racial undertones; and

WHEREAS, minority inclusion has been a Commission priority for the City of Paducah with all City Commissioners having attended Diversity, Equity, and Inclusion (DEI) training; and

WHEREAS, the Commission supported the startup and development of the Paducah Diversity Advocacy Board; and

WHEREAS, the Commission actively supported the Minority Small Business and Entrepreneurship Training and Development Program at West Kentucky Community and Technical College; and

WHEREAS, the City sponsored Paducah's first ever Juneteenth celebration with the Carson Center and the Paducah-McCracken County NAACP and co-sponsored the annual August 8th Celebration; and

WHEREAS, because the Commission has made minority inclusion a priority mission through these various programs, City Commission members must be held to the highest leadership and ethical standards, particularly with respect to racial issues; and

WHEREAS, the City has held its employees to a high standard in this regard such that racial discrimination and/or harassment is not tolerated and has resulted in termination of employment with the City; and

WHEREAS, the text messages sent by Commissioner Guess have undermined the Commission's mission in this regard and negatively impacted City employees; and

WHEREAS, there is probable cause to believe that, in sending the text messages at issue, Commissioner Guess engaged in misconduct in the performance of his duties as a City Commissioner.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF PADUCAH, KENTUCKY:

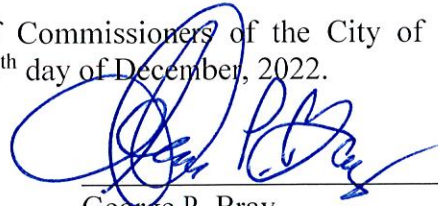
Section 1. On November 8, 2022, Commissioner David Guess sent text messages to a City employee about an African-American City Commission candidate which included language with racial undertones, stating "You got dujan (sic) under control" and "Whitey keeping a black man down." See text message exchange attached hereto as Exhibit A. Commissioner Guess has admitted that he sent the text messages at issue. See Facebook Message issued by Commissioner David Guess, attached hereto as Exhibit B.

Section 2. There is probable cause to believe that, in sending these text messages, Commissioner David Guess engaged in misconduct in the performance of his duties of his office.

Section 3. Commissioner Guess is hereby charged with misconduct pursuant to KRS 83A.040(9).

Section 4. Pursuant to KRS 83A.040(9), Commissioner Guess is entitled to a full public hearing before the Board of Commissioners, which will be scheduled in the near future.

DULY ADOPTED by the Board of Commissioners of the City of Paducah, Kentucky in lawful session assembled, this 15th day of December, 2022.



George P. Bray
Mayor

Attest:



Lindsay Parish
City Clerk

Adopted by the Board of Commissioners, December 15, 2022
Recorded by City Clerk, Lindsay Parish, December 15, 2022

CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of City of Paducah, Kentucky, and as such City Clerk, I further certify that the foregoing is a true, correct, and complete copy of a Resolution duly enacted by the Board of Commissioners of the City at a duly convened meeting held on December 15, 2022, on the same occasion signed by the Mayor as evidence of his approval, and now in full force and effect, all as appears from the official records of the City in my possession and under my control.

Witness my hand as City Clerk of the City as of December 15, 2022 .



Lindsay Parish
City Clerk



David >

iMessage
Tue, Nov 8, 4:29 PM

You got dujan under control

He is mad at you lol

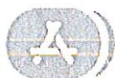
Whitey keeping a black man down

Sorry. It just came out. I haven't said one thing this whole election or any day that I'm alive

No comment lol

Delivered

EXHIBIT A



iMessage





Paducah City Commissioner David Guess

EXHIBIT B

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Intro

City Commissioner with Experience, Integrity and Common Sense for the residents of Paducah

Page · Politician

David Guess for City Commissioner is responsible for this Page

Paducah, KY, United States, Kentucky

(270) 210-6281

david@guess4paducah.com

guess4paducah.com

Golf



Paducah City Commissioner David Guess

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Tonight at the commission meeting, a text that I sent was addressed. It was Election Day, emotions were high and I was nervous and in a flippancy moment. I said a statement that I immediately saw could be viewed as insensitive. I immediately apologized for the insensitivity ("Sorry, it just came out, I haven't said one thing this whole election or any day that I'm alive"). I am not a public speaker, I'm a normal working person just like most everyone else in the city. Anyone who has never said or texted something they immediately regretted can throw the first stone. I challenge anyone to find something in my everyday life that shows this one moment as a reflection of how I conduct myself every day. I've spoken to the mayor and commissioners. I regret the commission has to go through this but now I have a chance to tell everyone. The context of the text are important. On election day, there were many illegal signs placed by Mr. Thomas and I was informed of complaints. The complaints were not by me. Another commissioner had told me that Greg Cherry in the inspections dept had researched and ultimately was taking Mr Thomas signs down in the public places. Was told that Mr. Thomas then asked about my signs at another building and that Greg Cherry said "David owns that building. It's not public". That was the reference of "Do you have Dujan under control" and his replied comment "he's mad at you, lol". In today's world, my quick/foolish remark of "whitey (meaning Greg Cherry) keeping a black man down" was how I sadly thought it could be viewed by the world AND WAS NOT MY PERSONAL OPINION. Knowing how text can be interpreted wrongly and didn't want that to come across insensitive, I immediately said "I'm sorry". In no way will I allow a flippancy comment in a text stop me from carrying out my duties as a commissioner and fulfilling my obligation to every Paducah citizen.



CITY OF PADUCAH

300 South 5th Street
P. O. Box 2267
Paducah, KY 42002-2267
Phone: (270) 444-8530
Fax: (270) 443-5058

December 15, 2022

COMMISSIONER DAVID GUESS
CITY HALL
300 SOUTH 5TH STREET
PADUCAH, KENTUCKY 42002

Re: *Formal Request for Resignation*

Commissioner Guess:

On November 8, 2022, you sent text messages to a City employee which included language with racial undertones. As you know, minority inclusion has been a Commission priority, with all City Commissioners attending Diversity, Equity, and Inclusion (DEI) training. The City's efforts in this regard are well documented. Because the Commission has made minority inclusion a priority mission through these various actions and programs, your text messages have undermined this very important mission and is a reflection on each of us and the Commission as a whole.

As a City Commissioner, you represent *all citizens* of Paducah, regardless of their race and in doing so, it is important to make decisions free from racial biases. Your text messages call your ability to do so in question.

As a City Commissioner, you also must make important decisions that affect all 376 employees of the City of Paducah, many of whom are African American. All employees should feel confident that no decision by the Commission is affected by personal biases or prejudices. However, after your text messages were made public, City Manager Daron Jordan has spent a significant amount of time fielding notable concerns from City employees about this very issue.

City management has recently implemented a no-tolerance practice with respect to language based on race, with the consequence of immediate termination. We cannot reconcile support of City management's practice in this regard while turning a blind eye to the language you sent to a City employee.

As you know, your text messages were not made public until after Election Day. Given the feedback each of us have received since the text messages were made public, we believe that if the citizens of Paducah had known about them before Election Day, it is unlikely you would have been elected to serve your next term.

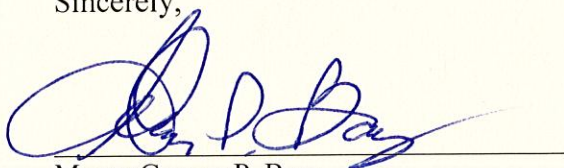


EQUAL OPPORTUNITY EMPLOYER

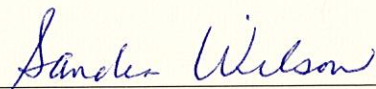
For these reasons, we are hereby requesting that you submit your formal resignation specifying a resignation date of today, which will become effective at the City's next regularly scheduled City Commission meeting, pursuant to the terms of KRS 83A.040(7).

If you refuse to do so, the Commission will likely issue a misconduct charge that will require a full public hearing. The cost of this process will be great. Not only will it be a financial burden to the City, its taxpayers, and you, but it will also be an emotional burden for each of us, the employees of the City, and the citizens of Paducah. We request that you do what is clearly best for the citizens you represent and the employees you serve and resign from your position.

Sincerely,



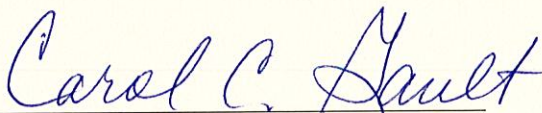
Mayor George P. Bray



City Commissioner Sandra Wilson



City Commissioner Raynarldo Henderson



City Commissioner Carol C. Gault