



CITY OF
FORESTPARK

City Council Agenda Item

Subject: **FACT/FINDINGS/DECISION AND RECOMMENDATION REGARD ETHICS VIOLATION**
– Legislative Offices/Chief Executive Offices

Submitted By: Dr. Marc-Antonie Cooper

Date Submitted: February 28, 2022

Work Session Date: March 07, 2022

Council Meeting Date: March 07, 2022

Background/History:

The City of Forest Park's Ethics Officer scheduled and hearing testimony and evidence in Ethics Complaint 2022-01 – Kimberly James, Complainant verses Latresa Akins-Wells, Councilwoman. The referenced complaint and defendant and various other individuals testified under oath and several members of the community attended the hearing.

Kimberly James, a fellow councilwoman submitted a complaint that arise from a Facebook video that was published by Akins-Wells on September 22, 2021. A transcript of Akins-Wells' monologue video was attached to the complaint. It was alleged that Akins-Wells statement erodes the confidence of the public in government, undermines staff, discloses confidential information, and contains a number of false claims and defamatory statements.

Alternatively, Akins-Wells counters that she as a right of freedom of speech and such statements were not made by her in her roles as an elected official but individually.

After the hearing the ethics officer's decision and recommendation stated that much discussion took place by the parties regarding the public/private nature of the Facebook account. It was pointed out that the Facebook account identified Akins-Wells as a "Councilwoman of Forest Park" while Akins-Wells assert that it functioned as her private account. The ethics office cited that while this distinction may be important under certain facts and circumstances, it is not in this case. Here, Councilwoman Akins-Wells was commenting on matter directly related to Forest Park and its governance including employees and fellow elected officials. The mode of communication does not shield an individual from a violation if the content is such communication falls under the prohibited conduct set forth in the ordinance.

The Mayor and Council of Forest Park voted to be bound by the dictates set forth in its Ethics Ordinances and Code of Conduct. The Code of Conduct addresses conduct and communications by council members with fellow elected officials, employees, and the public-at-large. By way of example, the adopted Code of Conduct directs elected officials to practice civility and decorum, avoid personal comments that could offend other governing body members, treat all staff as professionals, refrain from criticizing and individual employee, and to not get involved in

administrative functions. It is laudable to hold elected officials to a higher standard which promotes trust and legitimacy in local government among its citizens and stakeholders.

Specifically, Section 2-6-5(1) of the Code of Ethics provides that “No City Official shall use his position in such a manner as to threaten, intimidate or humiliate the public of City workforce.”

Councilwoman Akins-Wells levied a number of accusations against the staff of the city and fellow councilmembers in her statement. Taken in its totality, the scope and remarks of the Facebook tirade seems to run afoul of the dictate of the Code of Conduct and the Ethics Ordinance. The Code of Conduct provides that an elected official shall “treat all staff as Professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not accepted.” The Code warns to “Never Publicly Criticize and Individual Employee” and “Avoid Personal Comments that could offend other governing body members.” The statement of Councilwoman Akins-Wells do seem to rise to the level of conducted prohibited in Section 2-6-5(1). Forest Park utilizes a professional manager form of government. The City Council sets policy and direction of the City and the Manager, and his staff carries out the Council’s policies. The ethics officer further states that the remarks of Councilwoman Akin-Wells fuel inuendo amongst other employees and the community at-large. Moreover, these types of accusation when made to the public only work to harm the City’s reputation and ability to attract quality personnel. Thus, Councilwoman Akins-Wells is harming her own efforts in bringing investment to the community.

The Hearing Officer find that the totality of the statements contained in the Facebook video and the public manner in which they were uttered equate to a violation under the City’s Ethics Ordinance and a censure or reprimand may be appropriate. It should also be noted that the City Council ultimately decides if any penalty is imposed on the elected official, and it is not bound by the Hearing Officer’s Recommendation. Section 2-6-12 lists three potential penalties: (a) public reprimand or censure; (b) request for resignation; and (c) removal from office by procedures of the City Charter.

The City Manager seeks the direction of council of how they would like to proceed in this matter.

Cost: \$ 0

Budgeted for: _____ **Yes** _____ **No**

Financial Impact:

N/A

Action Requested from Council:

Seeking Councils Direction