CONFIDENTIAL INVESTIGATION REPORT
Attorney-Client Privileged Communication

Subject: Pamela DiGiovanni, Councilmember
Prepared for: City of Daly City
Prepared by: Karin Bailey, Attorney Investigator
Date: August 15, 2023
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I. INTRODUCTION

The City of Daily City (City) retained Ellis Investigations Law Corporation to conduct an impartial investigation into the concerns that Pamela DiGiovanni, Councilmember, engaged in improper conduct. Specifically, various individuals raised concerns that Ms. DiGiovanni mistreated them and misused City resources.

This investigation began on April 7, 2023.

This Confidential Investigation Report (Report) contains detailed information, witness accounts, relevant documentation and findings relating to the concerns. It is anticipated that this Report will be maintained confidentially by the decision makers and will not be disseminated except as required by law or as determined by the City and its attorneys.

II. SUMMARIES OF ISSUES AND FINDINGS

Summaries of the issues and findings are provided in this section. The more detailed findings and analyses are provided below, within each Issue of the Report.

A. Issue One: Did Ms. DiGiovanni Accept Meals Paid For by Others?

Yes. From 2018 to 2022, Ms. DiGiovanni accepted meals paid for by others. Specifically, this investigation reviewed a concern that from 2018 to 2022, Ms. DiGiovanni accepted meals paid for by City employees and others. Ms. DiGiovanni did not participate in this investigation and therefore did not acknowledge or deny the conduct. Nonetheless, the evidence supported that accepted meals paid for by others. Among other things, this finding was supported by the multiple witness accounts consistently corroborating that Ms. DiGiovanni allowed City employees and others to pay for her meals and did not offer to pay for meals and that when she offered to later reimburse someone for a meal, she never did.

B. Issue Two: Did Ms. DiGiovanni Borrow Money from a City Employee?

Yes. In late 2018 and early 2019, Ms. DiGiovanni borrowed money from [redacted], as [redacted] stated. Among other things, this finding was supported by credible account that Ms. DiGiovanni borrowed five hundred dollars from her, delayed repayment and then threw money toward her. Moreover, the evidence reflected that Ms. DiGiovanni had limited income and, thus, plausibly did not have the money to purchase a tablet. As well, that Ms. DiGiovanni allowed City employees and others to pay for her meals and other items further supported that she asked [redacted] for a loan.
C. Issue Three: Did Ms. DiGiovanni Keep City Vehicles for Extended Periods Without Permission?

Yes. From 2021 to 2023, Ms. DiGiovanni kept City vehicles for extended periods without permission, as stated. Among other things, this finding was supported by multiple witness accounts and documents reflecting that Ms. DiGiovanni kept a City vehicle from July 21, 2021 to October 17, 2022, despite multiple requests that she return it. Additionally, Ms. DiGiovanni kept a different City vehicle from May 4, 2022 to 21, 2023 and from May 25 to 29, 2023. And, witness accounts and text messages between Ms. DiGiovanni and reflected that did not authorize Ms. DiGiovanni to keep Vehicle 13017 for an extended period.

D. Issue Four: Did Ms. DiGiovanni Use City Vehicles for Personal Purposes?

Yes. Ms. DiGiovanni used City vehicles for personal purposes. Specifically, stated that Ms. DiGiovanni used City vehicles to: (1) drive to non-City events; (2) complete personal errands; and (3) store personal items. The evidence supported his account.

Among other things, this finding was supported by multiple witnesses who saw or heard about Ms. DiGiovanni driving City vehicles to several non-City events, including: (1) from 2021 to 2022, Ms. DiGiovanni drove to birthday parties and dance classes in South San Francisco; (2) in spring or summer 2021, Ms. DiGiovanni drove to a non-City golf tournament; (3) in May 2023, Ms. DiGiovanni drove to a Mother’s Day celebration at a Mason lodge; and (4) Ms. DiGiovanni drove to a grocery store. Moreover, witness accounts and photos reflected that Ms. DiGiovanni kept personal items, such as clothing, paperwork and campaign material in a City vehicle, further reflecting that she treated it as a personal vehicle.

E. Issue Five: Did Ms. DiGiovanni Use a City Vehicle for Political Campaigns?

Yes. In 2022, Ms. DiGiovanni used a City vehicle for political campaigns, as indicated. Among other things, this finding was supported by the evidence that Ms. DiGiovanni stored and transported her re-election campaign material in a City vehicle. For example, Ms. DiGiovanni showed an employee material for her re-election campaign when she stood next to the City vehicle she used, and he saw additional copies of the campaign material on the vehicle’s passenger seat.

Additionally, stated, and photos corroborated, that on October 17, 2022, a City vehicle had a campaign sign for , who ran for Congress in 2022, in the backseat when Ms. DiGiovanni was using the vehicle. Ms. DiGiovanni supported campaign and, thus, plausibly intended to display the sign or deliver it somewhere for display.
F. Issue Six: Did Ms. DiGiovanni Take Supplies from City Hall for Personal Use?

No. Ms. DiGiovanni did not take supplies from City Hall for personal use. Specifically, this investigation reviewed a concern that in spring 2020, Ms. DiGiovanni took toilet paper and tissues from the City Manager’s office. The evidence, however, did not support that this occurred. Specifically, though a witness saw Ms. DiGiovanni holding tissue boxes and toilet paper rolls in the City Manager’s office, he did not see her leave with them and did not know whether she took them. Ultimately, that Ms. DiGiovanni was holding the items inside the City Manager’s office was not enough to find that she removed them for personal use.

G. Issue Seven: Did Ms. DiGiovanni Speak Negatively about People to City Employees?

Yes. Ms. DiGiovanni spoke negatively about people to City employees. stated that from about 2021 to 2023, Ms. DiGiovanni spoke negatively about public officials and about City employees to other City employees, which made people uncomfortable. The evidence supported his account.

Among other things, this finding was supported by multiple City employee accounts that Ms. DiGiovanni spoke negatively to City employees about councilmembers, public officials, and other employees. For example, Ms. DiGiovanni called councilmembers backstabbers and said that they were corrupt when talking to City employees. Additionally, Ms. DiGiovanni told a City employee that she would “take [them] down and unravel what he has done,” and said that another City employee had an affair. Additionally, the evidence reflected that Ms. DiGiovanni made multiple negative comments to employees during their work hours, and the employees felt uncomfortable with her doing so.

H. Issue Eight: Did Ms. DiGiovanni Disrupt City Employees’ Work?

Yes. Ms. DiGiovanni disrupted City employees’ work stated that from 2019 to 2023, Ms. DiGiovanni interrupted City employees’ work by asking for excessive assistance and talking to them. The evidence supported his account.

For example, this finding was supported by multiple witness accounts that Ms. DiGiovanni sought significantly more assistance than other councilmembers. Indeed, most councilmembers used a City-issued tablet to view agendas and other documents, but Ms. DiGiovanni asked City staff to print them. As well, Ms. DiGiovanni asked staff to print agendas and help her log into videoconference meetings several times a week, whereas other councilmembers requested assistance about once a month. Additionally, Ms. DiGiovanni requested staff to perform unnecessary tasks, such as printing the same document multiple times. And, in March 2023, Ms. DiGiovanni asked a City Hall employee to move a printed agenda to multiple different offices.

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throughout City Hall because Ms. DiGiovanni kept changing her mind about where she wanted to pick up the agenda.

This finding was also supported by the evidence that Ms. DiGiovanni disrupted employees by talking to them when she went to City Hall. Indeed, multiple witnesses stated that this was the case, and that they tried to avoid Ms. DiGiovanni or give her short answers to limit their conversations with her.

I. Issue Nine: Did Ms. DiGiovanni Request Excessive Assistance for Citizens?

Yes. In 2023, Ms. DiGiovanni requested excessive assistance for citizens, as stated. Among other things, this finding was supported by the evidence that Ms. DiGiovanni asked City employees to provide certain citizens services that the City did not offer in the normal course of business. For example, on March 31, 2023, Ms. DiGiovanni asked to allow a citizen to pay a bill after the cashier’s office closed. And, during a storm in early 2023, Ms. DiGiovanni asked a City employee to deliver sandbags to a church and a generator to her friend.

Additionally, this finding was supported by the evidence that Ms. DiGiovanni asked City employees to respond to citizen concerns, rather than follow established procedures. For example, on January 24, 2023, Ms. DiGiovanni contacted the police chief at 1:18 a.m., asking him to address a citizen report about a City building’s alarm sounding. However, Ms. DiGiovanni should have called the police station to report the alarm and assured the citizen that they could do the same. Additionally, in January 2023, Ms. DiGiovanni pressured a City employee to inspect a reported pothole after dark, though he told her it was unsafe to do so and that he could not repair the pothole immediately.

J. Issue Ten: Did Ms. DiGiovanni Act Unprofessionally at a City Vigil?

Yes. Ms. DiGiovanni acted unprofessionally at a City vigil. Specifically, this investigation reviewed a concern that on June 3, 2022, Ms. DiGiovanni raised her voice at people attending a candlelight vigil for the victims of a school shooting in Texas. The evidence supported that she did. For example, this finding was supported by witness accounts reflecting that Ms. DiGiovanni raised her voice at councilmembers because the news outlets covering the vigil did not interview her. And, Ms. DiGiovanni complained in a raised voice to vigil attendees.

K. Issue Eleven: Did Ms. DiGiovanni Speak Harshly to at the Jo Koy Event?

Yes. Ms. DiGiovanni spoke harshly to at a City event honoring Jo Koy, Comedian. This investigation reviewed concerns that on July 22, 2022, Ms. DiGiovanni used an angry tone toward and swore at her.
evidence supported that she did. Indeed, this finding was supported by the evidence that Ms. DiGiovanni told [redacted] that the door to City Hall should not be locked and, when [redacted] tried to explain, Ms. DiGiovanni interrupted her by saying, “I don’t give a shit. The member of the public needs access to the [police department].” [redacted] stated this occurred and City Hall surveillance video corroborated it.

L. **Issue Twelve: Did Ms. DiGiovanni Treat Staff and Volunteers Rudely at the Jo Koy Event?**

Yes. Ms. DiGiovanni treated staff and volunteers rudely at the July 22, 2022 Jo Koy event. Specifically, this investigation reviewed concerns that: (1) when City staff and event volunteers prepared for a post-ceremony reception, Ms. DiGiovanni treated them rudely by questioning them and making negative comments; and (2) after the ceremony, Ms. DiGiovanni made a rude comment to a police officer. The evidence supported that she did.

Among other things, this finding was supported by multiple witness accounts that Ms. DiGiovanni loudly and repeatedly asked City staff if the volunteers signed in, asked who gave them the door code to the City Manager’s office and stated that she worried they would steal her belongings. These questions indicated that Ms. DiGiovanni mistrusted City staff to properly manage the event and plausibly distracted staff and volunteers when they worked. Additionally, the evidence reflected that when Mr. Koy left City Hall, Ms. DiGiovanni told a police officer that he and other City employees had a bias against her because they did not allow her to take a photo with Mr. Koy.

M. **Issue Thirteen: Did Ms. DiGiovanni Raise Her Voice at [redacted] at the Jo Koy Event?**

Yes. On July 22, 2022, Ms. DiGiovanni raised her voice at [redacted] at the Jo Koy event, as [redacted] complained. Among other things, this finding was supported by a witness account corroborating that Ms. DiGiovanni angrily raised her voice at [redacted] about the ceremony’s seating arrangement. Additionally, Ms. DiGiovanni raised her voice at others about the planning and details of the same event, which further supported that Ms. DiGiovanni also raised her voice at [redacted] about the seating arrangement at the event.

N. **Issue Fourteen: Did Ms. DiGiovanni Improperly Ask Police Officers to Remove [redacted] from the Jo Koy Event Because She Disliked [redacted]?**

Yes. On July 22, 2022, Ms. DiGiovanni improperly asked police officers to remove [redacted], from the Jo Koy event because she disliked [redacted], as [redacted] complained. The evidence supported [redacted] account. For example, this finding was supported by witness accounts that they saw Ms. DiGiovanni approach police officers and point to [redacted] before the police
officers asked [redacted] to leave. As well, [redacted] wore an admittance wristband for the event and did not engage in any misconduct to warrant her removal. Thus, Ms. DiGiovanni had no compelling reason to have [redacted] removed. Moreover, multiple witnesses corroborated [redacted] account that Ms. DiGiovanni disliked her. Indeed, Ms. DiGiovanni previously threatened to have [redacted] removed from a different event. Additionally, the evidence reflected that police did not ultimately remove [redacted], which further negated that Ms. DiGiovanni had an appropriate basis for asking them to do so.

O. Issue Fifteen: Did Ms. DiGiovanni Report [redacted] Conduct to Police Officers after a Town Hall Meeting Because She Disliked [redacted]?

No. Ms. DiGiovanni did not report [redacted] conduct to police officers because she disliked [redacted]. [redacted] complained that on August 16, 2022, Ms. DiGiovanni reported her to police officers at a town hall meeting because Ms. DiGiovanni disliked her. However, the evidence reflected that, though Ms. DiGiovanni disliked [redacted], she had alternative reasons for reporting [redacted] conduct to police officers.

Among other things, this finding was supported by the evidence—including [redacted] account—that after the August 16, 2022 town hall meeting, [redacted] and Ms. DiGiovanni had a confrontation. And, given that [redacted] and Ms. DiGiovanni did not get along, Ms. DiGiovanni’s contacting police officers during their confrontation plausibly helped de-escalate the situation before either party engaged in more concerning conduct. Thus, the evidence negated that Ms. DiGiovanni improperly contacted police officers during the confrontation.

P. Issue Sixteen: Did Ms. DiGiovanni Overly Involve Herself in City Employees’ Work at Public Events?

Yes. From 2019 to 2023, Ms. DiGiovanni overly involved herself in City employees’ work during public events, as [redacted] stated. The evidence supported [redacted] account. For example, multiple witnesses stated that Ms. DiGiovanni critiqued their efforts and suggested changes at City events. However, as a guest at the events, Ms. DiGiovanni did not have information about events’ planning details or the planning directives that the employees received from their supervisors. Moreover, Ms. DiGiovanni’s interference and repeated questions distracted City employees and made them uncomfortable. Indeed, due to Ms. DiGiovanni’s councilmember position, employees felt uncomfortable dismissing her feedback or asking her to stop.

Q. Issue Seventeen: Did Ms. DiGiovanni Take a Recognition Certificate from the City Manager’s Office?

Yes. Ms. DiGiovanni took a recognition certificate from the City Manager’s office. [redacted] stated that on January 30, 2023, Ms. DiGiovanni took a recognition
certificate that [redacted], printed for another councilmember. The evidence supported his account.

Among other things, this finding was supported by the evidence that surveillance video showed Ms. DiGiovanni entering the City Manager’s office briefly and leaving with a dark rectangular item that mirrored the shape and color of the certificate. Additionally, multiple witnesses stated that Ms. DiGiovanni disliked both the councilmember who requested the certificate and its intended recipient. As well, Ms. DiGiovanni had a practice of mistreating people she disliked, which further supported that she took the certificate.

R. **Issue Eighteen: Did Ms. DiGiovanni Speak Unprofessionally to [redacted]?**

Yes. On February 8, 2023, Ms. DiGiovanni spoke unprofessionally to [redacted]. Specifically, [redacted] stated that Ms. DiGiovanni raised her voice at [redacted] when he asked her if she saw a certificate at the City Manager’s office. The evidence corroborated [redacted] account.

For example, this finding was supported by [redacted] and [redacted] consistent accounts that on February 8, 2023, when [redacted] asked Ms. DiGiovanni if she had seen a certificate, she rudely and defensively raised her voice in response. Moreover, [redacted] spent four minutes on the phone with Ms. DiGiovanni trying to calm her. Additionally, this finding was supported by the evidence that Ms. DiGiovanni similarly spoke to others rudely when something upset her.

S. **Issue Nineteen: Did Ms. DiGiovanni Disregard [redacted] Request Not to Greet Her With, “Hey, Girl”?**

No. Ms. DiGiovanni did not disregard the request from [redacted], that Ms. DiGiovanni not greet [redacted] with, “Hey, girl.” Specifically, this investigation reviewed a concern that in 2022 and 2023, Ms. DiGiovanni greeted [redacted] with, “Hey, girl” after [redacted] asked her not to. The evidence negated that Ms. DiGiovanni disregarded [redacted] request.

Among other things, this finding was supported by [redacted] account that after she asked Ms. DiGiovanni two or three times to stop, Ms. DiGiovanni did so. Additionally, though Ms. DiGiovanni greeted [redacted] with “Hey, girl” once or twice after [redacted] first request that she stop, Ms. DiGiovanni plausibly did so because she forgot, rather than because she disregarded [redacted] concern.
T. Issue Twenty: Did Ms. DiGiovanni Treat _____ Unprofessionally?

Yes. In late 2022 and 2023, Ms. DiGiovanni treated _____ unprofessionally. Specifically, _____ stated that Ms. DiGiovanni threatened to sue him and spoke rudely to him. The evidence supported his account. For example, this finding was supported by the evidence that Ms. DiGiovanni threatened to sue _____ at least three times in the context of him performing his City Manager work. Ms. DiGiovanni’s threats reflected that she responded to his actions confrontationally rather than professionally.

Additionally, on February 17, 2023, Ms. DiGiovanni treated _____ unprofessionally at a City event. Specifically, she raised her voice and made negative comments to _____, which other event attendees heard. Thus, Ms. DiGiovanni created a negative scene and inferred that _____ engaged in improper conduct though he did not. As well, Ms. DiGiovanni blocked _____ path and repeatedly approached him though he tried to distance himself from her. Indeed, Ms. DiGiovanni’s physical conduct attracted the police chief’s attention, who intervened on _____ behalf. Thus, Ms. DiGiovanni unprofessionally disregarded _____ physical boundaries.

U. Issue Twenty-One: Did Ms. DiGiovanni Act Unprofessionally by Being Overly Physical?

Yes. Ms. DiGiovanni acted unprofessionally by being overly physical. _____ stated that from 2019 to 2023, Ms. DiGiovanni made him and others uncomfortable by touching them without permission and standing uncomfortably close. The evidence supported his account.

Among other things, this finding was supported by multiple witness accounts corroborating that Ms. DiGiovanni: (1) hugged a City employee from behind, causing him to ask, “Why is she hugging me?”; (2) poked people and hit their arms when talking to them; (3) pushed a guest at a City event; and (4) leaned close to people and whispered in their ears. Moreover, multiple witnesses stated that they disliked Ms. DiGiovanni’s physical conduct and tried to avoid it.

III. INVESTIGATION BACKGROUND

A. Independence

The City allowed the investigator discretion to conduct the investigation as determined to be necessary. The City did not attempt to influence or direct the outcome of the investigation, but instead appropriately deferred to the investigator in all respects, including in granting access to witnesses and documents.
B. Investigative Standard

The conclusions in this Report are not legal determinations, but instead factual findings regarding Ms. DiGiovanni’s conduct.

The investigator reviewed, compared and analyzed the evidence to determine whether the concerns had merit under a preponderance of the evidence standard. Preponderance of the evidence, for purposes of this Report, means that the evidence on one side outweighs, or is more than, the evidence on the other side.

The investigator considered and weighed the rights of all parties to ensure both fairness and vigilance in the event that corrective action results from the investigation. The investigator did not obtain recorded testimony. The investigator did not obtain testimony given under oath. Nonetheless, the investigation proceeded under the good faith expectation that witnesses would answer truthfully. The investigator made the findings in this Report based on the totality of the evidence and a thorough analysis of all the information gathered.

C. Credibility Determinations

As appropriate, the investigator made credibility determinations. When reviewing factual disputes, the investigator considered several factors to assess the credibility of witnesses:

- Corroboration with other evidence
- Motive to lie, fabricate or exaggerate
- Opportunity and capacity to observe
- Inherent plausibility
- Past record of similar conduct
- Consistency of statements
- Evidence of bias
- Admission of untruthfulness
- Reputation for honesty or deceit
- Demeanor

Because many factors can affect a witness’ demeanor during an interview, such as nervousness, stress or emotion, the investigator did not rely on demeanor as a determinative factor in assessing credibility. Where necessary to resolve disputed facts, the investigator evaluated credibility on one or more of the remaining factors.

D. Witnesses

The investigation included interviews of the following individuals as witnesses in this investigation:

<table>
<thead>
<tr>
<th>Name of Witness</th>
<th>Title</th>
<th>Dates Interviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Doe</td>
<td>started working for the City in 2008. She reports to Jane Smith.</td>
<td>May 1, 2023 (Video)</td>
</tr>
<tr>
<td>Joe Blog</td>
<td></td>
<td>August 9, 2023 (Telephone)</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Name of Witness</th>
<th>Title</th>
<th>Dates Interviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>started working for the City in 2000. She reports to</td>
<td>September 20, 2022 (Video)</td>
</tr>
<tr>
<td></td>
<td>served on from 2019 to 2022.</td>
<td>September 14, 2022 (Video)</td>
</tr>
<tr>
<td></td>
<td>started working for the City in 1990. She reports to</td>
<td>April 13, 2023 (Video)</td>
</tr>
<tr>
<td></td>
<td>started serving as a commissioner in 2022.</td>
<td>May 10, 2023 (Video)</td>
</tr>
<tr>
<td></td>
<td>started working for the City in 1994. She reports to</td>
<td>June 9, 2023 (Telephone)</td>
</tr>
<tr>
<td></td>
<td>started working for the City in 2004. He reports to</td>
<td>April 13, 2023 (Video)</td>
</tr>
<tr>
<td></td>
<td>started working for the City in 2015. He reports to</td>
<td>April 13, 2023 (Video)</td>
</tr>
<tr>
<td>Rod Daus-Magbual</td>
<td>Councilmember. Dr. Daus-Magbual has served on the City Council since 2018.</td>
<td>May 25, 2023 (Video)</td>
</tr>
<tr>
<td></td>
<td>started working for the City in 2000. She reports to</td>
<td>May 2, 2023 (Video) July 7, 2023 (Telephone)</td>
</tr>
<tr>
<td></td>
<td>started working for the City in August 2017. He reports to</td>
<td>April 12, 2023 (Telephone)</td>
</tr>
<tr>
<td></td>
<td>started working for the City in 2000. He reports to</td>
<td>May 1, 2023 (Video) July 18, 2023 (Telephone)</td>
</tr>
<tr>
<td></td>
<td>started working</td>
<td>September 9, 2022 April 11, 2023 (Video)</td>
</tr>
<tr>
<td>Name of Witness</td>
<td>Title</td>
<td>Dates Interviewed</td>
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<tr>
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<tr>
<td></td>
<td>for the City in 2018. He reports to</td>
<td>July 13 and 18, 2023 (Telephone)</td>
</tr>
<tr>
<td></td>
<td>started working for the City</td>
<td>May 12, 2023 (Video)</td>
</tr>
<tr>
<td></td>
<td>started working for the City in 1996. He reports to</td>
<td>September 23, 2022 (Video)</td>
</tr>
<tr>
<td></td>
<td>worked for the City from 1983 to 2022. She reported to</td>
<td>May 19, 2023 (Video)</td>
</tr>
<tr>
<td></td>
<td>started serving as a commissioner in 2014.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>started working for the City in 2000. He reports to the City Council.</td>
<td>September 23, 2022 (Video)</td>
</tr>
<tr>
<td></td>
<td>started working for the City in 2007. She reports to</td>
<td>August 25, 2022 (Video)</td>
</tr>
<tr>
<td></td>
<td>worked for the City from 2015 to 2022. He reported to</td>
<td>September 12, 2022 (Video)</td>
</tr>
<tr>
<td></td>
<td>started working for the City in 2005. She reports to</td>
<td>April 12, 2023 (Video)</td>
</tr>
</tbody>
</table>

The investigator interviewed directly involved witnesses or witnesses found to have relevant information. The investigator did not interview others mentioned during the investigation if, in the assessment of the investigator:

- They did not have direct, significant and relevant information related to the specific incidents within the investigation scope;
- The investigator already obtained the information the witnesses would have provided; or
- The information would not affect the investigation outcome.

**E. Admonitions to Witnesses**

The investigator advised all witnesses that the investigator was an attorney retained by the City to conduct the investigation. The investigator informed witnesses that though
not under oath or subject to court order, they were expected to answer truthfully. The investigator also requested witnesses consider the confidential nature of the investigation before discussing the subject of the interview. The investigator also informed witnesses that the investigator could not guarantee confidentiality. And, the investigator advised witnesses about the prohibition against retaliation—both retaliation for bringing a claim and for participating in an investigation.

F. Documents

The documents listed below are included as attachments to this Report.

<table>
<thead>
<tr>
<th>Description</th>
<th>Attachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email from [REDACTED] to City Council, July 22, 2023</td>
<td>A</td>
</tr>
<tr>
<td>Email from [REDACTED] to [REDACTED] and [REDACTED] about Ms. DiGiovanni, July 25, 2022 and August 17, 2022</td>
<td>B</td>
</tr>
<tr>
<td>Memorandum from [REDACTED] to City Council about using City resources, September 28, 2022</td>
<td>C</td>
</tr>
<tr>
<td>Memorandum from [REDACTED] to City Council about Ms. DiGiovanni's City vehicle use, October 12, 2022</td>
<td>D</td>
</tr>
<tr>
<td>Memorandum from [REDACTED] to Dr. Daus-Magbual and Mr. Buenaventura about Ms. DiGiovanni's City vehicle use, October 18, 2022</td>
<td>E</td>
</tr>
<tr>
<td>Memorandum from [REDACTED] to City Council about Ms. DiGiovanni's conduct, March 3, 2023</td>
<td>F</td>
</tr>
<tr>
<td>City Vehicle log, July 27, 2021 to May 29, 2023</td>
<td>G</td>
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IV. FACTUAL BACKGROUND

The City of Daly City (City) has a five-member City Council. As of July 2023, the councilmembers were: (1) Raymond Buenaventura, Mayor; (2) Rod Daus-Magbual, Councilmember; (3) Pamela DiGiovanni, Councilmember; (4) Juslyn Manalo, Vice Mayor; and (5) Glenn Sylvester, Councilmember. Ms. DiGiovanni became a Councilmember in 2018, and voters re-elected her in November 2022.

A. Complaints

1. Jo Koy Event

In 2022, Jo Koy, Comedian, released a movie highlighting the City’s Filipino population and culture. On July 22, 2022, the City hosted a ceremony and reception to honor Mr. Koy for his portrayal of the City. Ms. DiGiovanni attended the event.

On July 22, 2022, [redacted], complained to the City Council that Ms. DiGiovanni yelled at her in public. (Attachment A.) On July 25, 2022, [redacted], emailed the City Manager’s office and [redacted], indicating that Ms. DiGiovanni improperly asked police to remove [redacted] from the event. (Attachment B.)

2. Additional Citizen Complaints

On August 17, 2022, [redacted] again emailed the City Manager’s office and [redacted] to complain that on August 16, 2022, Ms. DiGiovanni inaccurately told police that [redacted] caused trouble at a town hall meeting. (Attachment B.)

3. Concerns

In August 2022, the City Council appointed [redacted] as the [redacted] And, on January 23, 2023, four councilmembers voted to approve [redacted] as the City Manager. Ms. DiGiovanni abstained from the vote. From September 2022 to March 2023, [redacted] submitted four memoranda to the City Council about Ms. DiGiovanni’s conduct, her use of City vehicles and general procedures for councilmembers. Specifically:

- On September 28, 2022, [redacted] submitted a memorandum describing procedures for: (1) using City facilities and meeting rooms; (2) using City vehicles; and (3) requesting assistance from City employees. (Attachment C.)

- On October 12, 2022, [redacted] submitted a memorandum to the City Council notifying them that a citizen requested information about councilmembers’ vehicle use. [redacted] also attached a copy of City vehicle 13012’s (Vehicle 13012) fuel log and check-out sheet, which indicated that

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Ms. DiGiovanni checked out Vehicle 13012 on July 27, 2021 and never returned it. (Attachment D.)

- On October 18, 2022, [redacted] submitted a memorandum to Dr. Daus-Magbual and Ms. Manalo about Ms. DiGiovanni’s City vehicle use. He wrote that he asked Ms. DiGiovanni to return Vehicle 13012 but she declined and that, on October 17, 2022, [redacted] retrieved the vehicle using a spare key. (Attachment E.)

- On March 3, 2023, [redacted] submitted a memorandum raising concerns that Ms. DiGiovanni treated [redacted] unprofessionally and mistreated City employees and others. (Attachment F.) And, [redacted] indicated that Ms. DiGiovanni used her authority as a councilmember in improper ways, such as asking City staff to assist her with secretarial tasks.

B. Investigation into Concerns

This investigation followed and reviewed the concerns that:

- From 2018 to 2022, Ms. DiGiovanni accepted meals paid for by others (discussed further in Issue One, below).

- In late 2018 and early 2019, Ms. DiGiovanni borrowed money from a City employee, delayed repayment and threw money toward the employee (discussed further in Issue Two, below).

- From 2021 to 2023, Ms. DiGiovanni used City vehicles for extended periods without permission (discussed further in Issue Three, below).

- From 2019 to 2023, Ms. DiGiovanni used City vehicles for personal purposes (discussed further in Issue Four, below).

- In 2022, Ms. DiGiovanni used a City vehicle for political campaigns (discussed further in Issue Five, below).

- In spring or summer 2020, Ms. DiGiovanni took supplies from City Hall for personal use (discussed further in Issue Six, below).

- From 2021 to 2023, Ms. DiGiovanni spoke negatively about people to City employees (discussed further in Issue Seven, below).

- From 2019 to 2023, Ms. DiGiovanni disrupted City employees’ work (discussed further in Issue Eight, below).

- In 2023, Ms. DiGiovanni requested excessive assistance for citizens (discussed further in Issue Nine, below).

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In June 2022, Ms. DiGiovanni acted unprofessionally at a City vigil (discussed further in Issue Ten, below).

On July 22, 2022, Ms. DiGiovanni spoke harshly to [redacted], at the Jo Koy event (discussed further in Issue Eleven, below).

On July 22, 2022, Ms. DiGiovanni treated staff and volunteers rudely at the Jo Koy event (discussed further in Issue Twelve, below).

On July 22, 2022, Ms. DiGiovanni raised her voice at [redacted] at the Jo Koy event (discussed further in Issue Thirteen, below).

On July 22, 2022, Ms. DiGiovanni improperly asked police officers to remove [redacted] from the Jo Koy event because she disliked [redacted] (discussed further in Issue Fourteen, below).

On August 16, 2022, Ms. DiGiovanni reported [redacted] conduct to police officers after a town hall meeting because she disliked [redacted] (discussed further in Issue Fifteen, below).

From 2019 to 2023, Ms. DiGiovanni overly involved herself in City employees' work at public events (discussed further in Issue Sixteen, below).

On January 30, 2023, Ms. DiGiovanni took a recognition certificate from the City Manager’s office (discussed further in Issue Seventeen, below).

On February 8, 2023, Ms. DiGiovanni spoke rudely to [redacted] (discussed further in Issue Eighteen, below).

In 2022 and 2023, Ms. DiGiovanni disregarded [redacted] request not to greet her with, “Hey, girl” (discussed further in Issue Nineteen, below).

In 2022 and 2023, Ms. DiGiovanni treated [redacted] unprofessionally (discussed further in Issue Twenty, below).

From 2019 to 2023, Ms. DiGiovanni acted unprofessionally by being overly physical (discussed further in Issue Twenty-One, below).

Through Ms. DiGiovanni’s attorney, Ms. DiGiovanni declined to participate in this investigation. Ms. DiGiovanni’s attorney indicated that he advised her not to participate because he determined that she had insufficient notice of the investigation’s scope and he thought the City initiated the investigation for political reasons.
V. ISSUE ONE: DID MS. DIGIOVANNI ACCEPT MEALS PAID FOR BY OTHERS?

A. Concern

This investigation reviewed a concern that from 2018 to 2022, Ms. DiGiovanni accepted meals paid for by City employees and others.

B. Other Witness Accounts and Evidence

1. Account

Ms. [Redacted], started working for the City in 2008. She reports to [Redacted].

In 2018, Ms. DiGiovanni befriended [Redacted] when Ms. DiGiovanni ran for City Council. [Redacted] supported Ms. DiGiovanni as a councilmember because Ms. DiGiovanni said she supported immigrants. However, after 2019, [Redacted] support declined because [Redacted] heard from community members that Ms. DiGiovanni made negative comments about Filipino people and indicated to [Redacted] that she did not want any more Filipino people to serve on the City Council.

In 2018, when Ms. DiGiovanni campaigned for City Council, [Redacted] bought her five to seven meals. [Redacted] did so because she presumed that Ms. DiGiovanni had to spend her own money on her campaign and had limited income. Thus, about five to seven times when Ms. DiGiovanni went to the City Clerk’s office to submit campaign paperwork, [Redacted] asked if she had eaten lunch. And, when Ms. DiGiovanni said that she had not eaten, [Redacted] bought Ms. DiGiovanni a meal. [Redacted] usually suggested that they order Chinese food, which [Redacted] could afford. However, Ms. DiGiovanni said that she could not eat Chinese food and suggested more expensive restaurants like Boulevard Café. [Redacted] did not usually buy meals from Boulevard Café, but she did so when Ms. DiGiovanni asked. Ms. DiGiovanni never offered to pay for the meals.

2. Account

Ms. [Redacted], started serving as [Redacted] in 2022. From spring 2020 to September 2021, [Redacted] and Ms. DiGiovanni had a close friendship and professional relationship and talked almost daily. However, on September 19, 2021, Ms. DiGiovanni treated [Redacted] and others unprofessionally at a meeting. [Redacted] and Ms. DiGiovanni argued at the meeting, and their friendship ended thereafter.

From 2020 to 2021, [Redacted] and [Redacted], purchased ten to twenty meals for Ms. DiGiovanni. After events, Ms. DiGiovanni often wanted to talk, so they went to IHOP or Black Bear Diner to talk and eat. Ms. DiGiovanni always selected the restaurant because she had dietary restrictions and could not eat at...
most of the fast food restaurants that suggested and took turns paying for meals, but Ms. DiGiovanni never paid. She sometimes said that she would reimburse but never did.

Ms. DiGiovanni also indicated that she could not pay for meals because circumstances beyond her control interfered with her ability to use her bank card. For example, in 2020 or 2021, Ms. DiGiovanni said that she tried to buy a salmon burger at Nation's Giant Hamburgers (Nation's) with her bank card, but the transaction did not go through. Ms. DiGiovanni said that her card did not work because someone reported her as deceased, and she had to go to a Social Security Administration office to correct her social security records. Ms. DiGiovanni told that other councilmembers reported her as deceased to ruin her life.

Ms. DiGiovanni also asked people to pay for other items. Specifically, in 2020, Ms. DiGiovanni told that she needed to dye her hair, but she could not because most salons closed during the height of the COVID-19 pandemic. offered to help Ms. DiGiovanni dye her hair at home, and Ms. DiGiovanni declined the offer. Later, told that Ms. DiGiovanni wanted to offer to pay for a professional hair appointment, asked if she paid for Ms. DiGiovanni's hair appointments, but did not respond. However, said that she bought Ms. DiGiovanni meals and scarves. And, thought that paid for Ms. DiGiovanni to get her nails done.

3. Account

, started working for the City in 1996. He reports to

In 2018, supported Ms. DiGiovanni's City Council candidacy. However, in late 2019 or early 2020, Ms. DiGiovanni yelled at during a phone call, and he generally avoided her after that.

From 2018 to late 2019 or early 2020, paid for Ms. DiGiovanni's lunch four or five times. Generally, Ms. DiGiovanni suggested that they go to lunch at Habit Burger Grill (Habit) or Nation's. After ordering, Ms. DiGiovanni never indicated that she intended to pay, so paid. presumed that Ms. DiGiovanni did not pay because she had limited income. In late 2020 or early 2021, Ms. DiGiovanni again asked to join her for lunch. Ms. DiGiovanni suggested Panera Bread, but they went to Habit because wanted to eat there. Ms. DiGiovanni ordered a meal for herself and asked if she could order a second meal for her roommate paid for both meals.
C. Analysis and Finding

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni accepted meals paid for by others. Specifically, this investigation reviewed a concern that from 2018 to 2022, Ms. DiGiovanni accepted meals paid for by City employees and others. The evidence supported that she did.

1. Ms. DiGiovanni Declined to Participate

As an initial matter, despite this investigation’s attempt to obtain Ms. DiGiovanni’s interview, she declined to participate. As such, this investigator did not have the opportunity to question Ms. DiGiovanni and evaluate her account and its credibility. Nonetheless, declining to participate, by itself, was not evidence of wrongdoing. Indeed, various reasons potentially existed for Ms. DiGiovanni declining to participate in this investigation even if she did not engage in the conduct reviewed. Here, Ms. DiGiovanni’s attorney indicated that he advised her not to participate because he determined that she had insufficient notice of the investigation’s scope and he thought that the City initiated the investigation for political reasons. Ultimately, though not dispositive, her not participating—and failure to provide any evidence refuting the concerns—provided some support for the concerns about her conduct.

2. Meals

Additionally, this finding was supported by the multiple witness accounts consistently corroborating that Ms. DiGiovanni allowed City employees and others to pay for her meals. Specifically, [redacted] and [redacted] stated this. Moreover, [redacted] and [redacted] stated that Ms. DiGiovanni never offered to pay for her meals. And, [redacted] stated that though Ms. DiGiovanni said that she would reimburse [redacted] for meals, she never did. Thus, the evidence reflected that Ms. DiGiovanni consistently let others pay for her meals.

Moreover, this finding was supported by the consistent witness accounts that Ms. DiGiovanni generally requested meals from certain restaurants. Specifically:

- [redacted] stated that in 2018, when she suggested a Chinese restaurant, Ms. DiGiovanni said that she could not eat Chinese food and suggested more expensive restaurants like Boulevard Café.
- [redacted] stated that in 2020 and 2021, Ms. DiGiovanni always selected restaurants because she had dietary restrictions and could not eat at most of the fast food restaurants that [redacted] suggested.
- [redacted] stated that in 2018 to late 2019 or early 2020, Ms. DiGiovanni suggested that they go to lunch at Habit or Nation’s, and in late 2020 or early 2021, Ms. DiGiovanni suggested they eat at Panera Bread.
Thus, that witnesses consistently stated that Ms. DiGiovanni requested specific restaurants further supported the witnesses’ accounts that Ms. DiGiovanni had multiple people buy her meals.

3. Credibility

Finally, this finding was also supported by the credibility of the witness accounts. Specifically, this investigation found [REDACTED] and [REDACTED] accounts credible. As an initial matter, this investigation considered that these witnesses had potential motives to provide false accounts. For example, [REDACTED] and [REDACTED] stated that they had reasons for disliking Ms. DiGiovanni. However, this investigation received no compelling information supporting that any of the witnesses provided false information. Rather, they were forthcoming and cooperative in their interviews. They also described events with specificity, which supported that the events occurred as they described. Additionally, multiple witnesses corroborated their accounts, which further supported their credibility.

For these reasons, this investigation found that Ms. DiGiovanni accepted meals paid for by others.

VI. ISSUE TWO: DID MS. DIGIOVANNI BORROW MONEY FROM A CITY EMPLOYEE?

A. Concern

This investigation reviewed the concern that in late 2018 and early 2019, Ms. DiGiovanni borrowed money from [REDACTED], delayed repayment and then threw money toward [REDACTED].

B. Other Witness Accounts and Evidence

1. [REDACTED] Account

In December 2018, Ms. DiGiovanni borrowed money from [REDACTED]. Specifically, Ms. DiGiovanni called [REDACTED] from an electronics store and said that she had to buy a tablet for her first City Council meeting but could not afford one. [REDACTED] had cash that she planned to use for an upcoming trip to Europe and offered to loan Ms. DiGiovanni money to buy a tablet. Later that day, they met at City Hall, where [REDACTED] gave Ms. DiGiovanni five hundred dollars in cash. The next time [REDACTED] saw Ms. DiGiovanni at the City Clerk’s office, she asked Ms. DiGiovanni to repay the money. Ms. DiGiovanni refused to discuss it and left. For about three weeks, [REDACTED] asked Ms. DiGiovanni about the money every time Ms. DiGiovanni went to City Hall.

After about three weeks, Ms. DiGiovanni went to the City Clerk’s office and asked [REDACTED] to come outside. Outside, Ms. DiGiovanni pulled money from her purse and counted it, then returned it to her purse. She did that once or twice more, and [REDACTED] asked if Ms. DiGiovanni planned to give her the money. Ms. DiGiovanni said

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that she would give her the money when they returned to the City Clerk’s office. When they returned to the office, Ms. DiGiovanni crumpled the money into a ball, threw it on the counter near [REDACTED] and quickly walked away. [REDACTED] counted the money and Ms. DiGiovanni only gave her two hundred dollars.

For about three weeks thereafter, [REDACTED] continued asking Ms. DiGiovanni to repay the rest of the money. At some point, Ms. DiGiovanni said that she had [REDACTED] money and would give it to her in [REDACTED] car. [REDACTED] did not know why Ms. DiGiovanni wanted her to go to the car before giving her the money. [REDACTED] sat in the car and thought that Ms. DiGiovanni would also get in. However, Ms. DiGiovanni did not get in. And, she crumpled three hundred dollars into a ball and threw it through [REDACTED] car window.

2. [REDACTED] Account

Around 2021 or 2022, [REDACTED], [REDACTED] friend, told [REDACTED] that Ms. DiGiovanni sent [REDACTED] a Facebook message asking to borrow a few hundred dollars because someone hacked Ms. DiGiovanni’s bank account and she could not access her money. [REDACTED] said that she did not loan Ms. DiGiovanni any money.

3. [REDACTED] Account

Ms. DiGiovanni never asked [REDACTED] to loan her money. However, in late 2020 or early 2021, when they ate together at Habit, Ms. DiGiovanni asked [REDACTED] if he planned to donate to her re-election campaign. [REDACTED] told Ms. DiGiovanni that he thought that he would. However, [REDACTED] later changed his mind and did not donate.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence that, in late 2018 and early 2019, Ms. DiGiovanni borrowed money from a City employee. Specifically, this investigation reviewed a concern that Ms. DiGiovanni borrowed money from [REDACTED] delayed repayment and threw money toward [REDACTED]. The evidence supported that Ms. DiGiovanni did so.

First, this finding was supported by [REDACTED] account that Ms. DiGiovanni borrowed money from her. Indeed, [REDACTED] credibly stated that in December 2018, Ms. DiGiovanni borrowed five hundred dollars to purchase a tablet before a City council meeting.

This finding was also supported by the evidence that Ms. DiGiovanni had limited income, supporting the context that she might need to borrow money from someone to purchase a tablet. Specifically, [REDACTED] and [REDACTED] stated that this was the case. Indeed, as discussed in Issue One, above, Ms. DiGiovanni allowed [REDACTED] and others
to pay for her meals. Similarly, stationed stated that purchased items for Ms. DiGiovanni. In turn, though not dispositive, this supported that Ms. DiGiovanni borrowed money from stationed.

Additionally, this finding was supported by the evidence that Ms. DiGiovanni threw money toward stationed when she repaid her. Specifically, stationed stated that after delaying repayment, Ms. DiGiovanni repaid the money by twice throwing money toward her. And, stationed account was corroborated by the multiple witness accounts that Ms. DiGiovanni treated people poorly. Specifically, as discussed in Issues Ten to Fourteen, Eighteen and Twenty, below, Ms. DiGiovanni engaged in rude and abrasive conduct toward people. And, as discussed in Issue Twenty-One, below, Ms. DiGiovanni disregarded physical boundaries. Thus, this supported stationed account that Ms. DiGiovanni threw money toward her when repaying the loan. In turn, this further supported that Ms. DiGiovanni borrowed money from stationed.

Finally, as discussed in Issue One, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni borrowed money from a City employee.

VII. ISSUE THREE: DID MS. DIGIOVANNI KEEP CITY VEHICLES FOR EXTENDED PERIODS WITHOUT PERMISSION?

A. Concern

stationed, started working for the City in 2000. He reports to the City Council. stationed stated that from 2021 to 2023, Ms. DiGiovanni kept City vehicles for extended periods without permission.

1. City Vehicle 13012

On July 25, 2022, during the City Council meeting’s public comment period, a citizen caller who identified herself as stationed” commented that Ms. DiGiovanni used a City vehicle to campaign and for personal purposes. In early August 2022, when stationed became the interim city manager, he reviewed the City’s vehicle pool records. He determined that on July 27, 2021, Ms. DiGiovanni checked out Vehicle 13012 and never returned it. (Attachment G.)

thereafter talked to stationed about Ms. DiGiovanni’s vehicle use. stationed indicated that after Ms. DiGiovanni became a councilmember in 2019, she started using City vehicles to attend meetings. At first, Ms. DiGiovanni asked stationed or Mr. stationed to check out vehicles from stationed, and Ms. DiGiovanni returned the keys at the day’s end. Over time, however, Ms. DiGiovanni kept the vehicle for several days or a weekend.
before returning it. And, after she checked out Vehicle 13012 on July 27, 2021, she never returned it. When Ms. DiGiovanni checked out the Vehicle on July 27, 2021, she or whoever completed the log indicated that it had 15,830 miles.

In addition to Ms. DiGiovanni’s vehicle use, Ms. DiGiovanni’s interactions with City employees concerned [REDACTED] (discussed further in Issue Eight, below). Specifically, City employees told him that Ms. DiGiovanni went to the office several days a week and distracted them when they worked. To address his concerns about Ms. DiGiovanni’s vehicle use and interactions with City employees, on September 28, 2022, [REDACTED] wrote a memorandum to the City Council that described procedures for: (1) using City facilities and meeting rooms; (2) using City vehicles; and (3) requesting assistance from City employees. (Attachment C.) In the memorandum, [REDACTED] directed councilmembers to send their pool vehicle requests to him. [REDACTED] also installed locks on employees’ offices to limit Ms. DiGiovanni’s ability to enter without their permission.

After [REDACTED] sent the memorandum, Ms. DiGiovanni went to the City Manager’s office to ask for assistance opening the email and printing the memorandum. When Ms. DiGiovanni saw the memorandum, she complained to [REDACTED]. Ms. DiGiovanni then saw [REDACTED] walking by, and she followed him into his office. Ms. DiGiovanni told [REDACTED] that she could sue him for the memorandum and that he could not implement the proposed procedures. [REDACTED] responded that he would not tolerate her berating him and would return to his previous position as [REDACTED] if the councilmembers condoned her conduct.

On October 9, 2022, [REDACTED], who self-identified as a City taxpayer, emailed [REDACTED] requesting information about Ms. DiGiovanni’s City vehicle use. (Attachment H.) As well, [REDACTED] indicated that Ms. DiGiovanni misused Vehicle 13012 by: (1) driving it to dance events and parties in South San Francisco; (2) using it to transport campaign materials; (3) driving to events where she solicited donations; and (4) driving it when intoxicated.

On October 12, 2022, [REDACTED] submitted a memorandum to the City Council outlining the City’s vehicle use policy and the public inquiries about Ms. DiGiovanni’s vehicle use, and attached records involving her use of Vehicle 13012. (Attachment D.)

As well, in October 2022, [REDACTED] told [REDACTED] that he saw Ms. DiGiovanni using a City vehicle to campaign at the Westlake Shopping Center. [REDACTED] said that when he walked to the store from the office, Ms. DiGiovanni saw him and called to him. And, when [REDACTED] stopped to talk, Ms. DiGiovanni retrieved leaflets for her City Council campaign from the vehicle.
also thought that Ms. DiGiovanni used Vehicle 13012 for personal purposes because she told City staff that she attended friends’ birthday parties. And, Ms. DiGiovanni asked [redacted] to print birthday recognition certificates to present at the parties. As context, City Council members presented certificates to community members, recognizing their contributions to the City. And, they sometimes prepared certificates for events such as birthdays and anniversaries. [redacted] presumed that Ms. DiGiovanni used a City vehicle to attend the birthday parties where she presented certificates because she had no other transportation.

About five times from August 2022 to October 2022, [redacted] asked Ms. DiGiovanni to return Vehicle 13012 and use the City’s procedures to check it out when needed. Each time, Ms. DiGiovanni said that she would not return Vehicle 13012. Once, [redacted] text messaged Ms. DiGiovanni a request to return Vehicle 13012, and she replied, “I am not bringing it back. I am not telling you where I am going and when I am going.” [redacted] responded that doing so violated City policy.

On October 14, 2022, [redacted] called Ms. DiGiovanni to ask that she return Vehicle 13012, and she again declined. On October 17, 2022, [redacted] saw Vehicle 13012 parked in the City’s parking lot. He called [redacted] and asked if he had spare keys to the vehicle. [redacted] did and said that Vehicle 13012 needed routine service. [redacted] and [redacted] went to the parking lot to retrieve Vehicle 13012. At that time, it had 18,912 miles, indicating that Ms. DiGiovanni drove it 3,082 miles in about fifteen months. (Attachment G.)

[redacted] and [redacted] also found trash, clothing, documents and a campaign sign for [redacted], who ran for Congress in 2022, inside the vehicle. [redacted] photographed the items as he found them and asked [redacted] to box them and keep them in the vehicle. (Attachment I.) However, the City’s vehicle maintenance staff later brought the box to the City Manager’s office, so [redacted] placed it in Ms. DiGiovanni’s cubicle. [redacted] documented the events in a memorandum to Dr. Daus-Magbual and Mr. Buenaventura, who then served as Mayor and Vice Mayor, respectively. (Attachment E.)

After [redacted] returned Vehicle 13012 to the City vehicle pool, Ms. DiGiovanni told [redacted] that he should not have taken it. [redacted] reminded Ms. DiGiovanni that he asked her to return it multiple times and advised her that, though the vehicle policy did not specify that it applied to councilmembers, Ms. DiGiovanni could use the

3 [redacted] stated that he did not have this text message but would try to obtain it from his cellphone service provider. As of the date of this Report, [redacted] did not provide the text message.
vehicle if she followed the procedure. Ms. DiGiovanni responded that she did not have other transportation to attend City Council and other meetings. In response, [redacted] asked [redacted], and [redacted] to drive Ms. DiGiovanni to City Council meetings.

2. Additional Vehicle Use

On March 30, 2023, Ms. DiGiovanni asked [redacted] to reserve a City vehicle for her use. [redacted] told [redacted], who told Ms. DiGiovanni that she could use one if she requested it from [redacted]. Ms. DiGiovanni said that she did not know if she would make it to City Hall before [redacted] left that day, so [redacted] said that he would accompany her to the cashier’s office to check out a vehicle. Around 6:00 p.m., Ms. DiGiovanni had not arrived, so [redacted] asked Ms. DiGiovanni if she still needed a vehicle. Ms. DiGiovanni said that she did not because the meeting she planned to attend was canceled.

In May 2023, Ms. DiGiovanni checked out a City van, Vehicle 13017. (Attachment G.) In mid-May 2023, [redacted] text messaged Ms. DiGiovanni that [redacted] said that Ms. DiGiovanni had the keys to Vehicle 13017 for over a week, and other employees needed the vehicle. [redacted] indicated that Ms. DiGiovanni agreed to return City vehicles daily and record the mileage when she did so. He also wrote that Ms. DiGiovanni could leave the keys in the City Manager’s office if she returned a vehicle after business hours.

Ms. DiGiovanni replied that she attempted to return the keys between events but could not do so because she could not access the cashier’s office. And, Ms. DiGiovanni indicated that [redacted] told her that employees rarely used Vehicle 13017 and suggested that she keep the keys. Ms. DiGiovanni also indicated that she used the vehicle for weekend events including a Franciscan Park Co-op pancake breakfast at Franciscan Park, an event at Westlake Park and a Mason event.² (Attachment J.)

B. Other Witness Accounts and Evidence

1. City Vehicle Use Policy

The City’s Vehicle use policy indicated that:

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It is anticipated that there will be very limited circumstances where there is a true business need for an employee to take a City vehicle home at night or otherwise to use it for personal transportation. Should it be determined that it is in the best interest of the City to do so, written authorization by the City Manager is required before personal use of ANY City vehicle is allowed.

Use of a take-home City vehicle shall be limited to commuting to and from work, attending work-related meetings or training or responding to work-related emergencies. De minimis personal use (such as a stop for a personal errand between the work location and the employee’s home) is permitted in connection with the above uses only.

(Attachment K.)

2. Account

____________________, started working for the City in 1994. She reports to ________________________________. ________________________________ assisted City employees when they checked out City vehicles. The City had one Ford Escape, two Toyota Priuses and one van available for daily use.

When employees knew in advance that they needed a City vehicle, they notified ________________________________ so that she could reserve one. However, some employees requested vehicles to use immediately because they had an urgent need. For example, mail carriers used the van when their regular vehicles broke down, and public works employees used the vehicles to visit locations throughout the City. Generally, when an employee needed a vehicle, they completed a log entry with their name and department, the vehicle’s mileage at check-out and the date of use. When they returned the vehicle, they recorded the vehicle’s updated mileage.

In late 2018 and 2019, soon after becoming a councilmember, Ms. DiGiovanni used Vehicle 13012 about twice a week. ________________________________ checked out the vehicle for Ms. DiGiovanni each time. ________________________________ told ________________________________ that Ms. DiGiovanni also asked her to refuel the vehicle.

In 2020 and 2021, Ms. DiGiovanni started keeping the vehicle for several days, and sometimes over the weekend. ________________________________ did not reserve the vehicle for others because she never knew if Ms. DiGiovanni would return it in time. In July 2021, Ms. DiGiovanni stopped returning the vehicle.

From late 2018 to October 2022, ________________________________ needed Vehicle 13012 for City employees about ten times when Ms. DiGiovanni had the keys. Once, four tall men had to drive to Sacramento, California. Because of their size, they would have been more comfortable in the Escape than a Prius. However, ________________________________ did not have the Escape vehicle.
available because Ms. DiGiovanni had it. The other times, [REDACTED] had to tell employees that she had no vehicles available because others checked out all of them.

In October 2022, [REDACTED] returned Vehicle 13012 to the fleet and gave [REDACTED] the keys. [REDACTED] said that Ms. DiGiovanni could continue using the vehicle, but she had to check it out and back in each day.

On April 17, 2023, Ms. DiGiovanni checked out Vehicle 13012. She returned it on April 25, 2023 and recorded that she drove 181 miles. (Attachment G.)

In May 2023, Ms. DiGiovanni kept Vehicle 13017 for about two weeks. On May 4, 2023, Ms. DiGiovanni checked out a van, Vehicle 13017. Ms. DiGiovanni said that she had multiple meetings and needed the vehicle the following day. [REDACTED] told Ms. DiGiovanni that she could return the keys after her meetings the next day.

However, Ms. DiGiovanni did not return Vehicle 13017 the next day. And, a week or two later, [REDACTED] asked [REDACTED] if Ms. DiGiovanni returned the vehicle, which she had not.

[REDACTED] did not recall when Ms. DiGiovanni returned Vehicle 13017. However, the log indicated that she returned it on May 22, 2023 and drove eighty-four miles. And, she checked it out again from May 25 to 29, 2023 and drove seventeen miles. [REDACTED] later said that Ms. DiGiovanni told him that [REDACTED] said that she could keep Vehicle 13017 for an extended period, but [REDACTED] never said that. Additionally, when Ms. DiGiovanni had the vehicle, a group of employees asked to use Vehicle 13017 to attend a seminar. [REDACTED] did not have Vehicle 13017 or any other vehicles available that day, so they had to find alternative transportation.

3. [REDACTED] Account

[REDACTED] started working for the City in 2004. He reports to [REDACTED].

In fall 2022, [REDACTED] told [REDACTED] that Ms. DiGiovanni kept Vehicle 13012 for over a year, when she should have checked it out each time that she used it for City business. [REDACTED] notified the council members of the proper procedure, but Ms. Giovannini continued using the vehicle exclusively. On October 17, 2022, [REDACTED] told [REDACTED] that City vehicle 13012 needed routine maintenance, so he retrieved it with a spare key when Ms. DiGiovanni parked it near City Hall. [REDACTED] also showed [REDACTED] a box of items he found in the vehicle and said that he thought the items belonged to Ms. DiGiovanni. [REDACTED] did not recall the items in the box.
4. Rod Daus-Magbual’s Account

Rod Daus-Magbual, Councilmember, has served on the City Council since 2018. Dr. Daus-Magbual had a good working relationship with Ms. DiGiovanni in 2018 and 2019. However, in 2020 they started disagreeing politically about national and local issues. Specifically, they disagreed about the correct response to George Floyd’s May 2020 murder. As well, they disagreed about an April 2021 incident in which a City police officer killed a Black man during a traffic stop.

Dr. Daus-Magbual never used a City vehicle. He recorded mileage when attending City events and requested reimbursement according to the City’s policy. (Attachment L.) However, he did not record mileage for driving to City Hall. As well, Dr. Daus-Magbual thought that he would not record mileage if he presented a certificate to a friend at a non-City event because it seemed more personal.

5. Account

Ms. DiGiovanni started using City vehicles in 2019, soon after assuming her councilmember seat. In mid or late 2020, Ms. DiGiovanni started asking [redacted] and [redacted] to reserve vehicles for her rather than doing so herself. And, Ms. DiGiovanni wanted to use Vehicle 13012 each time. Over time, Ms. DiGiovanni kept the vehicle beyond a day. First, she kept the vehicle for a weekend, then a week. [redacted] also told [redacted] that she stopped reserving the vehicle for other employees’ use because she did not know if Ms. DiGiovanni would return it in time. And, after July 2021, Ms. DiGiovanni stopped returning the vehicle.

In August or September 2022, after [redacted] became the interim city manager, he told Ms. DiGiovanni that he wanted her to follow the City’s vehicle use procedure. As well, on September 28, 2022, [redacted] submitted a memorandum to the councilmembers reminding them about the City’s vehicle use policy and establishing procedures for using other resources. (Attachment C.)

In September and October 2022, [redacted] heard [redacted] ask Ms. DiGiovanni to return Vehicle 13012. Additionally, in October 2022, [redacted] heard [redacted] ask Ms. DiGiovanni to return Vehicle 13012 at the end of the day, but Ms. DiGiovanni did not. On October 12, 2022, when [redacted] sent a memorandum to councilmembers about City vehicle use, Ms. DiGiovanni told [redacted] that she needed the vehicle to get to meetings and that she would sue him.

On October 17, 2022 or soon after, [redacted] told [redacted] that he used a secondary key to retrieve Vehicle 13012. [redacted] also said that he found
multiple personal items in the vehicle, including [redacted] campaign materials. Ms. DiGiovanni supported [redacted] and helped him campaign, so this did not surprise [redacted].

[redacted] surmised that Ms. DiGiovanni used City Vehicle 13012 for personal use because, about weekly, she asked him to print recognition certificates and birthday certificates for events that she attended at an organization called Buri Buri in South San Francisco. Daly City citizens also attended such events, but the City did not sponsor them. And, Ms. DiGiovanni kept the vehicle on days with no scheduled City events. Moreover, Ms. DiGiovanni had no personal vehicle. [redacted] vaguely recalled that Ms. DiGiovanni previously used a personal vehicle but no longer had one available. And, after she stopped using Vehicle 13012, [redacted] and [redacted] drove Ms. DiGiovanni to meetings.

After [redacted] retrieved Vehicle 13012 in October 2022, he tried to help Ms. DiGiovanni follow the proper vehicle use procedures and did not keep her from using City vehicles. For example, in March 2023, Ms. DiGiovanni asked [redacted] and [redacted] to check out a vehicle for her. [redacted] told Ms. DiGiovanni that she could use a vehicle if she checked it out at the cashier. Ms. DiGiovanni said that she did not have time to do so because she could not go to City Hall until 3:00 p.m.

[redacted] checked with [redacted], who said that she closed the cashier counter at 3:30 p.m. [redacted] also told Ms. DiGiovanni that he would walk her to the cashier’s office if she arrived later to check out a vehicle. [redacted] told [redacted] that at 6:00 p.m., he called Ms. DiGiovanni to see if she still needed the vehicle, and she said that her meeting was canceled, so she did not need it.

Most councilmembers used their personal vehicles to attend events, and the City reimbursed their mileage. However, since 2019, Ms. Manalo twice used a City vehicle—for a League of California Cities meeting and a Progress conference.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that from 2021 to 2023, Ms. DiGiovanni kept City vehicles for extended periods without permission. Specifically, [redacted] stated that Ms. DiGiovanni: (1) kept City Vehicle 13012 overnight without permission from July 27, 2021 until he retrieved the vehicle on October 17, 2022; and (2) in May 2023, Ms. DiGiovanni kept City Vehicle 13017 for about two weeks without permission. The evidence supported his account.

1. Vehicle Use

First, this finding was supported by the evidence that Ms. DiGiovanni kept Vehicle 13012 for an extended period. Specifically, [redacted], [redacted] and [redacted] stated that after checking out Vehicle 13012 in July 2021, Ms. DiGiovanni did not return it until [redacted] retrieved it on October 17, 2022. And, the City’s
vehicle log corroborated this. The log also indicated that Ms. DiGiovanni had Vehicle 13012 from April 17 to 25, 2023. (Attachment G.)

Additionally, this finding was supported by the evidence that Ms. DiGiovanni kept a different City vehicle—Vehicle 13017—for an extended period. stated that on May 4, 2023, Ms. DiGiovanni checked out Vehicle 13017 and did not return it for about two weeks. And, the City's vehicle log corroborated that Ms. DiGiovanni checked out Vehicle 13071 from May 4, 2022 to May 21, 2023, as well as from May 25 to 29, 2023. Additionally, Ms. DiGiovanni indicated in a May 2023 text message to that she attempted to return the keys between events but could not access the cashier's office and that said to keep the key. (Attachment J.)

2. No Permission

This finding was also supported by the evidence that did not grant Ms. DiGiovanni permission to use City vehicles for extended periods—and, indeed, communicated the opposite to her. For example:

- stated that from August to October 2022, he asked Ms. DiGiovanni to return Vehicle 13012 about five times.

- stated that in September and October 2022, he heard ask Ms. DiGiovanni to return Vehicle 13012. Additionally, in October 2022, heard ask Ms. DiGiovanni to return Vehicle 13012 at the end of the day.

- September 28, 2022 memorandum to the City Council directed councilmembers to direct pool vehicle requests to . (Attachment C.)

- May 2023 text message to Ms. DiGiovanni indicated that he did not grant her permission to keep Vehicle 13017 overnight. (Attachment J.)

Thus, the evidence reflected that did not authorize Ms. DiGiovanni to use a City vehicle for an extended period, and ensured that Ms. DiGiovanni knew that he did not. In turn, this further supported that Ms. DiGiovanni kept City vehicles for extended periods without permission.

3. Credibility

Finally, this finding was also supported by the credibility of the witness accounts. Specifically, this investigation found , , Magbual's, and accounts credible. As an initial matter, this investigation considered that these witnesses had potential motives to provide false accounts. For example, stated that Ms. DiGiovanni did not
support him as City Manager. Thus, he had a potential motive to try to have her removed from office or undermine her credibility. Similarly, Dr. Daus-Magbual stated that he and Ms. DiGiovanni disagreed on political issues. And, stated that Ms. DiGiovanni asked him for excessive assistance with office tasks (discussed further in Issue Eight, below). Thus, they also had potential motives to try to have her removed from office or undermine her credibility. However, this investigation received no compelling information supporting that Dr. Daus-Magbual, or any other witness—provided false information. Rather, they were forthcoming and cooperative in their interviews. They also described events with specificity, which supported that the events occurred as they described. Additionally, multiple documents corroborated the witness accounts, which further supported their credibility.

For these reasons, this investigation found that Ms. DiGiovanni kept City vehicles for extended periods without permission.

VIII. ISSUE FOUR: DID MS. DIGIOVANNU USE CITY VEHICLES FOR PERSONAL PURPOSES?

A. Concern

stated that Ms. DiGiovanni used City Vehicles for personal purposes. As discussed in Issue Three, above, thought this because: (1) on October 17, 2022, found personal items—which appeared to belong to Ms. DiGiovanni—in Vehicle 13012; (2) in fall 2022, Ms. DiGiovanni took recognition certificates to non-City events such as birthday parties; and (3) on July 27, 2021, Ms. DiGiovanni checked out Vehicle 13012 and never returned it.

B. Other Witness Accounts and Evidence

Account

met Ms. DiGiovanni in March or April 2020, when asked Ms. DiGiovanni for assistance obtaining N-95 masks for healthcare workers during the COVID-19 pandemic. Ms. DiGiovanni responded quickly, and invited Ms. DiGiovanni to a hospital event to thank her. and Ms. DiGiovanni continued communicating after that and soon spoke or saw each other almost daily.

Throughout 2020, Ms. DiGiovanni asked for rides to public events and grocery stores. And, once took Ms. DiGiovanni to Antioch, California to pick up Ms. DiGiovanni’s partner from the hospital. However, in late 2020, Ms. DiGiovanni told that she learned that the City provided councilmembers vehicles to use. understood that the City provided Ms. DiGiovanni a vehicle to use during her entire term. And, Ms. DiGiovanni used the vehicle as if she owned it. Ms. DiGiovanni
stopped asking for rides as often after that, but still sometimes drove Ms. DiGiovanni to events.

Ms. DiGiovanni told that she used Vehicle 13012 to attend non-City events. For example, in spring or summer 2021, Ms. DiGiovanni invited and daughter to attend a women’s golf tournament because she thought that daughter would find it inspirational. did not recall the details of the event other than that it occurred on a weekend and was not a City event. Ms. DiGiovanni said that if met her at City Hall, Ms. DiGiovanni would drive them in Vehicle 13012. declined the invitation to attend. Ms. DiGiovanni later posted photos on social media of the event and told that she took someone else. Thus, presumed that Ms. DiGiovanni used the City vehicle. Additionally, Ms. DiGiovanni told her that Ms. Manalo took photos with the golfers without Ms. DiGiovanni, which frustrated Ms. DiGiovanni.³

also saw Ms. DiGiovanni and Vehicle 13012 at events at least three times. Specifically:

- In summer 2021, Ms. DiGiovanni used a Vehicle 13012 to attend a fire station reopening. Ms. DiGiovanni wanted to eat dinner with and , after the event, but Ms. DiGiovanni said that she had to drive a citizen home and met them at the restaurant after.

- In 2021 or 2022, saw Vehicle 13012 parked at the Serramonte Center shopping mall during a flea market when Ms. DiGiovanni visited a group soliciting donations for children’s items.

- In 2021 or 2022, attended a ballroom dance event hosted by a group called Ageless Seniors at the Municipal Services Social Hall (Social Hall) in South San Francisco. Ms. DiGiovanni also attended, and saw Vehicle 13012 in the parking lot.

Additionally, saw Vehicle 13012 in Ms. DiGiovanni’s apartment parking space ten to twenty times. Ms. DiGiovanni lived in an apartment complex near a road that regularly traveled. She saw Ms. DiGiovanni’s reserved parking spot from the road. knew which parking spot belonged to Ms. DiGiovanni because

³ From June 7 to 13, 2021, Lake Merced Golf Club in Daly City hosted the LPGA MEDIHEAL Tournament. www.medihealchamp.com. Ms. Manalo took photos with the winner. www.facebook.com/650021956. Additionally, the City’s event calendar did not list any women’s golf tournaments in spring or summer 2021.
Ms. DiGiovanni told her to pull into the space when [X] dropped off Ms. DiGiovanni after giving her rides.

Also noticed items, such as clothes and scarves, in Vehicle 13012. Recognized the items as Ms. DiGiovanni’s personal belongings and presumed that Ms. DiGiovanni kept the items in the vehicle.

2. [X] Account

[X] started working for the City in 2015. He reports to [X].

From early 2022 to fall 2022, [X] saw Ms. DiGiovanni driving a City vehicle weekly or every other week during his daily walks to Westlake Shopping Center. He saw Ms. DiGiovanni drive by as he walked. Ms. DiGiovanni lived next to the shopping center, so [X] presumed that she was driving to or from her home. Ms. DiGiovanni always drove a white Ford Escape with a City logo on the side.

Ms. DiGiovanni sometimes pulled over to talk to [X]. When she did, [X] looked in the vehicle and saw items inside. He did not recall the items, but they appeared to be personal belongings, which gave him the impression that she used the vehicle regularly. Two or three times, he saw Ms. DiGiovanni park and go into the Safeway grocery store.

In September 2022, [X] saw Ms. DiGiovanni standing beside Vehicle 13012 in the parking lot near Safeway and the Starbucks coffee shop. Ms. DiGiovanni waved at [X], so he walked to her. Ms. DiGiovanni showed [X] pamphlets for her City Council campaign. [X] saw more campaign pamphlets on the vehicle’s front passenger seat.

In late September or October 2022, [X] again saw Ms. DiGiovanni in the Safeway parking lot. They talked briefly before Ms. DiGiovanni went to Safeway. [X] then made or received a phone call and continued walking. And, a few minutes later, Ms. DiGiovanni called [X] and angrily asked if he photographed her. [X] did not, and Ms. DiGiovanni’s question and tone surprised him. [X] told [X] that Ms. DiGiovanni spoke angrily to him and others, but she never spoke angrily to him before that day.

In late 2022, [X] asked [X] to drive Ms. DiGiovanni to City Council meetings because Ms. DiGiovanni stopped driving a City vehicle. From October 2022 to April 2023, [X] drove Ms. DiGiovanni to City Hall three or four times.

3. [X] Account

In 2018, [X] supported Ms. DiGiovanni’s City Council candidacy. After the election, he drove her to a grocery store to purchase supplies for a victory party. At that time
time, Ms. DiGiovanni sometimes drove her partner’s vehicle, but in 2019 or 2020, something happened to it and she started using Vehicle 13012.

In 2021 and 2022, [redacted] saw Ms. DiGiovanni drive Vehicle 13012 to and from City Hall, but he never saw her outside of City Hall, so he did not know where else she drove it. [redacted] talked to Ms. DiGiovanni in the City Hall parking lot two or three times and saw inside Vehicle 13012 when he did. It looked messy and seemed like she stored items in it. He did not recall specific items.

In fall 2022, Ms. DiGiovanni told [redacted] that [redacted] mistreated her by trying to stop her from using Vehicle 13012. Ms. DiGiovanni said that she could use it as a personal vehicle, and [redacted] said that he disagreed.

In late October 2022, [redacted] told [redacted] that [redacted] asked him for a spare key to Vehicle 13012, which he took to [redacted]. [redacted] also said that he took Vehicle 13012 to the vehicle yard and had staff clean it out because it had an American flag, campaign literature, clothing and scarves inside. [redacted] said that he took the items to council chambers.

4. [redacted] Account

[redacted], [redacted], started serving as a commissioner in 2014. When Ms. DiGiovanni became a councilmember, she and [redacted] had a positive relationship. Ms. DiGiovanni attended [redacted] weekly dance classes at the Social Hall. As well, they attended dance classes and events together at the Social Hall on Thursdays and Sundays. Each class had about ten regular participants. When dance class participants had birthdays, Ms. DiGiovanni gave them birthday certificates from the City Council.

Ms. DiGiovanni and [redacted] relationship started deteriorating in late 2021 because Ms. DiGiovanni acted unpredictably. For example, in late 2021, when [redacted] son wanted to serve as a planning commissioner, [redacted] presumed that Ms. DiGiovanni would vote for his appointment. However, she abstained. As well, Ms. DiGiovanni talked negatively about other councilmembers, which [redacted] disliked.

Additionally, in 2022, Ms. DiGiovanni told people inaccurate information about [redacted]. Specifically in 2022, [redacted] started teaching a dance class for a City recreation program. [redacted] Ageless Seniors dance class participants told her that Ms. DiGiovanni said that [redacted] improperly charged people money for the class. This offended [redacted] because she volunteered her time to teach dance. [redacted] did not know why Ms. DiGiovanni would say that. [redacted] continued to treat Ms. DiGiovanni respectfully but tried to distance herself.
In 2021 and 2022, Ms. DiGiovanni attended dance classes at the Social Hall. Ms. DiGiovanni parked the vehicle in the passenger drop-off area in front of the building. As well, in 2022, someone showed Ms. DiGiovanni a photo of Vehicle 13012 with campaign materials inside, but she did not recall who.

In late 2022, Ms. DiGiovanni stopped attending classes at the Social Hall. When Ms. DiGiovanni asked someone at the class why, they said that Ms. DiGiovanni stopped because she no longer had transportation.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that from 2019 to 2023, Ms. DiGiovanni used City vehicles for personal purposes. Ms. DiGiovanni believed this was the case because, for example: (1) on October 17, 2022, Ms. DiGiovanni found personal items—which appeared to belong to Ms. DiGiovanni—in the vehicle; (2) in fall 2022, Ms. DiGiovanni took recognition certificates to non-City events such as birthday parties; and (3) on July 27, 2021, Ms. DiGiovanni checked out Vehicle 13012 and never returned the keys or checked it in. The evidence supported Ms. DiGiovanni’s account.

1. Non-City Events

First, this finding was supported by the evidence that Ms. DiGiovanni drove Vehicle 13012 to the Social Hall in South San Francisco for non-City dance events. Specifically:

- Ms. DiGiovanni stated that in 2022, Ms. DiGiovanni asked Ms. DiGiovanni to print birthday certificates to present at birthday parties, which Ms. DiGiovanni and Ms. DiGiovanni stated occurred at the Social Hall (discussed further in Issue Three, above).

- Ms. DiGiovanni stated that in 2022, Ms. DiGiovanni used City Vehicle 13012 for personal purposes because she asked him to print recognition and birthday certificates for non-City events at the Social Hall, and she had no other transportation (discussed further in Issue Three, above).

- Ms. DiGiovanni stated that in 2021 or 2022, she saw Vehicle 13012 at the Social Hall when she and Ms. DiGiovanni attended a ballroom dance event there.

- Ms. DiGiovanni stated that in 2021 and 2022, Ms. DiGiovanni attended dance classes at the Social Hall three times a week, and they saw City Vehicle 13012 parked there when she attended.

Thus, the evidence reflected that Ms. DiGiovanni used Vehicle 13012 to attend non-City dance classes at the Social Hall. In turn, this supported that she used a City vehicle for personal purposes.

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This investigation considered that Ms. DiGiovanni potentially attended dance events at the Social Hall in an official capacity—i.e., to present a City Council certificate. However, the evidence negated this. For example, though it was undisputed that Ms. DiGiovanni presented birthday certificates at the Social Hall, [confidential information] also stated that Ms. DiGiovanni used Vehicle 13012 to attend classes at the Social Hall three times a week. And, [confidential information] said that each class had about ten participants. Ms. DiGiovanni would not plausibly present a birthday certificate at every class because ten participants per class would amount to thirty people. Thus, they would have at most thirty birthdays a year. And, even if some participants attended multiple classes a week—as [confidential information] stated that she and Ms. DiGiovanni did—the total birthdays would be lower.

Moreover, that Ms. DiGiovanni presented birthday certificates did not negate that she attended the events for personal purposes. In other words, a councilmember does not turn a non-City social gathering or event into a City event just by bringing a certificate. Indeed, such a practice would remove any distinction between personal and City business.

This finding was also supported by the evidence that Ms. DiGiovanni drove a City vehicle to other non-City events. For example:

- [confidential information] stated that in June 2021, Ms. DiGiovanni invited [confidential information] to attend a non-City golf tournament with her and offered to drive her in Vehicle 13012. [confidential information] did not attend and Ms. DiGiovanni later told her that she took someone else. [confidential information] presumed Ms. DiGiovanni used the City vehicle.

- [confidential information] also stated that in summer 2021, after a City event at a fire station, Ms. DiGiovanni used the City vehicle to drive a citizen home, then to a restaurant to have dinner with [confidential information].

- Ms. DiGiovanni indicated in a May 2023 text message to [confidential information] that she used Vehicle 13017 to attend a Franciscan Park Co-op pancake breakfast and a Mason event.

Accordingly, the evidence supported that Ms. DiGiovanni used Vehicle 13012 for non-City events, which further supported that Ms. DiGiovanni used the vehicle for personal purposes.

Additionally, though organizations such as the Masons and Franciscan Park Co-op potentially invited Ms. DiGiovanni to events because of her councilmember role, that they did so did not render their events City events or City-sponsored events. Indeed, Ms. DiGiovanni plausibly attended the non-City events to advance her political image with the attendees. In turn, this further supported that Ms. DiGiovanni used a City vehicle for personal purposes.

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2. Personal Errands

As well, this finding was supported by the evidence that Ms. DiGiovanni used Vehicle 13012 for personal errands. Specifically, stated that in fall 2022, he twice talked to Ms. DiGiovanni near Vehicle 13012 in the Safeway parking lot. And, he stated that he saw her park Vehicle 13012 in the Safeway parking lot two or three other times.

Moreover, stated that in 2020 and 2021, she drove Ms. DiGiovanni on personal errands, such as grocery shopping and to pick up her partner from the hospital, but did so less frequently after Ms. DiGiovanni told her that the City gave her a vehicle to use. Though not dispositive, this further supported that Ms. DiGiovanni began completing her grocery shopping and other personal errands with Vehicle 13012.

This investigation also considered the evidence that Ms. DiGiovanni lived near the Westlake Shopping Center, so she potentially added only de minimus mileage to the City vehicle by stopping there when driving between her home and City Hall or other events. However, as discussed in Issue Three, above, did not authorize Ms. DiGiovanni to drive Vehicle 13012 home. Thus, she also had no permission for associated de minimus use. In turn, this further supported that Ms. DiGiovanni improperly drove Vehicle 13012 to the grocery store.

3. No Alternative Transportation

This finding was also supported by the evidence that Ms. DiGiovanni had no alternative transportation, which further supported that she plausibly used City vehicles for personal purposes. Multiple witnesses—i.e., and —stated that Ms. DiGiovanni had no personal vehicle. Additionally:

- and stated that in late 2022 and early 2023, they drove Ms. DiGiovanni home from City Council meetings.

- stated that Ms. DiGiovanni stopped attending Social Hall classes in late 2022. And, when asked someone in the class why Ms. DiGiovanni stopped attending, they said that she no longer had transportation.

Thus, the evidence supported that Vehicle 13012 was Ms. DiGiovanni's only method of transportation and she plausibly used it for personal purposes.

4. Storing Personal Items

This finding was also supported by the evidence that Ms. DiGiovanni stored personal items in Vehicle 13012. Specifically, stated that when he retrieved Vehicle 13012, Ms. DiGiovanni had multiple personal items in the vehicle. And, October 17, 2022 photos of Vehicle 13012 corroborated his account. (Attachment I.)

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well, [redacted], [redacted] and [redacted] corroborated that they saw Ms. DiGiovanni's personal items in Vehicle 13012. In turn, this further supported that Ms. DiGiovanni used the vehicle for personal purposes.

5. Credibility

Finally, this finding was also supported by a review of the credibility of the witness accounts. First, as discussed in Issues One and Three, above, this investigation found [redacted], [redacted] and [redacted] accounts credible. This investigation also found [redacted] and [redacted] accounts credible. As an initial matter, this investigation considered that these witnesses had potential motives to provide false accounts. For example, [redacted] stated that she had reasons for disliking Ms. DiGiovanni. However, this investigation received no compelling information supporting that [redacted] provided false information. Rather, she was forthcoming and cooperative in her interview. She also described events with specificity, which supported that the events occurred as she described. Additionally, multiple witnesses corroborated her account, which further supported its credibility.

For these reasons, this investigation found that Ms. DiGiovanni kept City vehicles for personal purposes.

IX. ISSUE FIVE: DID MS. DIGIOVANNI USE A CITY VEHICLE FOR POLITICAL CAMPAIGNS?

A. Concern

[redacted] stated that in 2022, Ms. DiGiovanni used a City Vehicle for political campaigns. [redacted] thought so because, as discussed in Issue Three, above: (1) in September 2022, [redacted] said that he saw Ms. DiGiovanni using Vehicle 13012 to store and distribute her re-election campaign materials; and (2) on October 17, 2022, [redacted] found [redacted] for Congress sign in Vehicle 13012. [redacted] presumed that Ms. DiGiovanni planned to display or distribute the sign because she supported [redacted] campaign for Congress against [redacted], [redacted].

B. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that in 2022, Ms. DiGiovanni used a City Vehicle for political campaigns, as [redacted] stated. The evidence supported that she did.

1. Ms. DiGiovanni’s Campaign Material

First, this finding was supported by the evidence that Ms. DiGiovanni stored and transported her re-election campaign material in Vehicle 13012. Specifically, as discussed in Issues Three and Four, above, [redacted] stated that in October 2022, [redacted] told him that Ms. DiGiovanni showed him campaign material that she

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retrieved from Vehicle 13012. Similarly, stated that in September 2022, Ms. DiGiovanni showed him material for her re-election campaign when she stood next to the vehicle and he saw additional copies of the campaign material inside Vehicle 13012. In turn, this supported that Ms. DiGiovanni used a City vehicle for her campaign.

2. Campaign Material

This finding was also supported by the evidence that Ms. DiGiovanni stored campaign sign in Vehicle 13012 stated that on October 17, 2022, when he retrieved Vehicle 13012, he found campaign sign in the vehicle and that Ms. DiGiovanni supported campaign. And, corroborated that Ms. DiGiovanni supported campaign. Additionally, October 17, 2022 photos of Vehicle 13012 corroborated that campaign sign lay on the backseat. (Attachment I.) Similarly, stated that in 2022, someone showed her a photo of Vehicle 13012 with campaign materials inside. This reflected that Ms. DiGiovanni used Vehicle 13012 to store and transport campaign material.

This investigation considered that Ms. DiGiovanni potentially had a different reason for having a campaign sign in the City vehicle. For example, she potentially collected it as litter and planned to dispose of it. However, this investigation received no alternative explanation for campaign materials inside Vehicle 13012. Rather, the evidence supported that Ms. DiGiovanni plausibly had the sign for her own political purpose. This is particularly the case given accounts that Ms. DiGiovanni supported campaign and the evidence that Ms. DiGiovanni also stored her own re-election campaign material in Vehicle 13012.

Finally, as discussed in Issues One, Three and Four, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni used a City Vehicle for political campaigns.

X. ISSUE SIX: DID MS. DIGIOVANNI TAKE SUPPLIES FROM CITY HALL FOR PERSONAL USE?

A. Concern

This investigation reviewed a concern that in spring 2020, Ms. DiGiovanni took toilet paper and tissues from City Hall for her personal use.

B. Dr. Daus-Magbual’s Account

In spring 2020, Ms. DiGiovanni potentially took items from City Hall for her personal use. In March 2020, City Hall closed due to the COVID-19 pandemic. In March or April 2020, Dr. Daus-Magbual went to City Hall to collect mail and plants in anticipation of Confidential Attorney-Client Communication
conducting City business remotely. When Dr. Daus-Magbual entered the City Manager’s office, he saw Ms. DiGiovanni holding tissue boxes and toilet paper rolls. Dr. Daus-Magbual did not recall how much she had, but she carried them in both arms.

When Ms. DiGiovanni saw Dr. Daus-Magbual, she seemed surprised and said, “Hi [Dr. Daus-Magbual]. I thought I was the only one here.” Dr. Daus-Magbual presumed that Ms. DiGiovanni planned to take the toilet paper and tissues home to use because in spring 2020, the COVID-19 pandemic caused a toilet paper shortage, and many stores had no toilet paper. Dr. Daus-Magbual did not want to embarrass Ms. DiGiovanni, so he said hello and left. He did not see whether she took the tissues and toilet paper when she left City Hall.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni did not take supplies from City Hall for personal use. Specifically, this investigation reviewed a concern that in spring 2020, Ms. DiGiovanni took toilet paper and tissues from the City Manager’s office. The evidence, however, did not support that this occurred.

First, this finding was supported by the evidence that nobody saw Ms. DiGiovanni leave City Hall with the supplies. Dr. Daus-Magbual stated that he saw Ms. DiGiovanni holding tissue boxes and toilet paper rolls, and that Ms. DiGiovanni seemed surprised to see someone else at City Hall when she was holding the supplies. Thus—and given the shortage of these items caused by the COVID-19 pandemic at the time—Dr. Daus-Magbual understandably thought that Ms. DiGiovanni intended to take the items home for personal use.

However, Dr. Daus-Magbual’s account was not enough to support a finding that Ms. DiGiovanni took the items. Indeed, Dr. Daus-Magbual stated that he only briefly interacted with Ms. DiGiovanni and did not see her leave with the items. Thus, he did not know whether she took them. Indeed, Ms. DiGiovanni could have planned to take the items and changed her mind after seeing Dr. Daus-Magbual. As well, Ms. DiGiovanni could have intended to deliver the items to another venue for City use. Thus, without more, Dr. Daus-Magbual’s account that he briefly saw Ms. DiGiovanni holding the items was not enough to find that Ms. DiGiovanni took them for her personal use.

For these reasons, this investigation found that Ms. DiGiovanni did not take supplies from City Hall for personal use.
XI. ISSUE SEVEN: DID MS. DIGIOVANNI SPEAK NEGATIVELY ABOUT PEOPLE TO CITY EMPLOYEES?

A. Concern

stated that from about 2021 to 2023, Ms. DiGiovanni spoke negatively about public officials and City employees to City employees. For example, at June 2022 flag-raising ceremony, Ms. DiGiovanni pointed to and said, “That is the lady who tried to hit me.” And, in 2021 or 2022, Distribution Systems Operator, told that Ms. DiGiovanni said that and did not know how to do their jobs. Additionally, in fall 2022, told that Ms. DiGiovanni complained about and Ms. Manalo when drove Ms. DiGiovanni to City Council meetings. did not know what Ms. DiGiovanni said, but said that he felt uncomfortable with Ms. DiGiovanni doing so, so he stopped giving her rides.

Additionally, in August and September 2022, Ms. DiGiovanni spoke negatively about to . For example, in 2022, California Assembly Budget Chair, worked with councilmembers to secure funding to improve City walking routes. Ms. DiGiovanni told that went behind her back to help Dr. Daus-Magbual take credit for the funding. tried not to engage with Ms. DiGiovanni because her concerns normally centered around political issues.

And, told that on March 2, 2023, Ms. DiGiovanni spoke negatively about to him, which made uncomfortable. Specifically, indicated that Ms. DiGiovanni said that:

- Ms. DiGiovanni expected a candidate to replace Ms. Manalo in the next election and, when that happened, Ms. DiGiovanni would have a majority vote to “take down.”

- spoke rudely to Ms. DiGiovanni at the Walkabout event on February 17, 2023.

- misused City resources by allowing to use City Hall offices.

thought that Ms. DiGiovanni should not speak negatively about people to City employees because employees had to do their jobs regardless of their political opinions or feelings about other employees. And, Ms. DiGiovanni made the City employees feel like she wanted them to agree with her. And, if they disagreed with her or thought she said something inaccurate, they felt uncomfortable correcting her because she had a powerful position as a councilmember.
B. Other Witness Accounts and Evidence

1. Account

Ms. [Redacted] started working for the City in 1990. She reports to [Redacted].

All councilmembers attended the Recreation Department's events, though Ms. DiGiovanni and Ms. Manalo attended more than others. Ms. DiGiovanni generally treated employees and attendees politely at events. However, at three to five events, Ms. DiGiovanni stopped City employees to speak negatively about councilmembers, City employees or [Redacted].

For example, at a Veteran's Day event in November 2021, Ms. DiGiovanni told [Redacted] that other councilmembers disliked her but could not remove her from the council. Ms. DiGiovanni talked to other people about the same topic at the event, but [Redacted] did not recall anyone specific. Ms. DiGiovanni seemed to talk to anyone who stopped to listen to her.

As well, in early 2023, [Redacted], [Redacted] told [Redacted] that Ms. DiGiovanni and Ms. Manalo both attended an event at a senior center. And, when [Redacted] talked to Ms. Manalo, he noticed Ms. DiGiovanni staring intensely at them.

As well, at the Walkabout reopening ceremony on February 17, 2023, Ms. DiGiovanni told [Redacted] that [Redacted] should not be at the event. [Redacted] tried to stand between Ms. DiGiovanni and her employees because she presumed that Ms. DiGiovanni's conversation topics made them uncomfortable.

In January 2023, Ms. DiGiovanni told [Redacted] that she had to see [Redacted] but could not enter the City Manager's office. [Redacted] presumed Ms. DiGiovanni's comment referenced her September 26, 2022 interaction with Ms. Manalo because Ms. Manalo obtained a temporary restraining order against Ms. DiGiovanni. [Redacted] interpreted Ms. DiGiovanni's comment as trying to gain sympathy or characterize herself as mistreated due to the incident.

2. Account

Since Ms. DiGiovanni became a councilmember in 2019, she talked to [Redacted] about politics and her opinions of elected officials and City employees, which made [Redacted] uncomfortable. For example, from about 2019 to 2022, when [Redacted] saw Ms. DiGiovanni at community events, Ms. DiGiovanni called Mr. Buenaventura and Ms. Manalo corrupt and said they were coming after her. And, in 2022, Ms. DiGiovanni called Ms. Manalo corrupt five to ten times.
Additionally, between October 2022 to April 2023, when [redacted] drove Ms. DiGiovanni to City Hall, Ms. DiGiovanni told [redacted] that Mr. Buenaventura and Ms. Manalo manipulated [redacted], Ms. DiGiovanni did not explain how, and [redacted] did not ask because he did not want to discuss the topic [redacted] considered [redacted] a friend, and he disliked Ms. DiGiovanni talking about [redacted].

As well, in January 2023, [redacted] drove Ms. DiGiovanni home from the City Council meeting when the council approved [redacted] City Manager appointment. At that meeting, Ms. DiGiovanni read [redacted] contract, which [redacted] surmised she did to negatively highlight his high compensation. On the drive home, Ms. DiGiovanni said that the law required her to read the contract.

[redacted] presumed that Ms. DiGiovanni disliked [redacted] because he asked her to return the City vehicle she used (discussed further in Issue Three, above). Indeed, in April 2023, a citizen spoke during the public comments portion of a City Council meeting to say that the City should not have taken Ms. DiGiovanni’s vehicle, which indicated that she told others about it. However, [redacted] made a proper decision to return the vehicle because he was responsible for the City’s assets, and he had to ensure that the City used them appropriately.

3. [redacted] Account

[redacted], [redacted] started working for the City in 2000. She reports to [redacted]. [redacted] coordinated and participated in the Recreation Department’s community events, including Daly City’s annual Black History Month Celebration. Ms. DiGiovanni attended most Recreation Department community events.

Ms. DiGiovanni had a friendly demeanor and liked to talk to people. However, three to five times from 2019 to 2023, Ms. DiGiovanni complained about people she disliked during Recreation Department events. [redacted] found this improper because it took people’s focus off the event. For example, at a Veteran’s Day event in November 2020, Ms. DiGiovanni told [redacted] that [redacted] should not be there.

Ms. DiGiovanni said that [redacted] mistreated her somehow, but [redacted] did not know the details because she tried not to get involved. And, in November 2021, Ms. DiGiovanni told [redacted] that other councilmembers wanted to remove her from the City Council.

When Ms. DiGiovanni complained about people, [redacted] tried to redirect Ms. DiGiovanni’s attention to the event. And, she tried to intervene when Ms. DiGiovanni spoke to her staff so they did not feel uncomfortable.
4. Account

 started working for the City in August 2017. He reports to

From 2019 to 2022, Ms. DiGiovanni complained about City employees and elected officials to about five times. First, in 2019, Ms. DiGiovanni talked to three or four times at a Safeway grocery store when he shopped. On those occasions, Ms. DiGiovanni approached . presumed Ms. DiGiovanni recognized him as a City employee because he wore a City sweatshirt each time. Generally, Ms. DiGiovanni told him that she found , corrupt in some way, though never asked how.

Ms. DiGiovanni talking to at Safeway made uncomfortable, but he wanted to be polite to her as a councilmember. Thus, he listened to her but tried to end the conversation by slowly pushing his shopping cart away. Ms. DiGiovanni followed him when he walked, then eventually walked away. Each interaction lasted one to five minutes. The last time Ms. DiGiovanni approached at Safeway, asked her to talk to him only during work and advised her to contact the City if she had concerns about the Water and Wastewater Resources Department. thought that he told a supervisor about the interaction because he worried about Ms. DiGiovanni complaining that he was rude to her. did not recall who he told.

In late 2021 or early 2022, Ms. DiGiovanni talked about and City employees at an employee appreciation event. Specifically, Ms. DiGiovanni told that pushed her. And, she made a general statement about supervisors and City Hall engaging in corrupt practices. Ms. DiGiovanni also indicated that City department heads did not care about employees, but she did. thought that Ms. DiGiovanni wanted him to give her negative information about the Water and Wastewater Resources Department. After about five minutes, told Ms. DiGiovanni that he did not want to discuss such matters and said that he had to leave. told , then the Director of Water and Wastewater Resources, about the conversation because he wanted to know he disagreed with Ms. DiGiovanni's characterizations of City employees.

5. Account

, started working for the City in 2000. He reports to

Ms. DiGiovanni spoke negatively about City employees and elected officials to three times. First, in December 2019, Ms. DiGiovanni spoke negatively about at a volunteer event called Operation Santa Claus. Specifically, Ms. DiGiovanni told that had extramarital
affairs with City fire department personnel, but she did not specify who. found Ms. DiGiovanni's comment unprofessional because she should not spread rumors about City employees as an elected official, which he told Ms. DiGiovanni. And, told Ms. DiGiovanni that was a good person. Ms. DiGiovanni then stopped talking about

Second, on May 20, 2022, Ms. DiGiovanni spoke negatively about to at an ice cream social for employees. Ms. DiGiovanni called “no good.” walked away quickly before giving Ms. DiGiovanni an opportunity to elaborate. During the event, Ms. DiGiovanni told that the City Council disliked and would never appoint him as City Manager. found this particularly rude because soon after she said that, she greeted as if she liked him.

Third, on June 3, 2022, the City had a vigil for victims of a May 24, 2022 school shooting in Uvalde, Texas. At the event, Dr. Daus-Magbual and Ms. Manalo spoke to the media. Ms. DiGiovanni told that they should have let Ms. DiGiovanni speak to the media. And, Ms. DiGiovanni called Dr. Daus-Magbual and Ms. Manalo backstabbers. Ms. DiGiovanni also called a backstuber, as well as “no good” and dirty. did not ask Ms. DiGiovanni what she meant because the topic made him uncomfortable, and he wanted to end the conversation. felt cornered and could not walk away, so he told Ms. DiGiovanni that the conversation made him uncomfortable. Ms. DiGiovanni then ended the conversation.

Ms. DiGiovanni did not comment negatively to after their June 3, 2023 interaction. surmised that Ms. DiGiovanni stopped making negative comments to him because he told her it made him uncomfortable or because he tried to avoid her after that. In early 2023, drove Ms. DiGiovanni home from City Council meetings once or twice. During the drives, which took six to ten minutes, Ms. DiGiovanni did not say anything negative about anyone.

6. Account

In late 2019, Ms. DiGiovanni started speaking negatively about City employees and councilmembers. For example, she told that Ms. Manalo and Mr. Sylvester improperly accepted money from a real estate developer. And, she said that other councilmembers excluded her from public events. Ms. DiGiovanni also said that did not support City employees.

In late 2019 or early 2020, Ms. DiGiovanni called to talk about the other councilmembers mistreating her. She said things like, “[Mr. Buenaventura] thinks he is the godfather and runs the council.” told Ms. DiGiovanni that he thought the other councilmembers wanted her to be cordial. Ms. DiGiovanni responded in a raised voice, “You don’t like me. You are just like the rest of them.” Ms. DiGiovanni then hung up the phone.

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After that conversation, [redacted] avoided Ms. DiGiovanni when he saw her at City Hall. However, from 2020 to 2023, [redacted], [redacted], and others said that Ms. DiGiovanni spoke negatively about City employees and council members when they visited City Hall. [redacted] did not recall everyone who told him that Ms. DiGiovanni spoke negatively about City employees and council members because it happened so frequently. Employees said that Ms. DiGiovanni complained about other council members, [redacted] and [redacted]. [redacted] thought City employees told him about their conversations with Ms. DiGiovanni because she made them uncomfortable.

7. [redacted] Account

In 2018, Ms. DiGiovanni and the other council members supported each other politically, and Ms. DiGiovanni seemed to like Ms. Manalo. However, around 2020 or 2021, Ms. DiGiovanni separated politically from Mr. Buenaventura, Dr. Daus-Magbual and Ms. Manalo. After that, Ms. DiGiovanni talked negatively about them to [redacted] and [redacted] two or three times a week when she went to the City Manager’s office. Ms. DiGiovanni complained that the other council members only supported Filipino causes and did not consider other constituents.

And, in 2021, Ms. DiGiovanni complained about other council members’ interactions with [redacted] and about [redacted] attending events. [redacted] thought she did so because in 2021, [redacted] ran for City Council.

Ms. DiGiovanni also made negative comments about [redacted]. Specifically, on January 28, 2019, after the City Council appointed [redacted] as the City Manager, Ms. DiGiovanni pointed to [redacted] and said that she was having an extramarital affair with the man who she was leaving with. The man was a former City police department employee, but [redacted] did not recall his name. And, three or four times in 2019, Ms. DiGiovanni commented about [redacted] having lunch with [redacted], [redacted]. Ms. DiGiovanni said things like, “They sure go to lunch a lot. What is going on with those two?” [redacted] presumed that Ms. DiGiovanni meant to imply that [redacted] was having an extramarital affair with [redacted].

After fall 2023, Ms. DiGiovanni only went to the City Manager’s office for closed sessions or other meetings she attended via videoconference, so she had fewer opportunities to comment about the council members. Ms. DiGiovanni continued making negative comments when she went for those purposes. For example, in September 2022, Ms. Manalo said that Ms. DiGiovanni slammed a door on her arm in the City Manager’s office, and Ms. Manalo sought a restraining order. After that, Ms. DiGiovanni told [redacted] that Ms. Manalo “was out to get [Ms. DiGiovanni].”

On March 2, 2023, Ms. DiGiovanni spoke negatively about [redacted] to [redacted] when he helped her log into a videoconference meeting. Specifically, Ms. DiGiovanni said that she expected the public to elect two new

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councilmembers to the City Council. And, those new councilmembers would help
Ms. DiGiovanni “take [...........] down and unravel what he has done.”

presumed that Ms. DiGiovanni referenced [...........] limiting
her City vehicle and City Manager’s office use.

Additionally, Ms. DiGiovanni told [...........] that on February 17, 2023,
[...........] treated her rudely at the Walkabout reopening. Ms. DiGiovanni said that
she tried to talk to [...........] and he told her, “You are not my boss.” However,
[...........] and [...........] told [...........] that Ms. DiGiovanni spoke
rudely to [...........].

8. [........... Account

[...........] worked for the City from 1983 to 2022. She reported to [...........].

When Ms. DiGiovanni went to City Hall, she talked to [...........] about other office
staff. For example, from 2020 to 2022, when [...........] and [...........] worked
remotely, Ms. DiGiovanni asked about their absences. And, Ms. DiGiovanni told
[...........] two or three times a week that she raised concerns about City operations to
[...........], but he never did anything to address them.

Additionally, from about 2020 to 2022, two or three times a week, Ms. DiGiovanni told
[...........] that Mr. Buenaventura and Ms. Manalo mistreated her. For example, in late
2021 or early 2022, Ms. DiGiovanni told [...........] that Mr. Buenaventura called her a
privileged White woman during a City Council meeting. [...........] told Ms. DiGiovanni
that she found that surprising because Mr. Buenaventura was so nice, and
Ms. DiGiovanni said emphatically, “He is not nice!” Ms. DiGiovanni also told [...........]
that the City Council favored Filipino people when they made decisions and indicated
that they excluded her because she is not Filipino.

And, in 2022, Ms. DiGiovanni told [...........] about her attempts to revive her
friendship with Ms. Manalo. As context, before Ms. DiGiovanni joined the City Council,
she was close with Ms. Manalo and often visited Ms. Manalo—who served as the Mayor
at the time—at City Hall. However, after Ms. DiGiovanni joined the City Council, they
stopped spending time together. Ms. DiGiovanni told [...........] that she tried to
reconnect with Ms. Manalo, but Ms. Manalo rejected her attempts.

In June 2022, Ms. DiGiovanni also talked negatively about [...........] to [...........]
Specifically, Ms. DiGiovanni said that she could not believe that Ms. Manalo brought
[...........] to a City event because Ms. [........... previously threatened Ms. DiGiovanni.
C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni spoke negatively about people to City employees. stated that from about 2021 to 2023, Ms. DiGiovanni spoke negatively about public officials and about City employees to other City employees, which made them uncomfortable. The evidence supported his account.

1. Public Officials

First, this finding was supported by the evidence that Ms. DiGiovanni spoke negatively about public officials to City employees. stated that Ms. DiGiovanni complained about councilmembers and to multiple City employees. And, multiple witnesses corroborated his account. For example:

- stated that from about 2019 to 2022, when saw Ms. DiGiovanni at community events, Ms. DiGiovanni called Mr. Buenaventura and Ms. Manalo corrupt and said that Mr. Buenaventura was coming after her. And, in 2022, Ms. DiGiovanni called Ms. Manalo corrupt five to ten times.

- stated that in November 2021, Ms. DiGiovanni told that other councilmembers disliked her but they could not remove her from the council.

- stated that three to five times from 2019 to 2023, Ms. DiGiovanni raised political topics or complained about people who she disliked during Recreation Department events. For example, stated that in November 2021, Ms. DiGiovanni stated that the other councilmembers wanted to remove Ms. DiGiovanni from the City Council.

- stated that in late 2021 or early 2022, Ms. DiGiovanni told that pushed her.

- stated that in late 2019 or early 2020, Ms. DiGiovanni said something like, “[Mr. Buenaventura] thinks he is the godfather and runs the council.”

- stated that from about 2020 to 2022, two or three times a week, Ms. DiGiovanni told that Mr. Buenaventura and Ms. Manalo mistreated her.

- stated that on June 3, 2022, Ms. DiGiovanni called, Dr. Daus-Magbual and Ms. Manalo backstabbers. As well, he stated that Ms. DiGiovanni called no good and dirty.
Ms. DiGiovanni's various comments indicated that she disliked or disagreed with those about whom she commented. Thus, the evidence supported that Ms. DiGiovanni made multiple negative comments to City employees about public officials.

2. Employees

This finding was also supported by the evidence that Ms. DiGiovanni spoke negatively to City employees about other City employees. stated that from 2019 to 2023, Ms. DiGiovanni complained about him and others, and multiple witnesses corroborated his account. For example:

- stated that in late 2022 or early 2023, Ms. DiGiovanni told that Mr. Buenaventura and Ms. Manalo manipulated .

- stated that in late 2021 or early 2022, Ms. DiGiovanni indicated that City department heads did not care about employees.

- stated that in December 2019, Ms. DiGiovanni said that had extramarital affairs with City fire department personnel.

- stated that on January 28, 2019, Ms. DiGiovanni told him that was having an extramarital affair with a former City police department employee. And, he stated that in 2019, Ms. DiGiovanni implied that had an extramarital affair with .

- also stated that on March 2, 2023, Ms. DiGiovanni said that she planned to have a majority vote to “take down and unravel what he has done,” and that spoke rudely to her at the February 17, 2023 Walkabout event.

- stated that from 2019 to 2023, and other City employees told him that Ms. DiGiovanni spoke negatively to them about , , and . It appeared to that Ms. DiGiovanni made the City employees uncomfortable with her negative comments.

- stated that from 2019 to 2022, Ms. DiGiovanni told two or three times a week that she raised concerns about City operations to , but he did not do anything to address them.

Thus, the evidence supported that Ms. DiGiovanni made multiple negative comments to City employees about other City employees.
3. Impact on City Employees

As well, this finding was supported by the evidence that Ms. DiGiovanni’s conduct negatively impacted City employees in the context of their City employment. First, the evidence supported that Ms. DiGiovanni made negative comments to City employees during their working hours, which plausibly caused the employees to feel pressured to listen to her. For example:

- [redacted] stated that from 2019 to 2023, Ms. DiGiovanni complained about people she disliked three to five times when she worked Recreation Department events.
- [redacted] stated that in late 2021 or early 2022, Ms. DiGiovanni talked about [redacted] and City employees at an employee appreciation event.
- [redacted] stated that on March 2, 2023, Ms. DiGiovanni made negative comments about [redacted] when he helped her log into a videoconference meeting at the City Manager’s office.

Thus, that Ms. DiGiovanni spoke to employees when at work, where they plausibly felt more pressure to listen to Ms. DiGiovanni, supported that her conduct negatively impacted City employees.

Second, the evidence supported that Ms. DiGiovanni’s comments made City employees uncomfortable. [redacted] stated that Ms. DiGiovanni’s comments made employees uncomfortable because they felt they could not contradict her due to her position. And, multiple witnesses corroborated his account. Specifically, [redacted] and [redacted] stated that they disliked or felt uncomfortable about Ms. DiGiovanni’s negative comments. And, [redacted] indicated that Ms. DiGiovanni’s negative comments made other City employees uncomfortable. Thus, that Ms. DiGiovanni’s comments made people uncomfortable further supported that her comments negatively impacted City employees.

This investigation considered the evidence that Ms. DiGiovanni stopped speaking negatively about others when asked. Thus, Ms. DiGiovanni potentially thought that the people with whom she spoke negatively wanted to discuss the topics unless they told her otherwise. For example, [redacted] stated that after June 3, 2022, when he asked Ms. DiGiovanni to stop making comments about others to him, she stopped. And, [redacted] stated that in late 2021 or early 2022, he told Ms. DiGiovanni that he did not want to discuss City employees, and she never approached him again. However, prudent councilmembers understand that City employees would feel hesitant telling an elected official—who makes decisions concerning their employment—that they do not want to discuss certain topics. Thus, Ms. DiGiovanni should have realized that her comments could make City employees uncomfortable.
Finally, as discussed in Issues Three and Four, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni spoke negatively about people to City employees.

XII. ISSUE EIGHT: DID MS. DIGIOVANNI DISRUPT CITY EMPLOYEES’ WORK?

A. Concern

stated that from 2019 to 2023, Ms. DiGiovanni disrupted City employees’ work by requesting excessive assistance for herself and talking to employees when they worked.

and told that from 2019 through about September 2022, Ms. DiGiovanni went to the City Manager’s office several times a week and asked them to perform tasks, such as printing documents and assisting her with logging into videoconferences. and also said that Ms. DiGiovanni talked to them when they worked, which distracted them.

As discussed in Issue Three, above, on September 28, 2022, submitted a memorandum to councilmembers asking them to request meeting rooms in advance and to direct all inquiries to or . Ms. DiGiovanni went to the office less often after memorandum, but she still asked staff for assistance. For example, Ms. DiGiovanni still asked to help her log into the conference room computers for videoconferences because she had no computer at her house. As well, she called and text messaged , , and requesting they print documents and deliver them to the City Clerk’s office. Ms. DiGiovanni also asked to prepare recognition certificates, which she took to community members’ birthday parties.

In March 2023, told that Ms. DiGiovanni frustrated her by calling her three or four times to perform tasks. Specifically, Ms. DiGiovanni asked to print a document and take it to the City Clerk’s office. did so and, immediately after she returned, Ms. DiGiovanni called to ask her to retrieve the document so that Ms. DiGiovanni could pick it up at the City Manager’s office. She then called again to say that she changed her mind and wanted to leave the document at the City Clerk’s office. told Ms. DiGiovanni that she would not move it again, and left it at the City Manager’s office. Ms. DiGiovanni agreed to pick it up at the City Manager’s office.

Other councilmembers also asked staff for assistance, such as to reserve conference rooms and to respond to event invitations. However, never heard about other councilmembers asking to
print agendas and other documents. presumed that other councilmembers accessed agendas on the City’s website and viewed them electronically.

Moreover, Ms. DiGiovanni’s general demeanor made her presence distracting. For example, she had a loud voice, so everyone heard her when she talked to someone in the office. And, as discussed in Issue Seven, above, she disliked other councilmembers and she talked negatively about them in the City Manager’s office. Additionally, on September 26, 2022, Ms. DiGiovanni had a conflict with Ms. Manalo. Specifically, heard a commotion in the conference room and, when he went in, Ms. Manalo said that Ms. DiGiovanni closed a door on her arm and back. had to address the issue by contacting the police.

B. Other Witness Accounts and Evidence

1. Account

Ms. DiGiovanni asked the City Clerk to print an agenda packet before every meeting. Agendas regularly included multiple attachments with hundreds of pages. Only Ms. DiGiovanni requested printed agendas because the City gave every councilmember a tablet to view the agenda electronically. In 2019, when started printing Ms. DiGiovanni’s agendas, she placed them in a binder. However, Ms. DiGiovanni did not return the binders after meetings, so started securing agenda packets with a rubber band.

Additionally, from 2019 to 2023, Ms. DiGiovanni frequently requested that Ms. Ayson print the same agenda multiple times. Ms. For example, in March or April 2023, Ms. DiGiovanni said that forgot to include some attachments to the agenda. knew she did not forget any because she double-checked each agenda. She thought Ms. DiGiovanni misplaced the attachments.

And, in March 2023, Ms. DiGiovanni requested that move an agenda packet multiple times. After City Clerk staff printed the packet, retrieved it. A few minutes later, brought it downstairs, then retrieved it again. later told that Ms. DiGiovanni asked her to move it again, but she refused.

Ms. DiGiovanni also liked to talk to City Clerk employees when she visited the office. and, tried to avoid Ms. DiGiovanni when she went to the City Clerk’s office. spoke to Ms. DiGiovanni but gave short responses to Ms. DiGiovanni’s questions to limit their conversations.
2. **Account**

From 2019 to fall 2022, Ms. DiGiovanni went to the City Manager’s office most weekdays. And, Ms. DiGiovanni liked talking to [REDACTED] and [REDACTED] and avoided engaging Ms. DiGiovanni in conversation, so Ms. DiGiovanni talked more to [REDACTED]. In addition to talking, Ms. DiGiovanni asked for assistance with administrative tasks such as printing agendas, emails and recognition certificates. As well, Ms. DiGiovanni scheduled meetings with [REDACTED] and [REDACTED], then canceled them right before the meeting. [REDACTED] thought that Ms. DiGiovanni potentially did so to ensure City employees worked in the office on their scheduled days.

As discussed in Issue Three, above, in fall 2022, [REDACTED] limited Ms. DiGiovanni’s ability to visit the City Manager’s office. After fall 2022, Ms. DiGiovanni called or text messaged [REDACTED] to request administrative assistance. Ms. DiGiovanni requested [REDACTED] assistance two to five times a week. In contrast, Ms. Manalo asked for assistance once every three weeks, and the other councilmembers contacted [REDACTED] about once a month.

Most councilmembers required less administrative assistance because the City provided councilmembers tablets on which they could view emails and agendas. However, Ms. DiGiovanni did not use the tablet. [REDACTED] offered to show Ms. DiGiovanni how to use it, but Ms. DiGiovanni canceled about ten appointments scheduled to show her.

Additionally, Ms. DiGiovanni requested recognition certificates for anniversaries and birthdays about weekly. Ms. Manalo requested one or two a month, and Dr. Daus-Magbual requested a certificate once every two months. Mr. Buenaventura and Mr. Sylvester never requested certificates.

Ms. DiGiovanni also requested help using technology such as setting up the computer and logging into videoconference calls. As well, in March 2023, Ms. DiGiovanni asked [REDACTED] to help her complete an online budget survey because she did not understand how to select answers to each question.

[REDACTED] did not mind assisting Ms. DiGiovanni with administrative tasks because his duties included assisting councilmembers. However, [REDACTED] found Ms. DiGiovanni’s demeanor distracting when she spent time in the office. Ms. DiGiovanni treated her requests as emergencies, spoke loudly and walked around the office talking.

After Ms. DiGiovanni and Ms. Manalo’s September 26, 2022 interaction in the City Manager’s office, Ms. DiGiovanni stopped coming as often. However, she continued calling or text messaging [REDACTED] three to five days a week requesting assistance.
3.  Account

Ms. DiGiovanni visited City Hall almost every day to work and attend videoconferences. Other councilmembers also visited, but not as often as Ms. DiGiovanni. And, Ms. DiGiovanni needed more assistance than other councilmembers. For example, Ms. DiGiovanni disliked reading her emails on the computer and asked  to print them. And, Ms. DiGiovanni asked  to handwrite passwords to log into videoconference calls because Ms. DiGiovanni had trouble reading them when printed.

Ms. DiGiovanni talked to  because  had patience and listened to Ms. DiGiovanni. Ms. DiGiovanni often became distracted when asking for assistance and discussed other topics, so  learned to refocus Ms. DiGiovanni’s attention on her request.

Though Ms. DiGiovanni had many demands, she also tried to befriend staff. For example, she knew everyone’s names and high-fived people when she saw them in the parking lot. And, Ms. DiGiovanni treated  respectfully.

4.  Account

,  started working for the City in 2005. She reports to .

In March 2023, Ms. DiGiovanni disrupted  work by asking her to print an agenda and deliver it to multiple locations. Specifically, after 5:00 p.m., when worked overtime to finish another assignment, Ms. DiGiovanni called  and asked her to print an agenda packet and deliver it to the City Clerk’s office. After  did so, Ms. DiGiovanni called back and asked her to bring the agenda back upstairs to the City Manager’s office. Then, Ms. DiGiovanni called back and asked  to return the agenda to the City Clerk’s office.  told Ms. DiGiovanni she could pick it up at the City Manager’s office. Ms. DiGiovanni did not indicate that upset her when she said she would not return the agenda packet to the City Clerk’s office.

On April 6, 2023, an assistant from the engineering office called  to ask that she relay a message to Ms. DiGiovanni. Specifically, the assistant said that the previous day, Ms. DiGiovanni contacted  ,  to ask that he address an accident or dangerous area in the City by placing cones there. The assistant wanted  to tell Ms. DiGiovanni that the Public Works Department addressed Ms. DiGiovanni’s concern. And, if she had future concerns, they asked that she notify Public Works Department personnel, who would forward her concerns to  text messaged the information to Ms. DiGiovanni and showed the text message to  . (Attachment M.)  said that Ms. DiGiovanni should relay her concerns to  , so she text messaged Ms. DiGiovanni that information.

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C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni disrupted City employees' work. Stated that from 2019 to 2023, Ms. DiGiovanni interrupted City employees’ work by asking for excessive assistance and talking to them. The evidence supported his account.

As an initial matter, it was undisputed that the City provided councilmembers resources to aid them in their duties. For example, Stated that councilmembers had their own cubicle spaces in the City Manager's office, and Stated that his job duties included assisting councilmembers with administrative tasks. However, multiple witnesses—i.e., Stated that Ms. DiGiovanni sought significantly more assistance than other councilmembers. For example:

- Stated that other councilmembers used City-issued tablets to view agendas and other documents, but Ms. DiGiovanni asked City staff to print them.
- Stated that Ms. DiGiovanni requested his assistance two to five times a week. In contrast, the other councilmembers contacted once every three to four weeks.
- Stated that from about 2019 to 2022, Ms. DiGiovanni went to City Hall and asked for assistance nearly daily, whereas other councilmembers did not.

Accordingly, this reflected that, though councilmembers required varying degrees of assistance, Ms. DiGiovanni requested significantly more assistance than any other councilmember. In turn, though not dispositive, this supported that Ms. DiGiovanni requested more assistance than necessary.

Additionally, this finding was supported by the evidence that Ms. DiGiovanni requested City staff to perform unnecessary tasks. For example, Stated that Ms. DiGiovanni asked her to print multiple copies of agendas. And, in March or April 2023, Ms. DiGiovanni asked her to reprint agenda packet pages that Ms. DiGiovanni misplaced. Additionally, and Stated that in March 2023, Ms. DiGiovanni asked to move a printed agenda to multiple different offices throughout City Hall because Ms. DiGiovanni kept changing her mind about where she wanted to pick up the agenda. Thus, this evidence reflected that Ms. DiGiovanni increased City employees’ workload unnecessarily, which plausibly redirected their efforts from other necessary tasks.

Additionally, this finding was supported by the evidence that Ms. DiGiovanni declined opportunities to reduce her need for staff assistance. Specifically,
offered to show Ms. DiGiovanni how to use her tablet to electronically access emails and agendas, but Ms. DiGiovanni canceled about ten appointments scheduled with her to do so. Thus, Ms. DiGiovanni chose to continue using City employees’ time and City resources inefficiently rather than learn how to reduce her need for assistance.

This finding was also supported by the evidence that Ms. DiGiovanni disrupted City employees by loudly and excessively talking to them when she went to City Hall. For example:

- [Redacted] stated that Ms. DiGiovanni liked to talk to City Clerk employees when she visited the City Clerk’s office, and spoke to Ms. DiGiovanni but gave short responses to Ms. DiGiovanni’s questions to limit their conversations.

- [Redacted] stated that Ms. DiGiovanni got distracted when asking for assistance and discussed other topics, including talking negatively about other councilmembers and City employees.

- [Redacted] stated that Ms. DiGiovanni spoke loudly and walked around the office talking, which he found distracting.

- [Redacted] stated that Ms. DiGiovanni had a loud voice, so everyone heard her when she talked to someone in the office, which distracted people from their work.

Accordingly, the evidence reflected that Ms. DiGiovanni disregarded employees’ quiet, uninterrupted work time and talked to employees about matters beyond exchanging brief greetings or requesting assistance. In turn, this further supported that Ms. DiGiovanni disrupted City employees’ work.

Finally, as discussed in Issues One and Three, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni disrupted City employees’ work.

XIII. ISSUE NINE: DID MS. DIGIOVANNI REQUEST EXCESSIVE ASSISTANCE FOR CITIZENS?

A. [Redacted] Concern

[Redacted] stated that Ms. DiGiovanni requested excessive assistance for citizens, which disrupted City employees’ work. [Redacted] gave two examples of Ms. DiGiovanni asking him and [Redacted] for assistance, but he presumed that she also made similar requests of other department heads. First, on January 24, 2023, at about 1:00 a.m., Ms. DiGiovanni text messaged [Redacted] about a City building’s

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alarm sounding did not respond. And, the next day, told that Ms. DiGiovanni also text messaged and that he responded. Ms. DiGiovanni should not have text messaged or about the alarm because the City had procedures for responding to the alarm, and City personnel on duty contacted and if necessary.

Second, on March 31, 2023, Ms. DiGiovanni brought a citizen to his office at 11:50 a.m. and said that the citizen had to pay a bill. As context, the City’s cashier department closed at 11:30 a.m. every Friday. said that the office closed at 11:30 a.m., but the man could return another day. Ms. DiGiovanni said that he should not have to do so, so walked him to the cashier’s office and asked to help him.

B. Other Witness Accounts and Evidence

1. ________ Account

In January or February 2023, Ms. DiGiovanni twice asked to help her resolve citizens’ concerns. First, Ms. DiGiovanni asked to deliver sandbags to a church to stop flooding during a storm. Second, Ms. DiGiovanni asked to bring her friend a generator when the power went out during a storm. Ms. DiGiovanni said that her friend used an oxygen tank and could not survive without power. complied with both requests.

did not mind assisting Ms. DiGiovanni. However, he found her requests unusual because the City had procedures to assist the public with the tasks that she requested. For example, the City established sandbag stations for citizens to pick up sandbags during storms. And, the City did not generally loan generators to citizens. When citizens who used oxygen tanks lost power, they called the City’s emergency line for assistance. And, if necessary, emergency services transported the citizens to the hospital.

2. ________ Account

Ms. DiGiovanni contacted one to three times a week for assistance with concerns involving public safety or the police department. Ms. DiGiovanni did so more than other councilmembers, but generally did not mind that she did.

However, twice Ms. DiGiovanni text messaged late at night, which he did not appreciate. For example, on January 24, 2023, Ms. DiGiovanni text messaged him at 1:18 a.m. that a citizen reported a City building’s alarm sounding. (Attachment N.) spent the next hour addressing the issue, and Ms. DiGiovanni continued text messaging until 2:32 a.m. This frustrated

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because he had to work early the next morning, and the alarm company and on-duty police officers could address the alarm without alerting.

As well, in early 2023, Ms. DiGiovanni text messaged [redacted] at 8:00 p.m. or 9:00 p.m. to ask him to help a citizen whose landlord evicted them. Ms. DiGiovanni called twice, and [redacted] said that he would follow up on her concern.

Generally, Ms. DiGiovanni text messaged [redacted] about citizen concerns. For example, in early April 2023, Ms. DiGiovanni text messaged [redacted] that a citizen complained to her that people sold drugs at a convenience store in Daly City. (Attachment N.) And, that same week, she text messaged him that a citizen found empty purses in a park, which Ms. DiGiovanni presumed indicated that someone stole them and left them there. (Attachment N.)

3. [redacted] Account

In January 2023, Ms. DiGiovanni pressured [redacted] to perform work after he declined. Specifically, one evening, Ms. DiGiovanni told [redacted] that a citizen drove over a pothole on a City road, which flattened his tire. [redacted] asked for the location and told Ms. DiGiovanni that he thought the pothole was on a state freeway offramp, indicating that the state owned and maintained the road. Ms. DiGiovanni responded that the City managed the road, and told [redacted] to go there immediately. [redacted] replied that it was unsafe to inspect a freeway offramp in the dark and he would do so the next day. Ms. DiGiovanni told him again to go right away, but [redacted] did not. In addition to finding it unsafe to go at night, he could not have fixed the pothole or expedited any resolution to the citizen's concern. Thus, he surmised that Ms. DiGiovanni wanted him to go immediately so the citizen saw that a City vehicle responded to the concern when the citizen awaited a tow truck.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni requested excessive assistance for citizens. Specifically, [redacted] stated that in 2023, Ms. DiGiovanni asked [redacted] and others to assist citizens when she should not have. The evidence supported his account.

First, this finding was supported by the evidence that Ms. DiGiovanni requested that the City cashier's office accept citizen payments outside of business hours. Specifically, [redacted] stated that on March 31, 2023, Ms. DiGiovanni brought a citizen who wanted to pay a bill into [redacted] office twenty minutes after the cashier's office closed, asking that he allow the citizen access to the cashier's office. [redacted] stated that to meet Ms. DiGiovanni's request, he had to walk the citizen to the cashier's office to facilitate the transaction. Thus, by asking [redacted] to help with a cashier...
transaction, Ms. DiGiovanni asked him to divert his attention from his city manager work.

This finding was also supported by the evidence that in January or February 2023, Ms. DiGiovanni twice improperly asked [redacted] to help her resolve citizens’ concerns. Specifically, [redacted] stated that Ms. DiGiovanni:

- Asked [redacted] to deliver sandbags to a church to stop flooding during a storm though the City had established sandbag stations for citizens.
- Asked [redacted] to bring her friend a generator because the friend required oxygen and could not go without power. The City did not generally loan generators to citizens. Rather, when citizens who needed oxygen lost power, they called the City’s emergency line for assistance.

Ms. DiGiovanni requesting special assistance for certain citizens diverted resources away from the City’s established protocols during a storm, when many citizens potentially experienced emergencies and requested assistance. In turn, this further supported that Ms. DiGiovanni requested excessive assistance for citizens.

This investigation considered that councilmembers’ duties include responding to citizen concerns about City operations. Thus, Ms. DiGiovanni understandably wanted to help citizens in need. However, this investigation received no evidence that the citizens tried to use the City’s existing protocols and found them unavailable or ineffective. And, Ms. DiGiovanni did not request that the City provide a service that it provided to all citizens. Rather, she asked for certain individuals to receive services not available to others—i.e., personal delivery of emergency resources—further supporting that Ms. DiGiovanni requested excessive assistance for citizens.

Additionally, this finding was supported by the evidence that Ms. DiGiovanni improperly requested the police department’s assistance. For example, [redacted] stated that on January 24, 2023, Ms. DiGiovanni asked [redacted] for assistance turning off an alarm late at night. [redacted] stated that Ms. DiGiovanni text messaged [redacted] at 1:18 a.m. about a City building’s alarm sounding, which caused him to spend an hour addressing the issue. Text messages corroborated [redacted] account, indicating, that Ms. DiGiovanni continued text messaging him until 2:32 a.m. (Attachment N.) However, Ms. DiGiovanni should have called the police station to report the alarm and assured the citizen that they could do the same. Thus, contacting [redacted] early in the morning for an issue that on-duty police officers could handle indicated that Ms. DiGiovanni disregarded the City’s standard procedures as well as [redacted] personal time. In turn, this further supported that Ms. DiGiovanni requested excessive assistance for citizens.

Additionally, this finding was supported by the evidence that Ms. DiGiovanni improperly requested [redacted] assistance. Specifically, [redacted] stated that in January 2023,
Ms. DiGiovanni pressured [redacted] to inspect a freeway offramp after dark, though he told her it was unsafe to do so and that he could not repair the pothole immediately. However, if Ms. DiGiovanni thought the road presented a safety hazard to the public, she could have called 911, and the City could have followed its protocol for addressing the issue. It appeared that Ms. DiGiovanni wanted the citizen who reported a pothole on the road to see that Ms. DiGiovanni responded to his concern by sending a City employee to the site immediately, as [redacted] stated. In turn, this further supported that Ms. DiGiovanni requested excessive assistance for citizens.

Finally, as discussed in Issues One, Three and Four, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni disrupted City employees' work by requesting excessive assistance for citizens.

XIV. ISSUE TEN: DID MS. DIGIOVANNI ACT UNPROFESSIONALLY AT A CITY VIGIL?

A. Concern

This investigation reviewed a concern that on June 3, 2022, Ms. DiGiovanni acted unprofessionally at a City vigil by raising her voice at attendees of a candlelight vigil for the victims of a school shooting in Uvalde, Texas.

B. Witness Accounts and Evidence

1. Rod Daus-Magbual's Account

On June 3, 2022, the City had a candlelight vigil for the victims of a school shooting in Uvalde, Texas. Before the vigil started, the local television news stations asked to interview [redacted] then-mayor Dr. Daus-Magbual and Ms. Manalo. When the media prepared to interview them, Dr. Daus-Magbual noticed Ms. DiGiovanni angrily walking around the vigil site. Dr. Daus-Magbual spoke to Ms. DiGiovanni, who said in a raised voice that she found it unfair that the media did not interview her. Ms. DiGiovanni then walked away and repeated her concern to other attendees. Dr. Daus-Magbual did not intend to exclude Ms. DiGiovanni.

2. [redacted] Account

On June 3, 2022, reporters interviewed Dr. Daus-Magbual and [redacted] about the City's vigil but did not interview Ms. DiGiovanni. This upset Ms. DiGiovanni, who said in a raised voice, "They are not interviewing me. Why not?" Ms. Giovanni said this to Dr. Daus-Magbual, [redacted] and Ms. Manalo. Ms. DiGiovanni walked around through the vigil area complaining in a raised voice that the press did not interview her. She also asked [redacted] why they did not interview her. [redacted] tried not to engage with Ms. DiGiovanni, so he said that he did not know and walked away.
Ms. DiGiovanni's conduct did not surprise [REDACTED] because in April or May 2022, he heard that Ms. DiGiovanni went to a San Mateo County (County) COVID-19 testing site and spoke rudely to the staff. [REDACTED] did not recall who told him. [REDACTED] did not know what she said, but he heard that she implied the staff did not perform their jobs correctly, and the County considered closing that site if Ms. DiGiovanni kept interrupting the staff's work.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni acted unprofessionally at a City vigil. Specifically, this investigation reviewed a concern that on June 3, 2022, Ms. DiGiovanni raised her voice at people attending a candlelight vigil for the victims of a school shooting in Uvalde, Texas. The evidence supported that she did.

First, this finding was supported by the evidence that on June 3, 2022, Ms. DiGiovanni raised her voice at councilmembers and complained in a raised voice to vigil attendees. Dr. Daus-Magbua's and [REDACTED] consistent accounts reflected that Ms. DiGiovanni raised her voice, appeared angry and complained that the media did not interview her. And, both stated that she did so in front of attendees. Ms. DiGiovanni's conduct had the potential to negatively impact the City's reputation as she created a disturbance at a solemn event. Thus, this supported that Ms. DiGiovanni's acted unprofessionally.

Additionally, this finding was supported by the evidence that Ms. DiGiovanni raised her voice angrily in front of attendees at other City events (discussed further in Issues Eleven to Thirteen, below). Though not dispositive, that Ms. DiGiovanni engaged in a pattern of raising her voice at City events supported that she also did so at the June 3, 2022 vigil.

Finally, as discussed in Issue Three, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni acted unprofessionally at a City vigil.

XV. ISSUE ELEVEN: DID MS. DIGIOVANNI SPEAK HARSILY TO [REDACTED] AT THE JO KOY EVENT?

A. Concern

This investigation reviewed a concern that on July 22, 2022, Ms. DiGiovanni spoke harshly to [REDACTED] at the Jo Koy event. Specifically, this investigation reviewed concerns that Ms. DiGiovanni used an angry tone toward [REDACTED] and swore at her.
B. Witness Accounts and Evidence

1. Surveillance Video

City Hall surveillance video from July 22, 2022 reflected the following one-minute exchange:

- Out of the frame, Ms. DiGiovanni said, "The downstairs door should be unlocked. Oh, [redacted]. The downstairs door is locked, it needs to be unlocked for the public."

- [redacted] and Ms. DiGiovanni entered the frame and [redacted] said, "We are having a private event right now, and there is information on..."

- Before [redacted] completed her sentence, Ms. DiGiovanni said, "I don't give a shit. The member of the public needs access to the [police department]."

- [redacted] said, "Yes," though the rest of her response was unclear.

- Ms. DiGiovanni walked to the police department counter and said, "No. That door needs to be unlocked for emergencies."

- Ms. DiGiovanni then addressed someone off camera, saying, "Hi. This member of the public couldn't get in, so I let him in. And, I want to talk to the chief."

2. [redacted] Account

[redacted] started working for the City in 2003. He reports to [redacted]. Among other things, [redacted] helped plan logistics and police coverage for City events.

[redacted] did not know Ms. DiGiovanni very well. However, [redacted] understood that Ms. DiGiovanni supported the police department. As well, she knew most officers by name and said hello at events. And, she had a loud and boisterous demeanor.

[redacted] developed a security plan for the Jo Koy event with [redacted] and [redacted]. Mr. Koy requested that the event be limited to invited guests, so they locked the main entrance to City Hall, which was on the second floor of the building, and the side entrance, which led to the first floor of the police department. [redacted] did not find this unusual because throughout 2021 and part of 2022, when the City limited its business hours, the City locked those doors on Mondays and Fridays.

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4 This video is maintained in the investigation file in the ordinary course of business.

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There was a phone outside the main entrance that people could use to call the police department.

On July 22, 2022, the ceremony day, staff locked the front door and the first-floor entrance facing 90th Street. City employees set up a table at a different side lot to check in invited guests. As well, officers stood at the front entrance to direct invited guests to the side lot. If someone wanted to go to the police department during the event, the officer escorted them inside.

Before the ceremony started, asked to talk to Ms. DiGiovanni because Ms. DiGiovanni did not want the front door locked. also said that Ms. DiGiovanni swore at her, but did not recall if told him what she said.

When spoke to Ms. DiGiovanni, she told him that the City should not have locked the 90th Street door for a private event because members of the public could not get into the police department. When he said that police would escort anyone who had to go into the police department, Ms. DiGiovanni said she found that insufficient because people had to use the stairs to get to that entrance, whereas they did not if they used the 90th Street door. Thus, Ms. DiGiovanni wanted the 90th Street door unlocked to ensure that people with disabilities had access. agreed to unlock the downstairs door because he agreed that it would be more accessible for people with disabilities. also posted a police officer by the door to ensure that the entrances remained secure.

interacted with Ms. DiGiovanni again later that day when Mr. took photos with ceremony attendees. When Ms. DiGiovanni approached, Mr. Koy’s staff said that Mr. Koy had to leave and could not take any more photos. Prior to the event, , told that Mr. Koy and his staff did not want to have contact with Ms. , escorted Mr. Koy out of the room. After he did so, Ms. DiGiovanni said in a raised voice that and staff had a bias against her because they let other councilmembers take photos with Mr. Koy but did not let her.

also heard that Ms. DiGiovanni had a negative verbal interaction with another woman, but he was not involved in the incident and did not know the details. He did not recall from whom he heard this.

3. Account

worked from home on July 22, 2022, so she did not attend the ceremony. However, told that Ms. DiGiovanni yelled at her in front of others because a resident could not access the police department. Additionally, said that Ms. DiGiovanni yelled at her later because volunteers did not complete the contact tracing form in the City Manager’s office.
It did not surprise [REDACTED] thatMs. DiGiovanni yelled at a staff member because Ms. DiGiovanni got upset easily. However, it surprised [REDACTED] that Ms. DiGiovanni yelled at [REDACTED] because Ms. DiGiovanni normally addressed her frustrations to [REDACTED] or [REDACTED]. [REDACTED] surmised thatMs. DiGiovanni yelled at [REDACTED] because she could not reach [REDACTED] or [REDACTED]

4. [REDACTED] Account

[REDACTED] started working for the City in 2007. [REDACTED] worked in the Human Resources Department until 2019, when she transferred to the City Manager’s office. She reports to [REDACTED].

a) Initial Interactions

Ms. DiGiovanni treated [REDACTED] like she did not trust [REDACTED] to perform her job correctly. First, in late 2018, Ms. DiGiovanni questioned [REDACTED] when [REDACTED] worked in Human Resources. Specifically, when [REDACTED] explained the City’s benefits package to Ms. DiGiovanni, Ms. DiGiovanni asked, “Are you sure that is correct?” She said that her friends who worked for different cities told her different information. From this, [REDACTED] surmised that Ms. DiGiovanni thought that [REDACTED] performed her job incorrectly.

Ms. DiGiovanni continued to question [REDACTED]’ job competence after 2019, when [REDACTED] moved to the City Manager’s office. There, [REDACTED] planned sustainability projects, a role she took over from [REDACTED]. Ms. DiGiovanni attended many of the events that [REDACTED] planned. However, if Ms. DiGiovanni had a question about a sustainability program, she asked [REDACTED], even when Ms. Ramos could answer the question. Ms. DiGiovanni also thanked [REDACTED], rather than [REDACTED], for projects that Ms. Ramos led.

As well, [REDACTED] advised Ms. DiGiovanni to contact [REDACTED] if she could not reach [REDACTED]. However, Ms. DiGiovanni never contacted [REDACTED]. Instead, she contacted [REDACTED] or waited for [REDACTED]

Additionally, Ms. DiGiovanni criticized [REDACTED] when [REDACTED] planned events. This occurred about ten times between 2019 and 2022. For example, in fall 2019, at an e-waste drop-off event that [REDACTED] planned, Ms. DiGiovanni told attendees that City staff did not plan the event well. Ms. DiGiovanni also apologized to attendees about traffic. Later, Ms. DiGiovanni told [REDACTED] that attendees complained about traffic, though [REDACTED] did not hear anyone do so during the event.

[REDACTED] did not mind feedback that would help her improve events, but Ms. DiGiovanni should not criticize [REDACTED] to members of the public. Ms. DiGiovanni also made other rude remarks in passing, but [REDACTED] did not remember them because she ignored them and focused on running the events.
b) Ms. DiGiovanni’s Interactions with Others

knew of three other times that Ms. DiGiovanni also criticized others. First, in late 2021 or early 2022, Ms. DiGiovanni criticized at a flag-raising event. did not recall what Ms. DiGiovanni said, but stepped back and she surmised that Ms. DiGiovanni admonished him. then walked away, and Ms. DiGiovanni looked angry.

Second, in 2021 or 2022, or told that an employee of a County vaccination clinic called to complain that Ms. DiGiovanni spoke rudely to clinic staff. did not know who called or if they filed a formal complaint.

Third, in spring or summer 2022, Ms. DiGiovanni spoke rudely about Specifically, when Ms. Manalo met with in a conference room in City Hall, Ms. DiGiovanni complained to and that should not be in the City Manager’s office because “the City would be liable if something happened.” did not know what Ms. DiGiovanni referred to when she said that. thought the meeting upset Ms. DiGiovanni because she disliked or Ms. Manalo. presumed that Ms. DiGiovanni disliked them because she considered them political rivals.

c) July 22, 2022

On July 22, 2022, the City Arts and Culture Commission (Commission) hosted a ceremony presenting Mr. Koy a key to the City to honor him for filming a movie in the City. Mr. Koy and the Commission wanted to avoid any disruptions at the ceremony, so worked with the City police department to develop safety procedures, such as creating a guest list and giving wristbands to the attendees. Additionally, the City locked the main door to the police department to better regulate access to City Hall. However, the City recognized that the public might need to access some of the services inside City Hall, such as the police department. To address this, the City placed a police officer outside the main entrance to direct people to the police department’s side entrance, which remained unlocked.

had a negative interaction with Ms. DiGiovanni before the ceremony started. Ms. DiGiovanni and a man whom did not recognize approached Ms. DiGiovanni yelled at her that she should not have locked the door because the man could not get in. tried to tell Ms. DiGiovanni why the City locked the door, but Ms. DiGiovanni interrupted, yelling, “I don’t give a shit. This door needs to be unlocked right now.” Ms. DiGiovanni also stated that she wanted to speak to .

Ms. DiGiovanni’s language shocked because Ms. DiGiovanni never swore at her before. asked Ms. DiGiovanni not to swear at her, then left to ask.
to speak to Ms. DiGiovanni. ______ did not hear their conversation, but ______ told ______ that Ms. DiGiovanni seemed satisfied after he told her the protocol.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni spoke harshly to ______ at the Jo Koy event. This investigation reviewed concerns that Ms. DiGiovanni used an angry tone toward ______ and swore at her. The evidence supported that she did.

First, this finding was supported by the evidence that Ms. DiGiovanni told ______, “I don’t give a shit.” ______ stated that on July 22, 2022, before the Jo Koy event started, Ms. DiGiovanni yelled at ______ that she should unlock the door to City Hall. And, when ______ tried to tell Ms. DiGiovanni why the City locked the door, Ms. DiGiovanni said, “I don’t give a shit. The member of the public needs access to the [police department].” The City Hall surveillance video corroborated this exchange. Accordingly, the evidence supported that Ms. DiGiovanni spoke harshly toward ______.

Additionally, this finding was supported by the evidence that Ms. DiGiovanni interrupted ______. Indeed, the surveillance video reflected Ms. DiGiovanni interrupting ______ when ______ told her about the protocol in place. That Ms. DiGiovanni interrupted ______ further supported that she spoke harshly toward ______.

This investigation considered that Ms. DiGiovanni had a valid concern about citizens accessing the police department. Indeed, ______ stated that Ms. DiGiovanni wanted a particular door—the 90th Street door—unlocked because it provided elevator access, and she wanted to ensure that people with disabilities could access the police department by elevator. However, Ms. DiGiovanni could have conveyed her concern to ______ without swearing. Thus, this did not negate that Ms. DiGiovanni spoke harshly toward ______.

For these reasons, this investigation found that Ms. DiGiovanni spoke harshly toward ______ at the Jo Koy event.

XVI. ISSUE TWELVE: DID MS. DIGIOVANNI TREAT STAFF AND VOLUNTEERS RUDELY AT THE JO KOY EVENT?

A. Concern

This investigation reviewed a concern that on July 22, 2022, Ms. DiGiovanni treated staff and volunteers rudely at the Jo Koy event. Specifically, this investigation reviewed concerns that: (1) when ______, ______ and event volunteers prepared for a post-ceremony reception, Ms. DiGiovanni treated them rudely by questioning them and
making negative comments; and (2) after the ceremony, Ms. DiGiovanni made a rude comment to [redacted].

B. Other Witness Accounts and Evidence

1. [redacted] Account

[redacted] served on the Commission from 2019 to 2022.

[redacted] worked closely with Mr. Koy’s staff and [redacted] to plan the July 21, 2022 movie screening and July 22, 2022 ceremony honoring Mr. Koy. On the morning of July 22, 2022, [redacted], Publicist, told [redacted] by text message that [redacted] Publicist, said that Ms. DiGiovanni acted abusively toward Mr. Koy and asked that [redacted] limit Ms. DiGiovanni’s interaction with Mr. Koy and his staff. [redacted] did not know what happened at the screening, but [redacted] notified the police officers providing security of [redacted] request.

Later that morning, Ms. DiGiovanni interrupted [redacted] and her volunteers when they set up a post-ceremony reception in an open gallery area between the Mayor’s office and the City Manager’s office. To set up the food station, they had to enter the City Manager’s office to retrieve plates and silverware. As well, [redacted] offered to let the volunteers store their personal belongings in her office. [redacted] escorted volunteers when they entered the City Manager’s office for either purpose.

Two or three times, Ms. DiGiovanni repeated questions such as, “Who is checking these people in?” and “What are they doing here?” She did not seem to be asking anyone in particular. Rather, she repeated herself loudly as she walked around the gallery. As well, one of the volunteers—[redacted] or [redacted]—told [redacted] that Ms. DiGiovanni “barked at her” when they went downstairs to get supplies.

Ms. DiGiovanni walked into the gallery and told [redacted] that the volunteers should wear masks. Most of the volunteers wore masks, but some did not. [redacted] felt uncomfortable telling them to do so because the City did not require masks at the time. However, [redacted] strongly encouraged everyone to wear masks. Ms. DiGiovanni then asked if people signed a COVID-19 contact tracing form. [redacted] assured her that City staff had everyone’s information because the Commission and [redacted] invited the guests and volunteers, and they checked in on a list when they arrived.

Ms. DiGiovanni potentially treated volunteers rudely because [redacted] did not tell Ms. DiGiovanni that volunteers would enter the City Manager’s office and she potentially worried that nobody authorized their presence. However, [redacted] thought that she should not have had to tell Ms. DiGiovanni the names of the volunteers in advance.
Additionally, [redacted] saw Ms. DiGiovanni chastise [redacted] shortly before the ceremony started. When Ms. Boston entered the City Council chambers for the ceremony, she heard [redacted] say, “It’s okay [Ms. DiGiovanni], you can sit there.” Ms. DiGiovanni looked agitated and walked quickly out of the room. [redacted] did not talk to [redacted] about what happened, but she thought Ms. DiGiovanni was upset that event organizers reserved seating for Mr. Koy’s staff but not Ms. DiGiovanni.

Ms. DiGiovanni’s conduct seemed to indicate that she thought that [redacted] did not manage the event well. This frustrated [redacted] because [redacted] worked as a private event planner and disliked feeling as though Ms. DiGiovanni did not trust her. Additionally, [redacted] worried that members of the public or the press would hear Ms. DiGiovanni complaining, which would create a negative public impression of the event.

After the reception, Ms. DiGiovanni told [redacted] that the event went well and thanked her for organizing it, but Ms. DiGiovanni’s praise seemed insincere and patronizing because she complained so much during the event.

2. [redacted] Account

On July 22, 2022, Ms. DiGiovanni complained about [redacted] and City staff when Mr. Koy took photos with ceremony attendees. When Ms. DiGiovanni approached Mr. Koy for a photo, Mr. Koy’s staff said that Mr. Koy had to leave and could not take any more photos. Before the event, [redacted] told [redacted] that Mr. Koy and his staff did not want to have contact with Ms. DiGiovanni, so [redacted] thought that Ms. DiGiovanni’s presence was part of why they wanted to leave suddenly. Thus, [redacted] escorted Mr. Koy out of the room. After he did so, Ms. DiGiovanni said in a raised voice that [redacted] and City staff had a bias against her because they let other councilmembers take photos with Mr. Koy but did not let her.

[redacted] also heard that Ms. DiGiovanni had a negative verbal interaction with another woman, but he was not involved in the incident and did not know the details. He did not recall from whom he heard this.

3. [redacted] Account

Ms. DiGiovanni often conflicted with others at events. For example, in June 2022, Ms. DiGiovanni was upset that [redacted] attended a Filipino flag-raising event. During the event, Ms. DiGiovanni grabbed [redacted] arm and pointed out [redacted], who she disliked. Ms. DiGiovanni seemed anxious and gestured with her hands when talking to [redacted].

Ms. DiGiovanni also disrupted a youth program at City Hall in summer 2022. [redacted] worked with the County to host a youth program at City Hall. In late July 2022, [redacted] asked [redacted] if the City could
provide security at their final event. When [REDACTED] asked why, [REDACTED] said that they had an incident with a councilmember, [REDACTED] asked [REDACTED] if she knew about the incident, and [REDACTED] told him that Ms. DiGiovanni yelled and swore at the youth. [REDACTED] and [REDACTED] thought that Ms. DiGiovanni was unhappy that the City hosted the program because [REDACTED] Jefferson Elementary School District Governing School Board President, organized the event, and Ms. DiGiovanni considered him a political rival.

On July 22, 2022, when [REDACTED], [REDACTED] and about ten volunteers set up for post-ceremony reception, Ms. DiGiovanni walked in and yelled, “Who did you give the door code [to the City Manager’s office] to?” She also said that people could steal items from the office. [REDACTED] and [REDACTED] both told Ms. DiGiovanni that they did not give out the door code and they escorted people into [REDACTED] office to store their belongings. Ms. DiGiovanni said that she was going to store her purse at a different desk in the office so the volunteers could not steal it. [REDACTED] thought that Ms. DiGiovanni was concerned about the volunteers because she did not know them and they looked young. [REDACTED], however, thought that the volunteers would not steal anything.

Ms. DiGiovanni then started talking about the City Manager’s office’s contact tracing sign-in sheet and asking if people signed in. [REDACTED] said that everyone signed in when they arrived. Ms. DiGiovanni seemed dissatisfied and asked volunteers at least ten times if they signed in. And, Ms. DiGiovanni some volunteers multiple times.

After the ceremony, [REDACTED] later told [REDACTED] that Mr. Koy’s team left early. [REDACTED] did not know if this involved Ms. DiGiovanni, but he knew that Ms. DiGiovanni made Mr. Koy’s staff uncomfortable at the July 21, 2022 movie screening. After the ceremony, Ms. DiGiovanni visited the City Manager’s office upset. [REDACTED] overheard her tell a police officer on the phone about an incident with [REDACTED]. [REDACTED] understood from what he heard that the two had a confrontation after the ceremony and Ms. DiGiovanni asked a police officer to remove [REDACTED].

4. [REDACTED] Account

On July 22, 2022 at the Jo Koy event, [REDACTED] had a negative interaction with Ms. DiGiovanni when [REDACTED] and volunteers prepared the gallery for a post-ceremony reception. Specifically, [REDACTED] offered to let the volunteers store their belongings in [REDACTED]’ office in the City Manager’s office when they set up. As [REDACTED] escorted a volunteer to her office, Ms. DiGiovanni stopped her and asked to whom [REDACTED] gave the City Manager’s office door access code. [REDACTED] said that she did not give anyone the access code, but [REDACTED] allowed volunteers to store their belongings in her office. When Ms. DiGiovanni walked away, [REDACTED] heard Ms. DiGiovanni tell [REDACTED] that she had to know who [REDACTED] allowed
in the City Manager’s office because she worried someone might steal her belongings. Ms. DiGiovanni also heard Ms. DiGiovanni ask four or five volunteers if they signed in.

Later that morning, met with one of Mr. Koy’s assistants, whose name she did not recall, told him that Mr. Buenaventura had planned to introduce Mr. Koy. However, Mr. Buenaventura did not attend, so a different councilmember would do it. The assistant asked which councilmember would do it, because one acted aggressively toward Mr. Koy’s staff at the previous day’s movie screening. When said that Ms. Manalo would introduce Mr. Koy, the assistant said that Ms. Manalo was not the councilmember who was aggressive. Of the five councilmembers, only Mr. Buenaventura, Ms. DiGiovanni and Ms. Manalo attended the movie screening. Thus, presumed that he referred to Ms. DiGiovanni as the aggressive councilmember.

5. Account

worked for the City from 2015 to November 2022. He reported to Ms. DiGiovanni spoke to several days a week about City operations. Ms. DiGiovanni sometimes raised her voice at, but declined to state how often.

Ms. DiGiovanni sometimes criticized City employees at events. For example, in June or July 2022, Ms. DiGiovanni raised her voice at a Ukrainian flag-raising event. Ms. DiGiovanni indicated that and the other event organizers did not follow proper flag-raising procedures.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni treated staff and volunteers rudely at the Jo Koy event. Specifically, this investigation reviewed concerns that: (1) when and event volunteers prepared for a post-ceremony reception, Ms. DiGiovanni treated them rudely by questioning them and making negative comments; and (2) after the ceremony, Ms. DiGiovanni made a rude comment to The evidence supported that she did.

First, this finding was supported by the evidence that Ms. DiGiovanni questioned the event organizers’—i.e., , and volunteers’ actions during the event. For example, stated that when she and volunteers prepared for the post-ceremony reception, Ms. DiGiovanni asked who checked in the volunteers. Similarly, and stated that Ms. DiGiovanni asked if the volunteers signed in, asked who gave them the City Manager’s office door code, and repeatedly expressed concern about volunteers.
stealing her belongings. These questions indicated that Ms. DiGiovanni mistrusted the organizers to properly manage the event and plausibly distracted the organizers and volunteers when they worked.

This investigation considered that Ms. DiGiovanni potentially had a genuine concern that a volunteer she did not know would take her belongings. However, even so, Ms. DiGiovanni could have quietly spoken to [redacted] or [redacted] rather than repeating herself in front of the volunteers. Indeed, a volunteer hearing such a statement would understandably take offense to the suggestion that a councilmember thought that they would steal from her when volunteering their time at a City event. In turn, this supported that Ms. DiGiovanni treated volunteers rudely.

Moreover, all three witnesses indicated that Ms. DiGiovanni loudly repeated these concerns multiple times after they said that the volunteers signed in and did not enter the City Manager’s office without an escort. This indicated that Ms. DiGiovanni mistrusted the organizers’ ability to properly supervise the volunteers.

This finding was also supported by the evidence that Ms. DiGiovanni made a negative comment to [redacted]. Specifically, [redacted] stated that after he escorted Mr. Koy out of City Hall, Ms. DiGiovanni told him that he and City staff had a bias against her. In turn, this further supported that Ms. DiGiovanni made negative comments at the Jo Koy event.

Finally, this finding was also supported by a review of the credibility of the witness accounts. As discussed in Issue Three, above, this investigation found [redacted] account credible. This investigation also found [redacted] and [redacted] accounts credible. As an initial matter, this investigation considered that the witnesses had a potential motive to provide a false account. Specifically, they all gave examples of Ms. DiGiovanni’s conduct that they disliked, which may have motivated them to exaggerate their accounts out of frustration. However, this investigation received no compelling information reflecting that the witnesses provided false or exaggerated information. Rather, they were forthcoming and cooperative in their interviews. The witnesses also described events with specificity, which reflected that the events occurred as described. Additionally, the evidence corroborated the witness accounts, which further supported their credibility.

For these reasons, this investigation found that Ms. DiGiovanni treated staff and volunteers rudely at the Jo Koy event.
XVII. ISSUE THIRTEEN: DID MS. DIGIOVANNI RAISE HER VOICE AT [REDacted] AT THE JO KOY EVENT?

A. Complaint

[REDacted] complained that Ms. DiGiovanni angrily raised her voice at her at the July 22, 2022 Jo Koy event. (Attachment A.) That day, [REDacted] helped prepare for the event by arranging seats for dignitaries and Mr. Koy's guests. Before the ceremony started, Ms. Manalo asked [REDacted] where to sit. [REDacted] suggested that she sit in the second row so that Mr. Koy’s family and staff could sit in the front row. Ms. Manalo agreed and sat in the second row. [REDacted], sat in the same row. When Ms. DiGiovanni arrived, she told [REDacted] that [REDacted] could not sit in the same row as elected officials and that elected officials should sit in the front row. Ms. DiGiovanni seemed upset, and [REDacted] wanted Ms. DiGiovanni to calm down before more people arrived for the ceremony, so she told Ms. DiGiovanni that she could sit in the front. Ms. DiGiovanni repeated in a loud, angry voice that elected officials should sit in the front, then quickly walked away.

B. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that on July 22, 2022, Ms. DiGiovanni raised her voice at [REDacted] the Jo Koy event, as [REDacted] complained.

First, this finding was supported by a witness account corroborating [REDacted] complaint that Ms. DiGiovanni angrily raised her voice at [REDacted] about the ceremony’s seating arrangement. Specifically, [REDacted] stated that when she entered the City Council chambers for the ceremony, she heard [REDacted] say, “It’s okay [Ms. DiGiovanni], you can sit there,” and that Ms. DiGiovanni looked agitated and quickly left the room. This provided some corroboration for [REDacted] account that Ms. DiGiovanni raised her voice at [REDacted].

Additionally, this finding was supported by the evidence that Ms. DiGiovanni raised her voice angrily on other occasions, which supported that she also plausibly did so here. For example, as discussed in Issue Ten, above, she did so on June 3, 2022 at a City vigil. Similarly, as discussed in Issues Eleven and Twelve, above, Ms. DiGiovanni raised her voice at others about the planning and details of the July 22, 2022 Jo Koy event. In turn, this further supported that she raised her voice at [REDacted] about the seating arrangement at the event.

Finally, as discussed in Issue Four, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni raised her voice at [REDacted] at the Jo Koy event.
XVIII. ISSUE FOURTEEN: DID MS. DIGIOVANNI IMPROPERLY ASK POLICE OFFICERS TO REMOVE [REDACTED] FROM THE JO KOY EVENT BECAUSE SHE DISLIKED [REDACTED]?

A. Complaint

[REDACTED] complained that Ms. DiGiovanni improperly asked police officers to remove her from the July 22, 2022 Jo Koy event. (Attachment B.)

1. September 19, 2021

From March or April 2020 to September 2021, [REDACTED] supported Ms. DiGiovanni as a councilmember because she responded to [REDACTED] requests to support healthcare workers during the COVID-19 pandemic. However, on September 19, 2021, Ms. DiGiovanni's unprofessional conduct changed [REDACTED] opinion of Ms. DiGiovanni. That day, Ms. DiGiovanni asked [REDACTED] to meet her and three community members at the Serramonte Center food court. At the meeting, Ms. DiGiovanni said that another councilmember made a derogatory comment to her, and she planned to file a complaint against the other councilmembers for improper conduct involving real estate companies and [REDACTED].

The community members said that Ms. DiGiovanni should file the complaint because they could not believe Ms. DiGiovanni's concerns until the City investigated them. Two attendees left, which frustrated Ms. DiGiovanni. Ms. DiGiovanni then spoke about Filipino people, asking why Filipinos supported other Filipinos who engaged in illegal activities. Ms. DiGiovanni also said that Filipino people should not be on the City Council because they mistreated her. And, Ms. DiGiovanni said that the councilmembers did not represent the City's diverse population.

[REDACTED] told Ms. DiGiovanni that she should be careful about generalizing an entire group of people based on her concerns about a few. Ms. DiGiovanni responded that she did not understand politics and the union did not want Filipino councilmembers. [REDACTED] and Ms. DiGiovanni spoke with raised voices, and [REDACTED] wanted to end the conversation before someone recognized them or potentially recorded their interactions. Ms. DiGiovanni tried to stop [REDACTED] from leaving by saying, “I am not done talking to you yet.” On September 25, 2021, [REDACTED] emailed the City Council about the incident. (Attachment O.)

Thereafter, [REDACTED] no longer socialized with Ms. DiGiovanni. And, in 2022, when [REDACTED] ran for City Council, Ms. DiGiovanni started mistreating her by telling people false information. For example, in summer 2022, at a Philippines flag-raising ceremony, [REDACTED] heard Ms. DiGiovanni falsely tell a Philippines ambassador that [REDACTED] had a criminal background and lied about working in healthcare. Ms. DiGiovanni told the ambassador that she should not take a photo with [REDACTED] for those reasons.
As well, at a healthcare worker protest in summer 2022, Ms. DiGiovanni told [redacted] that she attended the event to politicize it and that Ms. DiGiovanni would have her removed. [redacted] did not leave but tried to avoid Ms. DiGiovanni. And, from about 2022 to 2023, [redacted] overheard Ms. DiGiovanni tell volunteers and attendees at events that [redacted] tried to hit her. This concerned [redacted] because if someone believed Ms. DiGiovanni, it would diminish [redacted] reputation.

2. July 22, 2022

On July 22, 2022, Ms. DiGiovanni mistreated [redacted] at the City’s ceremony honoring Jo Koy. City officials invited [redacted] to the event. [redacted] checked in at City Hall, where a volunteer confirmed her name on the guest list and gave her a wristband to signify that she had permission to attend.

While inside City Hall, [redacted] went to the City Clerk’s office to request a future appointment. Before entering, she stopped and watched Mr. Koy take photos and sign autographs nearby. She then saw Ms. DiGiovanni approach police officers, whisper something quietly to them, then point at [redacted]. [redacted] presumed that Ms. DiGiovanni told them something untrue about her, but she ignored it.

However, moments later, an officer approached [redacted] and said, “Ma’am, you can’t be here.” [redacted] walked by at the same time and told the police officer, “[redacted] can stay because she is a candidate and is currently doing business with us.” [redacted] showed the officer her wristband, and he allowed her to stay. [redacted] walked into the City Clerk’s office, and [redacted] felt pressure on her back. [redacted] then said that Ms. DiGiovanni pushed [redacted] as she walked away.

Later, another police officer told [redacted] that Ms. DiGiovanni wanted [redacted] removed because she ran for City Council against Ms. DiGiovanni, but [redacted] did not know the officer’s name. [redacted] considered such conduct misuse of Ms. DiGiovanni’s authority as a councilmember.

B. Other Witness Accounts and Evidence

1. [redacted] Account

On July 22, 2022, [redacted] went to the City Clerk’s office to file campaign paperwork. Before [redacted] entered the office, [redacted] saw Ms. DiGiovanni speaking to two police officers. One of the police officers then approached [redacted] and said that she could not be at City Hall. In response, [redacted] told the officers that [redacted] went to City Hall to conduct business and had a right to be there. The officers allowed her to stay and walked away.
When [redacted] walked into the office, Ms. DiGiovanni nudged [redacted] with her shoulder to push her into the City Clerk’s office. [redacted] asked Ms. DiGiovanni why she pushed [redacted], but Ms. DiGiovanni turned around and left without responding.

2. Account

[redacted] heard about three negative interactions between [redacted] and Ms. DiGiovanni. First, on July 22, 2022, [redacted] said that Ms. DiGiovanni told a police officer that [redacted] should not be at the private event at City Hall.

[redacted] did not know if the officer filed a police report for the incident.⁵

Second, in August 2022, [redacted], Detective, told [redacted] that Ms. DiGiovanni complained about [redacted] at an August 16, 2022 City Hall event. [redacted] said that [redacted] and Ms. DiGiovanni disagreed about who should appear in an event photo. Ms. DiGiovanni told [redacted] that [redacted] stepped close to Ms. DiGiovanni and raised her hands. Ms. DiGiovanni said that she feared for her safety. [redacted] said that he observed the interaction but did not see any criminal conduct. As well, police officers investigated the incident and determined that no criminal conduct occurred.⁶

Third, in February 2023, Ms. DiGiovanni told [redacted] that on February 3, 2023, [redacted] bothered Ms. DiGiovanni and her friend [redacted] at a senior center event. Ms. DiGiovanni said that [redacted] noticed [redacted]—who sat at a nearby table—and said that she found her skin tone beautiful. Shortly after, [redacted] tapped [redacted] shoulder and said hello, then told [redacted] that if she had something to say about [redacted], she should say it directly to her.⁷ Ms. DiGiovanni told [redacted] that [redacted] found [redacted] demeanor confrontational.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that on July 22, 2022, Ms. DiGiovanni improperly asked police officers to remove [redacted] from the Jo Koy event because she disliked [redacted] as [redacted] complained. The evidence supported her account.

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⁵ This investigator requested that the City provide a police report for the incident if one existed.
As of the date of this Report, the City did not provide one.

⁶ This police report is maintained in the investigation file in the ordinary course of business.

⁷ This police report is maintained in the investigation file in the ordinary course of business.
First, this finding was supported by multiple witness accounts corroborating that on July 22, 2022, Ms. DiGiovanni asked police officers to remove [redacted] from the Jo Koy event. Specifically:

- [redacted] stated that she saw Ms. DiGiovanni approach police officers and point to [redacted] before they approached her.

- [redacted] stated that she saw Ms. DiGiovanni approach [redacted] with police officers, who then told [redacted] that she could not be at City Hall.

- [redacted] stated that [redacted] told him that Ms. DiGiovanni asked a police officer to remove Ms. DiGiovanni from the Jo Koy event.

Thus, the evidence supported that Ms. DiGiovanni asked police officers to remove [redacted] from the Jo Koy event.

Additionally, this finding was supported by the evidence that [redacted] did not engage in any misconduct to warrant her removal from the event. Specifically, [redacted] stated that she had a wristband for the event, and Ms. DiGiovanni and police officers approached her when she stood outside the City Clerk’s office. And, [redacted] corroborated her account. Accordingly, [redacted] conduct did not support removing her from the event. In turn, this reflected that Ms. DiGiovanni had no compelling reason for asking to have [redacted] removed.

This finding was also supported by the evidence that Ms. DiGiovanni disliked [redacted]. Specifically, [redacted] stated that Ms. DiGiovanni openly disliked her: (1) after she and Ms. DiGiovanni disagreed about an issue on September 19, 2021; and (2) because [redacted] ran for office against Ms. DiGiovanni. For example, [redacted] stated that:

- In summer 2022, Ms. DiGiovanni told [redacted] that she would have her removed from a protest and told others not to stand with her.

- In summer 2022, Ms. DiGiovanni falsely told a Philippines ambassador that [redacted] had a criminal record and lied about working in healthcare.

- From 2022 to 2023, [redacted] overheard Ms. DiGiovanni tell people at events that [redacted] tried to hit her.

As well, multiple witnesses corroborated that Ms. DiGiovanni disliked [redacted]. For example:

- [redacted] stated that in summer 2022, at a Philippines flag-raising event, Ms. DiGiovanni told him, “That’s the lady who tried to hit me” (discussed further in Issue Seven, above).
stated that in spring or summer 2022, Ms. DiGiovanni told her that should not be in the City Manager’s office. presumed that Ms. DiGiovanni disliked because she considered her a political rival (discussed further in Issue Eleven, above).

stated that on February 17, 2023, Ms. DiGiovanni said that should not be at a Walkabout event at the Serramonte Center (discussed further in Issue Twenty, below).

Though not dispositive, that Ms. DiGiovanni disliked and discussed wanting her removed from other events further supported that she also tried to have her removed from the Jo Koy event because she disliked her.

This investigation considered that Ms. DiGiovanni potentially thought that had no invitation to the event and, therefore, thought that could not be there. However, this was not compelling for two reasons. First, Ms. DiGiovanni did not plausibly know every name on the guest list for the event. Thus, she had no basis for thinking that did not have permission to attend. Second, Ms. DiGiovanni could have easily determined if had permission by checking to see if she wore a wristband. In turn, this further supported that Ms. DiGiovanni asked officers to remove because she disliked.

As well, this finding was supported by the evidence that police officers did not make leave. Indeed, stated, and corroborated, that after said that she had permission to be there, the officers walked away. However, if Ms. DiGiovanni had an appropriate basis for asking police officers to remove , the officers plausibly would have investigated further. In turn, this further supported that Ms. DiGiovanni asked police officers to remove because she disliked.

Finally, as discussed in Issues One and Three, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni improperly asked police officers to remove from the Jo Koy event because she disliked.

XIX. ISSUE FIFTEEN: DID MS. DIGIOVANNAI REPORT CONDUCT TO POLICE OFFICERS AFTER A TOWN HALL MEETING BECAUSE SHE DISLIKED?

A. Complaint

complained that on August 16, 2022, after a town hall meeting about Seaton Medical Center (Seaton), Ms. DiGiovanni told police officers that was causing trouble because Ms. DiGiovanni disliked (Attachment B.) As background, at
the meeting, many attendees expressed strong opinions about the topic. Ms. DiGiovanni said that nurses who worked at Seaton could not take bathroom breaks and that Seaton turned away uninsured patients. This angered many attendees because it was untrue. One of her friends said that she wanted to respond to Ms. DiGiovanni, but another said that they should wait until after the meeting to tell Ms. DiGiovanni they disagreed with her.

After the meeting, a woman offered to take group photos of attendees. While she did so, she heard Ms. DiGiovanni tell one of the people in the group photo, "Ms. DiGiovanni's friend, "Don't talk to her. It's her!" In response, another attendee asked Ms. DiGiovanni to stop talking about her. Ms. DiGiovanni replied that she did not talk about her. Another attendee, then asked Ms. DiGiovanni why she pulled her arm to pull her away from another. And, asked Ms. DiGiovanni to stop pulling her arm.

After, asked Ms. DiGiovanni to stop pulling her arm, Ms. DiGiovanni pointed to and yelled, "Daly City Police, Daly City Police, she is causing trouble!" replied by asking, "Police again?" At that point, two police officers asked to step away from Ms. DiGiovanni and other attendees to talk to them. The police officers asked if she planned to leave the event. said that she did and that she only tried to ensure that Ms. DiGiovanni did not harm anyone.

B. Daly City Police Report

documented an August 16, 2022 interaction between and Ms. DiGiovanni in a police report. indicated in the report that Ms. DiGiovanni stated that when she took photos after the town hall meeting, approached her, stood about two feet from her and raised her hands. Ms. DiGiovanni stated that she felt threatened and that another citizen stood between them. Then, left the area.

Additionally, wrote in the report that after walked away, he and heard Ms. DiGiovanni yell, "PD, PD, PD." And, yelled statements about Ms. DiGiovanni as walked to the elevator. and then asked everyone in the area to leave, which they did.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni did not report conduct to police officers on August 16, 2022 solely because she disliked someone, as complained. Rather, the evidence reflected that, though Ms. DiGiovanni disliked someone (discussed further in Issue

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Fourteen, above), she had alternative reasons for reporting conduct to police officers.

First, this finding was supported by the evidence that on August 16, 2022, after the town hall meeting, had a confrontation with Ms. DiGiovanni. Indeed, by own account, she told Ms. DiGiovanni not to talk about her and told Ms. DiGiovanni to stop pulling arm. And, the police report indicated that heard yelling statements about Ms. DiGiovanni. This reflected that and Ms. DiGiovanni had a confrontation. In this context, Ms. DiGiovanni plausibly determined that asking police officers to intervene presented a prudent option. In turn, this negated that Ms. DiGiovanni reported to police officers solely because she disliked her.

This investigation considered the evidence that did not engage in criminal conduct during the confrontation. denied doing so, and account and the police report corroborated this. Nonetheless, Ms. DiGiovanni's contacting police officers plausibly helped de-escalate the situation before either party engaged in more concerning conduct. This was particularly so in this case where, as stated, many attendees felt angry and passionate about the town hall meeting topics. In turn, this further supported that asking police officers to intervene before the confrontation escalated represented prudent action.

This investigation also considered account that Ms. DiGiovanni instigated the interaction by talking about and pulling away. However, could have ignored Ms. DiGiovanni or alerted police officers herself if she found Ms. DiGiovanni's conduct improper. Accordingly, that Ms. DiGiovanni potentially instigated the confrontation was not enough to support that Ms. DiGiovanni improperly reported conduct to police officers.

For these reasons, this investigation found that Ms. DiGiovanni did not report conduct to police officers because she disliked

XX. ISSUE SIXTEEN: DID MS. DIGIOVANNI OVERLY INVOLVE HERSELF IN CITY EMPLOYEES' WORK AT PUBLIC EVENTS?

A. Concern

stated that Ms. DiGiovanni overly involved herself in City employees' work during public events. Specifically, in February or March 2023, told that on February 17, 2023, Ms. DiGiovanni followed Recreation Department staff when they worked at an event. presumed that Ms. DiGiovanni similarly involved herself at other events.
B. Other Witness Accounts and Evidence

1. Account

On February 17, 2023, Ms. DiGiovanni attended the City’s Black History Month celebration. Ms. DiGiovanni arrived about thirty minutes before the event started and talked to the event organizer. During the next hour, Ms. DiGiovanni walked with [redacted] while [redacted] worked and repeatedly engaged her in conversation. [redacted] seemed comfortable with the interaction, so [redacted] did not intervene.

Staff at City community centers told [redacted] that Ms. DiGiovanni also went to community centers during senior activities and classes. [redacted] expected councilmembers to attend special events and ceremonies but not routine activities such as these. [redacted] did not know how often this occurred, but she recalled that [redacted] called to tell [redacted] that Ms. DiGiovanni was at the community center. [redacted] did not recall the details, but she thought that Ms. DiGiovanni went to Lincoln Park Community Center that day to show someone from San Mateo County the center’s lunch program.

[redacted] staff members never told her that Ms. DiGiovanni disrupted their work. Though, [redacted] thought that councilmembers’ presence potentially made them nervous because they wanted to acknowledge councilmembers while also running their programs.

2. Account

Ms. DiGiovanni attended most of the Recreation Department’s community events. Ms. DiGiovanni arrived early to events and always wanted to help by asking employees questions and suggesting improvements. Ms. DiGiovanni did so politely. However, she had a loud voice and a strong presence, so she sometimes sounded forceful. Ms. DiGiovanni also talked to people and asked questions about events when people appeared busy, making their work more difficult. [redacted] felt comfortable asking Ms. DiGiovanni to wait to talk to her until she completed urgent tasks, but [redacted] presumed that some City employees found it more difficult to do so.

On February 17, 2023, Ms. DiGiovanni attended the Recreation Department’s Black History Month celebration. Ms. DiGiovanni arrived about an hour before the event started. While there, she walked with [redacted] as [redacted] set up. Ms. DiGiovanni also commented on the setup, noting that a display’s fabric should be straighter.

Ms. DiGiovanni also asked questions about the event’s expected attendance. For example, she asked [redacted] how many people registered. Ms. DiGiovanni also asked if [redacted] contacted specific community members. [redacted] thought
that Ms. DiGiovanni asked about the attendees because she wanted the event to be well-attended and successful.

Ms. DiGiovanni also spoke to two Recreation Department employees who arrived early to help set up the event's refreshments, though [redacted] did not recall their names. When they waited for the food to arrive, Ms. DiGiovanni asked them why they did not help [redacted] set up. [redacted] told Ms. DiGiovanni that they would set up the refreshments when they arrived. [redacted] then advised Ms. DiGiovanni that, while she appreciated Ms. DiGiovanni's help, she preferred that Ms. DiGiovanni enjoy the event as a participant. [redacted] suggested that Ms. DiGiovanni relax and wait for the event to start. After [redacted] told Ms. DiGiovanni twice that she did not need Ms. DiGiovanni's assistance, Ms. DiGiovanni started talking to other people as they arrived.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that from 2019 to 2023, Ms. DiGiovanni overly involved herself in City employees' work during public events, as [redacted] stated. The evidence supported [redacted] account.

First, this finding was supported by the evidence that multiple witnesses stated that Ms. DiGiovanni commented on employees' work at City events. For example:

- [redacted] and [redacted] stated that on February 17, 2023, Ms. DiGiovanni walked with [redacted] while she set up a Black History Month event. And, [redacted] stated that Ms. DiGiovanni: (1) asked questions about the guest list; (2) suggested straightening displays; and (3) asked other employees why they did not help set up.

- [redacted] stated that in 2019, Ms. DiGiovanni critiqued her City e-waste drop-off event by complaining to her and attendees about the traffic. (discussed further in Issue Eleven, above).

- [redacted] stated that in summer 2022, Ms. DiGiovanni critiqued the way he performed a flag-raising ceremony (discussed further in Issue Twelve, above).

- [redacted] and [redacted] stated that Ms. DiGiovanni critiqued the way they supervised volunteers at the July 22, 2022 Jo Koy event (discussed further in Issue Twelve, above).

Thus, the evidence reflected that Ms. DiGiovanni involved herself in the details of City events. However, City employees had supervisors to assign and monitor their work and who knew more about the events than Ms. DiGiovanni. Thus, Ms. DiGiovanni's involvement potentially duplicated or contradicted supervisors' directives. Accordingly, this supported that Ms. DiGiovanni overly involved herself in City events.
Additionally, this finding was supported by the evidence that Ms. DiGiovanni’s involvement made City employees uncomfortable. For example:

- stated that employees felt nervous about properly responding to councilmembers when working.

- stated that she presumed some staff members found it difficult to ask Ms. DiGiovanni not to ask questions when they worked on something urgent.

- indicated that she disliked Ms. DiGiovanni critiquing her work around community members at events (discussed further in Issue Eleven, above).

Indeed, given that Ms. DiGiovanni had a councilmember position, City employees understandably felt uncomfortable dismissing Ms. DiGiovanni’s feedback about their work, even if they found it unhelpful or contradictory.

Finally, this finding was also supported by a review of the credibility of the witness accounts. First, as discussed in Issues Three and Twelve, above, this investigation found accounts credible. Additionally, this investigation found and accounts credible. As an initial matter, this investigation considered that and had a potential motive to provide a false account. Specifically, they potentially knew that had concerns about Ms. DiGiovanni and felt pressure to support his complaints about Ms. DiGiovanni because he had employment authority over them.

However, this investigation received no compelling information reflecting that or provided false information. Rather, they were forthcoming and cooperative in their interviews. They also described events with specificity, which reflected that the events occurred as they described. Moreover, they also noted positive aspects of Ms. DiGiovanni’s conduct. For example, stated that Ms. DiGiovanni wanted the Black History Month event to be successful. In turn, that they also spoke positively about Ms. DiGiovanni further supported the credibility of their accounts.

For these reasons, this investigation found that Ms. DiGiovanni overly involved herself in City employees’ work during public events.

XXI. ISSUE SEVENTEEN: DID MS. DIGIOVANNI TAKE A RECOGNITION CERTIFICATE FROM THE CITY MANAGER’S OFFICE?

A. Concern

stated that Ms. DiGiovanni took Ms. Manalo’s recognition certificate from the City Manager’s office. Specifically, in late January 2023, at Ms. Manalo’s request, prepared a recognition certificate honoring.
left the certificate on a table near the City Manager’s office entrance. saw the certificate on the table during the day on January 30, 2023.

On January 30, 2023, Ms. DiGiovanni went to the City Manager’s office to attend the closed session board meeting via videoconference from a City Hall conference room. Before the closed session, Ms. DiGiovanni walked from the conference room to the City Manager’s office, then back to the conference room. then walked by the table and did not see the certificate on the table. asked if he knew what happened to the certificate, and did not. said that he saw Ms. DiGiovanni in the conference room, but she did not have the certificate. However, she had a large bag in which she could have put the certificate.

The next day or a few days later, asked to ask Ms. DiGiovanni if she took the certificate. text messaged Ms. DiGiovanni, who immediately called in response. And, heard Ms. DiGiovanni raise her voice at when they spoke on the phone. Ms. DiGiovanni asked in a hostile tone if he accused her of stealing and told to make another certificate. The same day, asked to review the security camera footage. observed Ms. DiGiovanni walk to the City Manager’s office with nothing in her hand, then leave with a blue square in her hand. put certificates in a blue folder, so concluded that Ms. DiGiovanni had the certificate. Ms. DiGiovanni potentially took the certificate in retribution for complaining about Ms. DiGiovanni at a City Council meeting.

B. Other Witness Accounts and Evidence

1. City Hall Surveillance Video

City Hall video footage from January 30, 2023 reflected two views of the City Manager’s office. One camera sat above the entrance to the City Manager’s office and captured the hallway to the conference room. The other sat above the entrance to the City Attorney’s office across the rotunda from the City Manager’s office. It captured the conference room, hallway and entrance to the City Manager’s office. The video footage from the cameras reflected the following:

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This video is maintained in the investigation file in the ordinary course of business.

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• At 5:02:30 p.m., Ms. DiGiovanni entered the second-floor hallway wearing a long coat and carrying a reusable shopping bag. She started walking toward the City Manager’s office but turned around and entered the conference room.

• At 5:03:20 p.m., Ms. DiGiovanni walked from the conference room to the City Manager’s office. She did not have the bag and had what appeared to be a cell phone in her left hand. Her right hand appeared empty.

• At 5:06:30 p.m., walked from the conference room to the City Manager’s office. Ms. DiGiovanni left the City Manager’s office as walked in, then returned to the conference room. She had what appeared to be a cell phone in her left hand, which she held in front of her body like she was looking at the screen.

• At 5:07:00 p.m., Ms. DiGiovanni walked from the conference room to the City Manager’s office. Ms. DiGiovanni did not appear to have anything in her right hand. The video did not clearly show whether Ms. DiGiovanni had anything in her left hand because she walked with her left hand at her side away from the cameras.

• At 5:07:50 p.m., Ms. DiGiovanni walked from the City Manager’s office to the conference room. Ms. DiGiovanni appeared to have nothing in her left hand. Her right hand was by her side and away from the cameras. Thus, the video did not clearly show whether she had anything in her right hand.

• From 5:07:55 to 5:07:57, a portion of Ms. DiGiovanni’s right hand briefly became visible to the camera. She appeared to be holding a dark, rectangular item, such as a folder, in her hand.

2. ’s Account

In February 2023, asked to review City Hall camera footage because he thought that Ms. DiGiovanni potentially took a certificate from a table in the City Manager’s office that she should not have. said that he thought Ms. DiGiovanni took it because he saw it on January 30, 2023 during the day, but he did not see it after Ms. DiGiovanni visited the office later that day. and reviewed video footage from City Hall security cameras for that day.

The video supported concerns but did not clearly reflect that Ms. DiGiovanni took the certificate because the video did not show the table where said left the certificate. However, the video showed Ms. DiGiovanni entering and exiting the City Manager’s office two or three times. The last time she exited the City Manager’s office, she appeared to have a blue folder that she did not have when she entered the office. Additionally, Ms. DiGiovanni
appeared to look around when she exited the City Manager’s office, which, based on police training, supported that Ms. DiGiovanni took something that she knew she should not have.

3. _______ Account

In January 2023, Ms. Manalo asked _______ to prepare a recognition certificate for _______. Prepared the certificate on Thursday, January 26, 2023 and left it on the table at the front of the City Manager’s office normally placed certificates in manilla inter-office mail envelopes, but he did not recall if he did that day because he expected Ms. Manalo to collect it when she went to City Hall for the January 30, 2023 City Council meeting. Thus, he potentially left it in the blue certificate cover folder.

At that time, the City Council had closed sessions via videoconference before regular meetings, so most councilmembers attended from their homes or offices before coming to City Hall for the regular meeting. However, Ms. DiGiovanni attended the closed sessions using a computer in a conference room next to the City Manager’s office. Thus, on January 30, 2023, _______ set up a computer for Ms. DiGiovanni in the conference room. Before the meeting, Ms. DiGiovanni went to the City’s Manager’s office to take a snack from a snack cabinet. When Ms. DiGiovanni left, _______ asked _______ if Ms. Manalo collected the envelope. _______ did not know.

One or two days later, Ms. Manalo asked _______ if he prepared the certificate because she wanted to deliver it to _______. _______ then asked _______ if she moved the certificate and she said that she did not. _______ did not ask anybody else because nobody else went to the City Manager’s office that afternoon.

On February 8, 2023, _______ text messaged Ms. DiGiovanni to ask if she saw a recognition certificate at the City Manager’s office. (Attachment P.) _______ indicated in the text message that he could not find it and wanted to see if anyone had it before printing a new one. Ms. DiGiovanni called _______ and asked why he accused her of taking it. Ms. DiGiovanni seemed defensive and upset. _______ talked to Ms. DiGiovanni for four minutes to calm her and assure her that he did not mean to imply that she took the certificate.

________ thought that Ms. DiGiovanni potentially took the certificate because only Ms. DiGiovanni went to that area before the certificate went missing. And, she sometimes got agitated and acted rashly. In other words, she potentially took the certificate impulsively. Additionally, _______ presumed that if she took it, she did so because she disliked Ms. Manalo, who requested the certificate.
C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that on January 30, 2023, Ms. DiGiovanni took a recognition certificate from the City Manager’s office, as indicated. The evidence supported account.

First, this finding was supported by the evidence that Ms. DiGiovanni was present when the certificate went missing and nobody else took the certificate from the City Manager’s office. indicated that he did not move the certificate, and stated that he saw it on January 30, 2023 before Ms. DiGiovanni entered the office. also indicated that he did not move the certificate, and stated that on January 30, 2023, when Ms. DiGiovanni went to City Hall, nobody else entered the City Manager’s office except potentially. And, stated that said that she did not move the certificate. Moreover, the surveillance video indicated that Ms. DiGiovanni entered the City Manager’s office three times between 5:00 p.m. and 5:08 p.m. Thus, Ms. DiGiovanni was the only person who plausibly could have taken the certificate.

This finding was also supported by the evidence that Ms. DiGiovanni left the City Manager’s office holding a rectangular item. and stated that the surveillance video showed that Ms. DiGiovanni walked out of the City Manager’s office with an item consistent with the size and shape of a certificate. And, the surveillance video corroborated that Ms. DiGiovanni had a dark rectangular item. Thus, this supported that Ms. DiGiovanni potentially took something from the City Manager’s office. In turn, this further supported that she took the certificate.

Additionally, this finding was supported by Ms. DiGiovanni’s demeanor when she walked to and from the City Manager’s office. Specifically, stated that Ms. DiGiovanni looked around when she exited the City Manager’s office, which, based on his police training, supported that Ms. DiGiovanni took something that she knew she should not have. And, the surveillance video corroborated this. Specifically, when Ms. DiGiovanni walked to the conference room from the City Manager’s office, she kept the arm farthest from the camera close to her side. This supported that Ms. DiGiovanni did so to conceal an item—potentially the certificate—when she walked. Thus, though not dispositive, this further supported that Ms. DiGiovanni took the certificate.

This finding was also supported by the evidence that Ms. DiGiovanni had previous negative interactions with Ms. Manalo—who requested the certificate—and its intended recipient. Indeed, stated that she potentially took the certificate because she disliked Ms. Manalo, and stated that she potentially took it because complained about Ms. DiGiovanni at a City Council meeting. Thus, Ms. DiGiovanni had a potential motive to take the certificate. This was particularly compelling given the evidence that Ms. DiGiovanni had a practice of mistreating people with whom she disagreed. For example, as discussed in Issue Fourteen, above, Ms. DiGiovanni told people inaccurate negative information.
about [Redacted] and asked the police to remove [Redacted] from the July 22, 2022 Jo Koy event.

As well, this finding was supported by the evidence that Ms. DiGiovanni responded defensively to [Redacted] asking if she saw the certificate. [Redacted] and [Redacted] both stated that, on February 8, 2023, [Redacted] text messaged Ms. DiGiovanni to ask if she had seen the certificate, and she responded by calling [Redacted] and angrily asking why he accused her of stealing. (Attachment P.) Ms. DiGiovanni’s angry reaction was disproportionate to the question. Moreover, if Ms. DiGiovanni did not know about the certificate, she plausibly would have said no or asked for more details about when [Redacted] prepared the certificate. Thus, that she immediately inferred that [Redacted] thought she stole it supported that she knew about the certificate. In turn, this further supported that Ms. DiGiovanni took it.

This investigation considered that Ms. DiGiovanni potentially felt defensive because, as discussed throughout this Report, she thought that [Redacted], councilmembers and others had a bias against her and wanted her removed from office. Thus, Ms. DiGiovanni potentially concluded that they planned to falsely accuse her of taking the certificate for that reason. However, this did not negate the countervailing evidence that Ms. DiGiovanni took the certificate.

Finally, as discussed in Issue Three, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni took a recognition certificate from the City Manager’s office.

XXII. ISSUE EIGHTEEN: DID MS. DIGIOVANNI SPEAK UNPROFESSIONALLY TO [Redacted]?

A. Concern

[Redacted] raised a concern that on February 8, 2023, Ms. DiGiovanni spoke unprofessionally to [Redacted] when he asked her about a missing certificate (discussed further in Issue Seventeen, above).

B. Analysis and Finding

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni spoke unprofessionally to [Redacted] on February 8, 2023. Specifically, [Redacted] stated that Ms. DiGiovanni raised her voice at [Redacted] when he asked her if she saw a certificate at the City Manager’s office. The evidence supported [Redacted] account.
First, this finding was supported by the witness accounts that Ms. DiGiovanni spoke unprofessionally to [redacted] who stated that on February 8, 2023, he heard Ms. DiGiovanni raise her voice at [redacted] during a phone call. And, he stated that she asked [redacted] in a hostile tone if he accused her of stealing and told [redacted] to make another certificate. Similarly, [redacted] corroborated that when Ms. DiGiovanni called him in response to his text message, she was defensive and upset, and it took him four minutes to calm her and assure her that he did not mean to imply that she took the certificate. Thus, the evidence supported that Ms. DiGiovanni used an unprofessional tone and expressed anger toward [redacted] in response to a benign question.

As well, as discussed in Issues Ten to Thirteen, above, and Issue Twenty, below, this finding was supported by the evidence that Ms. DiGiovanni similarly spoke to others rudely when something upset her. Thus, though not dispositive, this further supported that she also did so to [redacted] on February 8, 2023.

Finally, as discussed in Issue Three, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni spoke unprofessionally to [redacted].

XXIII. ISSUE NINETEEN: DID MS. DIGIOVANNI DISREGARD [redacted] REQUEST NOT TO GREET HER WITH, “HEY, GIRL”?

A. Concern

This investigation reviewed a concern that in 2022 and 2023, Ms. DiGiovanni disregarded [redacted] request that Ms. DiGiovanni not greet her with, “Hey, girl.”

B. Account

At one or two events in 2022 and 2023, Ms. DiGiovanni approached [redacted] and said, “Hey girl, how are you?” Ms. DiGiovanni said it in a friendly manner, but [redacted] disliked it. Thus, she told Ms. DiGiovanni each time, “Please don’t call me girl.” On February 17, 2023, at the Black History Month Event, Ms. DiGiovanni again greeted [redacted] this way, and [redacted] asked her not to. After February 17, 2023, [redacted] saw Ms. DiGiovanni at two or three events, and Ms. DiGiovanni no longer greeted her that way, indicating that Ms. DiGiovanni took her request seriously.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni did not disregard [redacted] request that Ms. DiGiovanni not greet her with, “Hey, girl.”
First, this finding was supported by the evidence that Ms. DiGiovanni stopped greeting [redacted] with, "Hey, girl." Specifically, [redacted] stated that she saw Ms. DiGiovanni two or three times since February 17, 2023, and Ms. DiGiovanni did not greet her with, "Hey, girl." Moreover, [redacted] stated that she thought Ms. DiGiovanni took her request seriously. In turn, this negated that Ms. DiGiovanni disregarded [redacted] request.

This investigation considered the evidence that [redacted] asked Ms. DiGiovanni not to greet her with, "Hey, girl" two or three times before Ms. DiGiovanni stopped. Indeed, [redacted] stated that was the case, which could have indicated that Ms. DiGiovanni purposefully disregarded [redacted] request. However, as a councilmember, Ms. DiGiovanni plausibly encountered many people and potentially initially forgot [redacted] request. Moreover, [redacted] stated that Ms. DiGiovanni greeted City employees in a friendly and familiar manner, such as by giving high fives (discussed further in Issue Eight, above). Thus, this further supported that Ms. DiGiovanni potentially forgot [redacted] request or greeted her with "Hey, girl" inadvertently. In this context, that Ms. DiGiovanni stopped doing so after two or three requests supported that she did not intend to disregard [redacted] request.

For these reasons, this investigation found that Ms. DiGiovanni did not disregard [redacted] request that Ms. DiGiovanni not greet her with, "Hey, girl."

XXIV. ISSUE TWENTY: DID MS. DIGIOVANNI TREAT [redacted] UNPROFESSIONALLY?

A. [redacted] Concern

[redacted] stated that in late 2022 and early 2023, Ms. DiGiovanni treated him unprofessionally by speaking rudely to him.

1. Undermining Ms. DiGiovanni

As background, Ms. DiGiovanni seemed to like [redacted] when he first became the interim city manager in August 2022. However, after [redacted] asked Ms. DiGiovanni to follow the City vehicle use procedure, Ms. DiGiovanni disliked him and tried to undermine him (discussed further in Issue Three, above). For example, on January 23 and 26, 2023, Ms. DiGiovanni read [redacted] employment contract aloud at public meetings and highlighted [redacted] pay and benefits. And, on February 27, 2023, Ms. DiGiovanni scrutinized [redacted] non-controversial agenda items, such as his request to change a job title from "Administrative Secretary" to "Executive Administrative Assistant." These actions indicated to [redacted] that Ms. DiGiovanni disliked him.
2. Rude Comments

Ms. DiGiovanni also spoke rudely to [REDACTED] at least five times. First, in fall 2022, Ms. DiGiovanni threatened to sue [REDACTED] with a raised voice at least three times. Specifically, as discussed in Issue Three, above, Ms. DiGiovanni threatened to sue [REDACTED] in response to his September 28 and October 12, 2022 memoranda about City Hall access and vehicle check-out procedures. As well, on September 26, 2022, Ms. DiGiovanni and Ms. Manalo visited City Hall before the evening’s City Council meeting. Ms. Manalo said that Ms. DiGiovanni shut a door on her arm and back, which injured her. [REDACTED] heard a disturbance but did not see what happened, but he wanted to notify other councilmembers about the incident. Thus, [REDACTED] text messaged the councilmembers to notify them that an incident occurred at City Hall. [REDACTED] indicated in the text message that: (1) an incident occurred at City Hall; (2) someone complained about an alleged assault; (3) the police department and fire department responded; (4) one councilmember went to the emergency room; and (5) no employees sustained injuries.

Ms. DiGiovanni called [REDACTED] soon after to say that he had to say, “alleged incident” rather than “incident” and that she would sue him if he did not correct it. [REDACTED] told Ms. DiGiovanni that he heard a struggle and observed the aftermath. Thus, he could say that an incident occurred. He also said that he prefaced “assault” with “alleged.” Ms. DiGiovanni indicated that she did not know [REDACTED] was present during her interaction with Ms. Manalo.

3. February 16 and 17, 2023

And, on February 16 and 17, 2023, Ms. DiGiovanni spoke rudely to [REDACTED] at public events. On February 16, 2023, Ms. DiGiovanni greeted [REDACTED] at a local program called Healthy Aging Response Team’s (HART) reopening event. At the event, Ms. DiGiovanni said, “Hello” to [REDACTED]. In response, [REDACTED] said, “Hello,” without stopping to talk to Ms. DiGiovanni. Ms. DiGiovanni then said, “Thanks a lot.” She spoke loudly as [REDACTED] walked away, but he did not hear what she said. [REDACTED] surmised that he upset Ms. DiGiovanni because he did not stop to talk to her.

The next day, February 17, 2023, [REDACTED] attended a reopening celebration for a program called Walkabout at Serramonte Center. At the event, Ms. DiGiovanni approached Mr. [REDACTED] and seemed upset because she stood close to him, gestured emphatically when talking and tried to grab his arm. [REDACTED] tried avoiding Ms. DiGiovanni’s physical contact by stepping away to greet other attendees.

However, Ms. DiGiovanni stepped in front of him and put her finger or hand on his upper arm. Ms. DiGiovanni told [REDACTED] that [REDACTED] was also at the event. And, Ms. DiGiovanni said that [REDACTED] should protect Ms. DiGiovanni from [REDACTED] because [REDACTED] stalked her. Specifically, Ms. DiGiovanni asked

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thought that he should not call police officers because he had no indication that did anything to threaten Ms. DiGiovanni’s safety. And, also attended the event, so he could have addressed any safety concerns. Thus, told Ms. DiGiovanni, “This is a positive event. I was invited here, and nobody is going to hurt anybody.”

response angered Ms. DiGiovanni. In a raised voice, she told that he had a bias against her and said, “I am your boss. You have to protect me.” told Ms. DiGiovanni that he did not report to her as an individual council member at a community event. Ms. DiGiovanni also said, “Everyone saw what you did to me yesterday.” thought she meant that he did not stop to talk to her the day before at the HART event and implied that he mistreated her.

approached and stood between Ms. DiGiovanni and . Ms. DiGiovanni told that had a bias against her and said that could not do his job. When Ms. DiGiovanni walked away, said that he observed Ms. DiGiovanni following for about forty-five minutes as visited the event’s booths.

thought that Ms. DiGiovanni did not interact with during the event. However, during the ceremony, Ms. DiGiovanni, and others posed for a photo of Ms. Manalo cutting a large ribbon. Ms. DiGiovanni stood next to Ms. Manalo. Ms. Manalo appeared uncomfortable because she stepped away from Ms. DiGiovanni. However, Ms. DiGiovanni continued stepping closer to Ms. Manalo until Ms. Manalo stood at the ribbon’s edge rather than the center where she started.

B. Other Witness Accounts and Evidence

1. Serramonte Center Surveillance Video

Serramonte Center video footage from February 17, 2023 reflected the following:

- At 8:33:00 a.m., Ms. DiGiovanni crossed the food court to stand about five feet from waved in Ms. DiGiovanni’s direction, then continued greeting others and started walking toward the sound system.

- At 8:33:30 a.m., Ms. DiGiovanni walked to side, and they walked toward the front together. stopped to greet someone, and Ms. DiGiovanni also stopped.

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9 This video is maintained in the investigation file in the ordinary course of business.
• At 8:33:40 a.m. Ms. DiGiovanni moved close to [redacted] and leaned toward him as if speaking directly into his ear. [redacted] back was to the camera, so the video did not show whether she touched him with the left side of her body. Ms. DiGiovanni then stepped back and raised her right hand toward [redacted] face and chest in a pointing gesture.

• 8:33:50 a.m., Ms. DiGiovanni stepped in front of [redacted] and raised her open palm toward his face as if directing him to stop. [redacted] then stepped to the left and continued walking forward. Ms. DiGiovanni again stepped in front of [redacted] with her hand raised.

• At 8:34:05, [redacted] approached Ms. DiGiovanni and [redacted] from the other side of the sound system and stood between them. At that point, the attendees sat facing the sound system and a woman spoke to the crowd from a microphone. Ms. DiGiovanni stepped around [redacted] to approach [redacted], who walked to the other side of the sound system.

2. [redacted] Account

On February 17, 2023, [redacted] attended the Walkabout reopening at Serramonte Center. About seventy-five people attended the event, including councilmembers, other public figures and citizens. Before the event started, [redacted] called dignitaries and invited guests to the front. On his way to the front, [redacted] saw Ms. DiGiovanni and [redacted] talking and noticed [redacted] attempting to increase his physical distance from Ms. DiGiovanni. [redacted] also heard [redacted] tell Ms. DiGiovanni something like, “Leave me alone. I am not here for this.”

[redacted] sensed that Ms. DiGiovanni and [redacted] interaction made her uncomfortable, so he stood between them. When he did so, Ms. DiGiovanni stepped around [redacted] to stand close to [redacted]. [redacted] continued to step away, and Ms. DiGiovanni stepped toward him. During this interaction, Ms. DiGiovanni told [redacted], “I am your boss,” and said that he had to protect her. This continued for about ten seconds, until [redacted] walked away to greet Ms. Manalo about fifteen feet away. [redacted] did not see Ms. DiGiovanni touch [redacted], but she pointed at him when he walked away.

Ms. DiGiovanni continued talking about [redacted] after he left. In a raised voice, Ms. DiGiovanni told [redacted], “I am his boss. He is supposed to protect me.” [redacted] surmised that Ms. DiGiovanni raised her voice so [redacted] could hear what she said. [redacted] responded by telling Ms. DiGiovanni, “Let it go. I am here, and you are fine.” [redacted] did not sense any threat from any attendees.
When the ceremony started, Ms. DiGiovanni stood next to Ms. Manalo. Later, it was known that Ms. Manalo felt uncomfortable around Ms. DiGiovanni, so he left the group at the front to stand in the crowd to observe Ms. DiGiovanni and Ms. Manalo's interactions. Ms. DiGiovanni moved closer to Ms. Manalo, which caused Ms. Manalo to move away in response until she stood at the ribbon's edge. Eventually, the group at the front made space for Ms. Manalo to return to the ribbon's center before she cut it.

Later, Ms. DiGiovanni told someone that Ms. DiGiovanni thought that followed her at the event. Ms. DiGiovanni did not see follow Ms. DiGiovanni. However, he saw Ms. DiGiovanni follow for five to ten minutes during the event. Specifically, organizations had tables at the event where they gave information and talked with attendees. walked from table to table, and when she did, Ms. DiGiovanni went to the same or a nearby table. Each time Ms. DiGiovanni approached walked away. thought that Ms. DiGiovanni did not mean to intimidate. Rather, he surmised that Ms. DiGiovanni thought that would speak negatively about her and wanted to hear if she did.

3. Account

heard that Ms. DiGiovanni treated people rudely, but she never saw it occur. Rather, Ms. DiGiovanni treated politely. surmised that Ms. DiGiovanni treated her politely because worked for the police department before working at the City Manager's office, and Ms. DiGiovanni strongly supported the police department.

In early 2023, told that, at the February 17, 2023 Walkabout event, Ms. DiGiovanni poked him and told him that he had to bring more police officers to the event to keep her safe from. And, told that he watched Ms. DiGiovanni follow at the same event.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni treated unprofessionally. Specifically, stated that in late 2022 and early 2023, Ms. DiGiovanni treated him unprofessionally by speaking rudely to him. The evidence supported his account.

1. Threats to Sue

First, this finding was supported by the evidence that Ms. DiGiovanni threatened to sue i in the context of him performing his city manager duties. Specifically, stated that Ms. DiGiovanni threatened to sue him at least three times—i.e.: (1) in response to his September 26, 2022 text message to councilmembers about
an incident at City Hall; (2) in response to his September 28, 2022 memorandum about City Hall procedures and vehicle access; and (3) in response to his October 12, 2022 memorandum about Ms. DiGiovanni's City vehicle use. And, [redacted] corroborated [redacted]. He stated that on October 12, 2022, Ms. DiGiovanni threatened to sue [redacted] about his memorandum (discussed further in Issue Three, above). [redacted] understandably found Ms. DiGiovanni's threats about suing confrontational. In turn, this supported that Ms. DiGiovanni treated [redacted] unprofessionally.

Additionally, Ms. DiGiovanni threatening to sue [redacted] reflected that she wanted him to avoid conducting proper City business. Specifically, Ms. DiGiovanni threatened to sue [redacted] for his conduct in the context of executing his city manager duties. Thus, that Ms. DiGiovanni threatened to sue [redacted] indicated that she did so because she disliked his attention to her conduct. In other words, Ms. DiGiovanni plausibly threatened to sue [redacted] to dissuade him from taking any action that potentially highlighted improper conduct on her part. In turn, this further supported that Ms. DiGiovanni treated [redacted] unprofessionally by threatening to sue him.

Moreover, this finding was supported by the evidence that even if Ms. DiGiovanni found [redacted] actions improper, she could have addressed them more professionally. Specifically, a prudent councilmember would discuss concerns directly with [redacted] or the City's legal counsel rather than simply threatening to sue [redacted]. Thus, this further supported that Ms. DiGiovanni treated [redacted] unprofessionally.

2. Conduct at Walkabout Event

This finding was also supported by the evidence that on February 17, 2023, Ms. DiGiovanni spoke to [redacted] unprofessionally at the Walkabout event. Specifically, [redacted] stated that Ms. DiGiovanni told him in a raised voice that: (1) she was his boss and he had to protect her; and (2) "Everyone saw what you did to me yesterday." And, [redacted] corroborated that Ms. DiGiovanni told [redacted], "I am your boss," and spoke in a raised voice. Thus, this supported that other attendees also plausibly heard Ms. DiGiovanni speak to [redacted] this way, creating a negative scene at a celebratory public event.

Moreover, Ms. DiGiovanni potentially caused attendees to draw inaccurate negative inferences about [redacted] based on her statements. And, though councilmembers had a duty to monitor the city manager's conduct, a more prudent means of addressing any concerns would be in the context of a City Council meeting. Indeed, at a public event, [redacted] could not respond to Ms. DiGiovanni's concerns without also appearing unprofessional. In turn, this further supported that Ms. DiGiovanni spoke unprofessionally to [redacted].
This finding was also supported by the evidence that Ms. DiGiovanni continued stepping close to [redacted] after he stepped away from her. [redacted] stated that this was the case, and [redacted] and the surveillance video corroborated his account. Indeed, [redacted] stated that he noticed Ms. DiGiovanni’s conduct and felt the need to intervene, which further supported that Ms. DiGiovanni treated [redacted] unprofessionally.

Finally, as discussed in Issue Three, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni treated [redacted] unprofessionally.

XXV. ISSUE TWENTY-ONE: DID MS. DIGIOVANNI ACT UNPROFESSIONALLY BY BEING OVERLY PHYSICAL?

A. Concern

[redacted] stated that from 2019 to 2023, Ms. DiGiovanni treated people unprofessionally by touching them without asking and standing uncomfortably close. For example, about ten times when Ms. DiGiovanni spoke to [redacted], she stood close to him and poked his shoulder or arm. She also once slapped his arm and said, “What are you doing?” in front of [redacted] and potentially [redacted]. Ms. DiGiovanni did this the morning after a City Council meeting, but [redacted] could not recall the date. Ms. DiGiovanni did not slap him hard. Rather, it was the type of contact friends sometimes have with each other. Thus, he ignored it. However, he preferred that Ms. DiGiovanni not touch him, particularly because, as their relationship declined, she started speaking more negatively about him to people (discussed further in Issue Seven, above).

Ms. DiGiovanni’s close physical contact also made others uncomfortable. Specifically, [redacted] told [redacted] that he disliked Ms. DiGiovanni standing too close or touching him.

B. Other Witness Accounts and Evidence

1. Account

In May 2022, during an employee recognition event, [redacted] heard a Water and Wastewater Resources employee say, “Why is she hugging me?” in Tagalog. When [redacted] looked over, she saw Ms. DiGiovanni hugging the Water and Wastewater Resources employee from behind. [redacted] did not recall the employee’s name.
Ms. DiGiovanni wanted to hug and others rather than shake hands, which made uncomfortable. Ms. DiGiovanni also stood close enough to touch people when she talked to them. For example, saw Ms. DiGiovanni stand close enough to touch when speaking to him in an agitated tone. But, did not recall other specific instances.

Ms. DiGiovanni stood too close to in two situations. First, when Ms. DiGiovanni felt angry or excited about something, she stood close to him and made demonstrative gestures, nearly touching him. Additionally, when Ms. DiGiovanni wanted to complain about someone, she leaned in closely to speak into his ear. In both situations, disliked Ms. DiGiovanni’s physical closeness. However, Ms. DiGiovanni never touched or grabbed him.

Ms. DiGiovanni touched or stood too close to almost every time she spoke to him. As well, she hit and on their arms when she felt excited or angry. However, she did not do so to hurt them.

C. Analysis and Findings

This investigation found, based on a preponderance of the evidence, that Ms. DiGiovanni acted unprofessionally by being overly physical. Specifically, stated that Ms. DiGiovanni made him and others uncomfortable by touching them without permission and standing uncomfortably close. The evidence supported his account.

First, this finding was supported by multiple witness accounts corroborating that Ms. DiGiovanni touched people without permission and stood close to them. For example:

- stated that on July 22, 2022, Ms. DiGiovanni nudged in the back to push her into the City Clerk’s office (discussed further in Issue Fourteen, above). And, stated that in May 2022, she heard a Water and Wastewater Resources employee say, “Why is she hugging me?” and saw Ms. DiGiovanni hugging him.

- stated that Ms. DiGiovanni tried to hug him, which made him uncomfortable. And, stated that he saw Ms. DiGiovanni stand close enough to touch when speaking to him in an agitated tone.
stated that Ms. DiGiovanni stood close to him when she felt angry or excited about something and when she complained about people to him.

stated that Ms. DiGiovanni slapped him on the arm once and poked his arm without permission about ten times.

Thus, the evidence supported that Ms. DiGiovanni acted overly physical toward people by touching people without permission and standing overly close to them.

This finding was also supported by the evidence that people disliked Ms. DiGiovanni touching them without permission and standing overly close to them. Indeed, stated that was the case. In turn, this further supported that Ms. DiGiovanni acted unprofessionally with her physical conduct.

Additionally, this finding was supported by the evidence that Ms. DiGiovanni disregarded people’s attempts to move away from her. For example, and stated that, at the February 17, 2023 Walkabout event, when stepped away from Ms. DiGiovanni, she stepped closer (discussed further in Issue Twenty, above). And, as discussed in Issue Seven, above, stated that when he tried to walk away from Ms. DiGiovanni at the grocery store, she walked with him. This reflected that Ms. DiGiovanni did not respond to people’s attempts to put distance between themselves and Ms. DiGiovanni. In turn, this further supported that Ms. DiGiovanni acted unprofessionally with her overly physical conduct toward others.

Finally, as discussed in Issues Three and Four, above, this finding was also supported by a review of the credibility of the witness accounts.

For these reasons, this investigation found that Ms. DiGiovanni acted unprofessionally by being overly physical.

**XXVI. CONCLUSION**

This Report concludes the investigation.

Respectfully Submitted,

Attachments

Confidential Attorney-Client Communication
From: [redacted]  [redacted]
Date: Fri, Jul 22, 2022 at 10:52 PM
Subject: Unprofessional Elected Official
To: Glenn Sylvester <dalycitycouncilsylvester@gmail.com>, Ray Buenaventura <raybesq@gmail.com>, Roderick Daus-Magbual <rodmagbual@gmail.com>, <juslynmanalo4dalycity@gmail.com>, <pameladigiovanni.dalycity@gmail.com>

Dear Mayor Rod Daus-Magbual

I am writing this letter to inform you that the actions of Council member Pamela DiGiovanni prior to the Key Ceremony has been extremely disappointing and unprofessional. Unfortunately, Pamela yelled at me in the public. This is so unbecoming of an elected official. There is no reason why you would yell at any person.

Thank you for your Consideration.

Respectfully yours,

[redacted]
[redacted]

--

Dr. Roderick Daus-Magbual

Council Member
Daly City
www.RodDausMagbual.com

Executive Director
Pin@y Educational Partnerships (PEP)
www.pepsf.org

Filipino American Development Foundation (FADF)
1010 Mission Street Ste. B
San Francisco CA 94103
Attachment B
From: [Redacted]
Sent: Wednesday, August 17, 2022 7:50 PM
To: [Redacted]
Cc: [Redacted]
Subject: [EXTERNAL] Incident Report follow-up requested

CAUTION: EXTERNAL SENDER. Verify before you respond, click links or open attachments. Questions? Contact ISD.

To Whom This May Concern,

I would like to follow-up on an incident report I submitted on 7/25 regarding Councilwoman Pamela DiGiovanni, and how I was treated by Daly City Police during the Jo Koy ceremony held at city hall on the same day. I am including the original letter below for reference. As of today, I have not heard back from all I parties addressed in that said email.

Last night, 8/16 at the Seton Town Hall meeting, I was again approached by 2 police officers as instructed to them by Councilwoman Pamela DiGiovanni. In context, every attendee was passionate about expressing their views about Seton workers including myself, doctors, nurses, community members, members of the council and county supervisor. After the meeting, I offered to take group photos of people. Ms. DiGiovanni whispered to them something about me because I heard her say my name. I asked her to stop. She immediately denied any wrongdoing after the fact. It was at this point that she started pulling [Redacted] arm. My friend [Redacted] pointed it out to her by saying, "why are you pulling her arm?" On behalf of other Seton workers in attendance, I again asked to the Councilwoman to stop. She was still pulling [Redacted] arm that she was still pulling at this point. It was at this moment that Councilwoman DiGiovanni yelled, "Daly City Police, Daly City Police she is causing trouble” pointing to me specifically. This is now the second incident of police being called on me and I was scared so I said loudly, "Police again?" Two police officers approached me and said, "We need to talk to you over here." To which I replied, "Yes but can you tell me what I
Today, my friend [Redacted] and I received a text from [Redacted] and several voicemails and calls. My question is what is your protocol in handling complaints? I am a regular citizen, I hold no titles, I am a person of color. Your actions and non-actions have shown that you are giving special treatment to Councilwoman Pamela DiGiovanni. I will reiterate that my complaint from last month has not been addressed while her complaint against me merited swift action on your part. This unfair treatment is very concerning and as a community member it gives me reason to feel intimidated, harassed and scared of Daly City Police. I am willing to make an official statement if needed in person but would like to request that I be able to bring a witness.

Sincerely,

[Redacted]

RE: Councilwoman Pamela DiGiovanni

To Whom It May Concern,

I am writing to make a formal complaint of harassment by Councilwoman Pamela DiGiovanni. There have been other incidents of her harassment towards me but I would like to focus on the Jokoy event at City Hall on July 22nd. I was on the guest list and was wearing the VIP bracelet given at the entrance door. I was walking by the rotunda outside of the roped area towards the city clerk office. I was talking to city clerk staff [Redacted] to ask for an appointment. Councilwoman DiGiovanni was also there and overheard our conversation. She
then walked towards a Daly City police officer and whispered something in his ear. The same police officer approached me and said, “Ma'am you can't be here.” It was [REDACTED] who replied to the police officer telling him “she can stay because she is a candidate and is currently doing business with us.” The police officer acted based on what Ms DiGiovanni said. It is abuse of power as an elected official. Afterwards another police officer at the scene told me it was because I was her competition.

I ask that you can address this matter with Ms DiGiovanni immediately. Please do not hesitate to contact me for more information if needed. I look forward to your response.

Yours sincerely,

[REDACTED]

Sent from Yahoo Mail for iPhone
Attachment C
Date: September 28, 2022

To: Mayor Dr. Rod Daus Magbual  
   Vice-Mayor Ray Buenaventura  
   City councillors Glenn Sylvester  
   Councilmember Juslyn Manalo  
   Councilmember Pamela DiGiovanni

From: [Redacted]  
CC: [Redacted]

Subject: Status Update Regarding City Operations and On-Site Protocols at City Hall

As the Council is aware, City Hall has Re-opened to the Public. The hours of operation are Monday through Thursday, 8:00am to 5:00pm, and Friday from 8:00am to 12:00pm. The cashiers’ hours are slightly modified Monday through Thursday from 8:30am to 3:30pm, Friday from 8:30am to 11:30am.

To assist Councilmembers with the transition back to in-person business at City Hall, the following protocol for use of City offices, property and facilities are in place:

**Use of City facilities and meeting rooms at City Hall**

- Requests to use and reserve City facilities and meeting rooms for City related purposes should be made to the City Manager’s Office and scheduled on the Master Calendar
- All requests are to be made at least 24 hours in advance, to allow for City staff to check availability, coordinate with other anticipated users, and properly prepare for usage by a City Councilmember(s).
- Please note that the Mayor and all Councilmembers have offices for use for City business purposes.

**City Vehicle Usage**

- Pool vehicles are available for City Business upon request
- Requests will be made to the Interim City Manager and granted based on availability
- Requests shall be made in accordance with established procedures, policies, and protocols

It would be greatly appreciated if Councilmembers direct requests directly to the Interim City Manager or Executive Assistant. This ask is in no way intended to prevent the exchange of pleasantries between the City Council and city staff. It is aimed at continuing to provide the highest level of service to the residents of Daly City. Your feedback is welcome and encouraged. I am here to serve and stay engaged with the Council, Staff, and the Community.
INTER-OFFICE MEMORANDUM

City of Daly City

Date: October 12, 2022

To: Mayor Dr. Rod Daus Magbual
    Vice-Mayor Ray Buenaventura
    Councilmember Glenn Sylvester
    Councilmember Juslyn Manalo
    Councilmember Pamela DiGiovanni

From: [Redacted]

Subject: City Vehicle Usage — 13012

In response to public and private communications by employees, citizens, and a recent public records request, the following information is provided.

Per Daly City Municipal Code 2.02.070 subparts J and K, the City Manager has the duty to:

- "Make investigations into the affairs of the city and each department and division thereof and make investigations with respect to all contracts and obligations to which the city is a party"
- "Investigate all complaints in relations to all matters concerning the administration of the government of the city, investigate the service required to be rendered by any public utility in the city and see that all provisions of franchises, permits and privileges granted by the city are faithfully observed"

As background, in August 2022, notification was provided of a complaint by a citizen during the public comment item of the July 25, 2022, City Council Meeting alleging that a City Councilmember was, "using a City vehicle for campaigning purposes and personal matters". It was determined that the vehicle logged out by a Councilmember was Vehicle 13012. On October 9, 2022, a public records request was received by this Office regarding City vehicle usage.

The Daly City Policy On Personal Use of City Vehicles (attached) was reviewed and found it states that a City vehicle may be made available for an employee to use and that "Should it be determined that it is in the best interest of the City to do so, written authorization by the City Manager is required before personal use of ANY City vehicle is allowed". After this Policy review, the actual usage of City Hall Pool Vehicle 13012 was requested and provided by the Department of Finance and Administrative Services. The Department Pool Vehicle Sheet and the Fueling Summary Report for this vehicle are also attached.

I am available to discuss and provide any additional information requested by the Mayor, Vice-Mayor, and City Councilmembers.
Attachment E
Memorandum

Date: October 18, 2022
To: Mayor Dr. Rod Daus Magbual, Vice Mayor Buenaventura
From: [Redacted]
Subject: Pool Vehicle 13012 - Report

Honorable Mayor and Vice-Mayor. The timeline and correspondence below are a follow-up and update to events subsequent to the memo I sent to each Councilmember last week. As you may be aware, there is a public records request on this subject (Councilmember DiGiovanni’s use of City Vehicle 13012). It has been difficult task because of apparent non-compliance to the policy. As stated, before in previous correspondence, I want the Mayor and Vice-Mayor to be aware in advance of future inquiries.

Friday October 14th, 2022 - Text message to Council Member DiGiovanni

- 1:02 pm - On Friday a request was made once again for the keys to Vehicle 13012. The request was that established policy be followed by returning the keys to the cashier’s desk and fill out the log in accordance with established procedures.

Friday October 14th, 2022 - Phone call from Council Member DiGiovanni

- 1:12 pm - I was told on this phone call that I would not be getting the keys back. Additionally, I was told that I did not need to know where the vehicle was being used or when it was being used.
- I explained that this was not acceptable and that she needed to follow the established policy.

Monday October 17th, 2022

- 9:00 am - I went to the cashier to see if keys had been returned, they had not. The vehicle was parked in the front parking lot at City Hall.
- 9:32 am - I called the ……[Redacted] and inquired about a second set of keys. He replied that there was a second set and that he would bring them to me.
  - I asked him to check vehicles records for service. He told me that the vehicle had not been serviced since November and it was due for service.
  - Upon arrival we went to the vehicle to inspect it prior to it being taken in for service.
  - We found documents and belongings scattered all over the floor and seats inside of the vehicle (documented).

We documented the condition of the vehicle inside and out and I asked ……[Redacted] to carefully box up everything inside (documentation available upon request). The vehicle was taken to and remains at the Department of Public Works garage for scheduled service. Motor Vehicles staff returned the boxed items to City Hall and they have been placed at the Councilmember’s cubicle. I am available to discuss potential next steps should you wish to do so.
Attachment F
DATE: March 3, 2023

TO: Mayor Ray Buenaventura
     Vice-Mayor Justlyn Manalo
     Councilmember Dr. Rod Daus-Magbual
     Councilmember Pamela DiGiovanni
     Councilmember Glenn Sylvester

FROM: [Redacted]

CC: [Redacted]

SUBJECT: Council Communication

Dear Mayor, Vice-Mayor, and Councilmembers,

This memorandum is in response to recent and repeated acts of unprofessional conduct by Councilmember DiGiovanni experienced by myself and City staff, not limited to the City Manager’s Office. I will describe the most recent events that precipitated this memorandum but unfortunately there are other similar instances of abuse, harassment, and bullying.

On Thursday March 2, 2023, at approximately 1:00pm, Councilmember DiGiovanni came to City Hall and instructed my staff to set her up in the Gateway Garden for a Zoom Meeting. During her interaction with staff, she went into several of what I believe to be inappropriate and unprofessional topics:

- One being that she stated to staff that [Redacted] does not represent Daly City therefore the City Manager should not be allowing him to use the Gateway office on Fridays to meet with residents. She believed it to be a misuse of City Resources.
- She inappropriately made statements about politics stating to my staff that she is going to run a certain individual from Bayshore to get the majority back and “change is coming”. She specified an individual who won’t be named in this correspondence.
- She then chose to denigrate me with false statements to my staff regarding an incident she caused at the Walkabout on Friday February 17.
- She also stated to a staff member that “I am going to take Tom down.”

The staff member that communicated this incident to me was not comfortable responding or asking her to stop because she might focus her ire their direction. This staff member was also concerned about asking her to stop because she is elected and has stated multiple times that she has authority over City staff. A similar concern or discomfort of talking to Councilmember DiGiovanni and asking her to stop has been conveyed to me by other employees of the City at other times over the last six months.

Unfortunately, like the incident discussed above, a repeated pattern of Councilmember DiGiovanni’s interaction with my staff, while it may start with a legitimate business item, she usually turns it into a derogatory conversation regarding Council, myself, and my ability to do my job. I know this because my staff has reported it to me on several occasions. I have always maintained a professional demeanor with Councilmember DiGiovanni and it is my duty to assist all the Councilmembers and carry out the vision and actions of the Council as it is legislated. It is becoming increasingly difficult to maintain that professionalism when Councilmember DiGiovanni is chastising and disparaging me to my staff. It puts me and my staff in an uncomfortable position and inhibits our ability to effectively perform City business.

I will provide greater detail on the other two incidents referenced above. On Friday February 17, 2023, at the Walkabout event, Councilmember DiGiovanni approached me in a hostile manner making physical contact with me by putting her hand/finger on my arms/shoulder and told me I need to protect her because [Redacted] was there, was stalking her, and we didn’t have enough police protection. My
response was, "Pam this is a positive event, I was invited here and nobody is going to hurt anybody." Her response to me in an angry tone and in front of witnesses was to repeat "I am your boss" several times and that, "it's your job to protect me". She went on to repeatedly say in front of witnesses that I am "biased". She also referenced the previous day where I was a guest at the HART re-opening at Larcombe Clubhouse where my only interaction with her was "Hello Pam", but she referenced that interaction as "everyone at the HART event saw what you did to me". All of this took place while I was trying to walk up front as I was asked to talk to the people present by the Chamber of Commerce. I was shaken as I had to speak to the group. Additionally, contrary to her claim that [redacted] was stalking her, Daly City's [redacted] who was also invited to the event, conveyed to me that he observed Councilmember DiGiovanni following and "stalking" [redacted] for approximately 45 minutes. After Councilmember DiGiovanni chastised me in front of approximately 100 people regarding my duty to protect her she went to [redacted] and began to denigrate me as biased and incapable of doing my job.

The second comment referenced above is a continuation of a conversation I had in January with Councilmember DiGiovanni. She questioned why [redacted] and his staff were at City Hall. I explained that as the Supervisor of District 5 and like many past Supervisors like [redacted], I am allowing the Supervisor to meet with constituents, so they do not have to drive all the way to Redwood City to meet with him. She claimed to me that [redacted] does not represent Daly City but that he only represents unincorporated Broadmoor. Yesterday, as referenced above, she repeated that false claim to my staff.

These types of interactions with City Staff and myself was the reason for my September 28th memorandum to Council. I have several documented instances of Councilmember DiGiovanni's inappropriate interactions with staff and myself that I am happy to share in the appropriate forum. Another concerning interaction with staff was when a staff person texted Councilmember DiGiovanni asking if she accidentally removed a certificate from the City Manager's Office, and she responded by calling the staff person and berating them and denying it. Her bullying actions over time have created a hostile work environment for myself and City staff. These actions, which she is attempting to normalize, are part of an ongoing pattern of harassment, bullying, and hostile work environment. At the present time I am careful and hesitant to talk with Councilmember DiGiovanni without a witness. I want everything on record as I am concerned I will be accused of false claims.

I was hopeful that as I embarked and accepted the challenge as City Manager I would have the support of the full Council but it is apparent that Councilmember DiGiovanni is undermining my ability to do my job. Her disdain toward me has been apparent since I became Interim City Manager, and then City Manager, as she chose to read my entire contract in front of my family. My wife, children, and grandchildren had to hear her misrepresent the law. And then three days later she chose to read it again at the Friends of Bayshore meeting in its entirety witnessed by [redacted] and others.

No one, my staff, myself, distinguished Councilmembers, citizens, contractors, nor consultants should have to endure this type of behavior and abuse of power. This memorandum is in defense of City staff, some of which have experienced this abuse firsthand. While this is uncomfortable to have to share this information, I believe this is necessary because it appears this will continue to metastasize and will erode staff's ability to effectively conduct business on behalf of the citizens of Daly City.

It is a pleasure and privilege to work for four of the five Councilmembers. You are extremely professional, personable and are very respectful in your interactions with City staff and myself. I can provide more information at the Council's request. I would be happy to talk to the full Council or the Ethics Subcommittee on this topic and provide more details.
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<td>284.20</td>
<td>$1,078.85</td>
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Attachment H
This email is a request for immediate release of records and logs of Pamela DiGiovanni's city car usage. We have the right to know how our money is being used and we need answers now.

Regarding: Councilwoman Pamela DiGiovanni and her usage of the city car for campaigning. It is in violation of election guidelines and unethical. With gas prices at an all time high, we the community are struggling to make ends meet while Pamela DiGiovanni is wasting city resources for her personal use. This is unacceptable and the public demands action from local government immediately.

Details: Friday 9/23 around 2 o'clock in the afternoon, I witnessed Pamela DiGiovanni driving, parking and coming out of the city car. I saw her talking to a city employee and showing her campaign leaflets at Westlake Shopping Center parking lot by Chipotle. The leaflets were pulled out of a bag from inside the city car. If you need proof you can always ask Westlake management for video footage.

More details: We the people see her using the city car at Buri Buri attending parties, dancing, and lately soliciting donations from seniors for her campaign. At an evening event at the Mason's Lodge she drove the city car home while intoxicated. Pamela DiGiovanni also gives people rides in the city car. All her actions put the city in extreme risk for liability but has NEVER been addressed. We hope you share our concerns this time.

All we ask is the truth,

Daly City Taxpayers
Attachment I
Attachment J
Good morning Councilmember DiGiovanni, the cashier has informed me that employees have not been able to use the van 13017 because you have had the keys for over a week. Employees need access to the vehicle. We agreed on dates and you would return the keys with mileage each time you use the vehicle. You were to place the keys upstairs on the council signing desk if you returned after business hours. This apparently has not happened for over a week. Please follow our agreed upon procedure. If I am missing something please let me know.

Respectfully,
the Masons
Today is the
PAL event at 5 p.m
On Fridays no one is around
after 12 noon on Fridays

Many thanks! Much appreciated for your communication.
To note said no one uses the van accept only for
once in a while may do so.
I said to her are you sure, she said yes.
The other vehicle is used more.

Although uncomfortable for me to use the van physically I
do so not to inconvenience any
staff or others with the use of
the other vehicle.
Good morning, I am coming to city hall. I had a conversation with [redacted] who I informed of the dates of use of the car and she said no one uses the van and because of the dates to keep the key as to my numerous events.

For the record, I did attempt to return the keys to [redacted] in between the events and due to not having access to obtaining the keys from her on times on a Friday, you had left the key for me so I could attend the Franciscan pancake breakfast and the Westlake Park event on Saturday and Masons event.

You have seen me at these...
Today is thePAL event at 5 p.mOn Fridays no one is aroundafter 12 noon on Fridays

Many thanks😊!
Much appreciated for yourcommunication.
To note, said no oneuses the van accept only foronce in a while may do so.
I said to her are you sure, she said yes.
The other vehicle is usedmore.

Although uncomfortable for me to use the van physically I doso not to inconvenience any staff or others with the use ofthe other vehicle.
Attachment K
CITY OF DALY CITY

POLICY ON PERSONAL USE OF CITY VEHICLES

PURPOSE

This policy establishes the process for obtaining authorization for personal use of a City Vehicle, describes the income tax implications to the employee as a result of accepting the responsibility for personal use of a City vehicle, and documents the employee's understanding of and agreement to abide by City Policy.

POLICY

The City of Daly City makes vehicles available to employees in circumstances that benefit the City. It is anticipated that there will be very limited circumstances where there is a true business need for an employee to take a City vehicle home at night or otherwise to use it for personal transportation. Should it be determined that it is in the best interest of the City to do so, written authorization by the City Manager is required before personal use of ANY City vehicle is allowed.

Use of a take home City vehicle shall be limited to commuting to and from work, attending work related meetings or training or responding to work related emergencies. De minimis personal use (such as a stop for a personal errand between the work location and the employee's home) is permitted in connection with the above uses only.

TAX IMPLICATIONS

In addition to City policy, accounting for the personal use of City vehicles is governed by Internal Revenue Service regulations which both the City and the employee are required to adhere to.

Ordinarily, IRS regulations require the tracking and reporting of mileage to the employer of all personal use of an employer-provided vehicle.

Exemptions

The limited exceptions to this are:

A clearly marked Police or Fire vehicle. A police patrol car, motorcycle, or fire vehicle with permanently attached (not magnetic or in any other way temporary) door stickers qualifies. An E plate on a vehicle does not qualify as "clearly marked".

An unmarked vehicle if it is driven by a law enforcement officer who is authorized to, and who regularly does, carry a firearm.

A Utility Vehicle, which is defined as any vehicle designed to carry cargo with a gross vehicle weight of over 14,000 pounds, or a specialized utility repair, flatbed, dump, or bucket truck, and where no personal use other than commuting from work to home or other de minimis use is allowed.

All other City-provided vehicles are subject to one of two valuation rules for tax purposes, depending on the circumstances of the employee.
Commute Valuation Rule

The Commute Valuation Rule has a number or restrictions. To use this method the City must maintain and enforce a written policy against other personal use. The following criteria must be met before this rule can be used:

- The vehicle is owned or leased by the City and is provided to one or more employees for use in connection with the City's business and is used in the City's business.
- There are bona fide non-compensatory business reasons for requiring the employee to commute to and from work in the vehicle.
- The City has established a written policy under which no personal use is permitted, other than for commuting or de minimis personal use and the policy is enforced.

Except for de minimis personal use, the employee does not use the vehicle for any personal purpose other than commuting.

The employee required to use the vehicle for commuting is not a control employee.

If the requirements of the commuting valuation rule are satisfied, the value of the commuting use of an employer-provided vehicle is $1.50 per one-way commute. The amount includes the value of any goods or services directly related to the vehicle (e.g., fuel). If more than one employee commutes in the same vehicle, the amount includable in the income of each employee is $1.50 per one-way commute. Thus, the amount includable for each round-trip commute is $3.00 per employee.

If the commuting valuation rule is used, the employee is required to report to the City on an annual basis the number of one-way commutes driven during the year. This number times $1.50 is equal to the amount reported on the employees W-2 at the end of the year.

Lease Valuation Rule:

The Lease Valuation Rule applies to all employees considered to be a "Control Employee", that is, who is either an elected official or an employee whose compensation equals or exceeds the compensation paid to a Federal Government employee holding a position at Executive Level V, determined under Chapter 11 of title 2, United States Code, as adjusted by section 5318 of Title 5 United States Code. For 2008 this amount is $139,600. (See U.S. Office of Personnel Management pay tables at http://www.opm.gov/oca/pay/index.asp).

Under the Lease Valuation Rule, the employee must keep track of all personal use of the vehicle and reported annually to the City.

A four-step process is used to calculate the employee's taxable fringe benefit under the automobile lease valuation rule:

1. Determine the fair market value of the auto. The FMV of the auto is determined as of the first date the auto is made available to any employee for personal use. Furthermore, FMV must be recalculated as of January 1 following the end of every four full calendar years for which the automobile lease valuation is used.

2. Establish the lease value. To find the total lease value of the auto, select the dollar range in column 1 of the Annual Lease Value Table in which the auto's FMV falls. The annual lease value of the auto is the corresponding amount in column 2.
Add the value of fuel to the lease rate. Fuel provided can be valued at fair market value or at 5.5 cents per mile (for tax year 2007) for all miles driven by the employee. (See IRS Publication 535 for current fuel value per mile).

Prorate the lease value and fuel between business and personal use. The allocation between business and personal is done on a mileage basis. Thus, for example, if 70% of the auto’s mileage for the year is personal use, 70% of the lease value becomes the amount of taxable fringe benefit to the employee.

INSURANCE

Because vehicle use is limited to work related activity, coverage will be provided under the City’s Automobile Liability and Property Self-Insurance Program.

AUTHORIZATION

All personal use of City vehicles, regardless of reason for allowing use or of employee classification, must be authorized by the Department Head and approved by the City Manager. An authorization form must be on file with the Motor Vehicles Division and Payroll before any personal use is permitted.
Attachment L
CITY OF DALY CITY
EXPENSE REIMBURSEMENT POLICY

PURPOSE

To establish procedures for the reimbursement of actual and necessary expenses incurred in the performance of job duties and official business for the City of Daly City.

POLICY

City employees are entitled to reimbursement for miscellaneous purchases and for their reasonable expenses associated with travel, meals, lodging, and other actual and necessary expenses associated with performing their job duties in a manner and in the amounts set forth in this policy.

This Policy applies to all City employees.

AUTHORIZED EXPENSES

A City employee is entitled to reimbursement only for authorized, actual, and necessary expenses incurred while engaging in the performance of his or her job duties. The following activities and/or events constitute reimbursable expenses, as long as the other requirements of this Policy are met:

1. Use of a personal vehicle while traveling on City business.
2. Purchase of miscellaneous supplies where use of traditional means such as purchase orders are impractical or inefficient.
3. Attending educational seminars designed to improve employee’s skill and information levels.
4. Participating in regional, state, and national organizations whose activities affect the City's interests.

UNAUTHORIZED EXPENSES

The following expenditures incurred by City employees will not be reimbursed:

1. Unauthorized expenditures;
2. Services – All services must be paid through Accounts Payable so that an IRS Form 1099 can be prepared where required.
3. The personal portion of any trip;
4. Political or charitable contributions or events;
5. Family expenses, including those of a partner when accompanying a City employee on official business, as well as child- or pet-related expenses;
6. Entertainment expenses, including theater, shows, movies, sporting events, golf, spa treatments, etc.
7. Personal automobile expenses other than mileage, including repairs, insurance, traffic citations, etc.
8. Personal losses incurred while on City business.
TRAVEL EXPENSES

Transportation
When attending conferences or meetings that are of such distance that it is more economical to take commercial transportation, City employees must use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct and time-efficient route. Government and group rates must be used when available.

1. **Airfare:** Airfares that are reasonable and economical are eligible for reimbursement. When traveling by air, reimbursement will be authorized for reasonable and actual costs.

2. **Automobile:** Automobile mileage is reimbursed at Internal Revenue Service ("IRS") rates in effect at the time of travel. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. Proof of insurance must be presented if requested.

3. **Car Rental:** Rental rates that are reasonable and economical are eligible for reimbursement. The City employee shall make reasonable efforts to obtain the most economical car rental rates.

4. **Taxis/Shuttles:** Reasonable actual costs for taxi and shuttle fares will be reimbursed, including a 15 percent gratuity per fare.

Lodging
Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. The City employee shall make reasonable efforts to ensure that the most economical mode and class of lodging is used, and must request government rates, when available. Lodging expenses will be reimbursed only at the single occupancy rate for rooms.

Meals
Meals and associated gratuities will be reimbursed based on actual costs, in an amount that is reasonable and customary for the geographic location and nature of the trip or event attended.

Miscellaneous Expenses
City employees will be reimbursed for actual telephone, fax, and parking expenses incurred while traveling on City business. Telephone bills should identify which calls were made on City business.
Cash Advances
From time to time, it may be necessary for a City employee to request a cash advance to cover anticipated expenses while traveling or doing business on the City's behalf. Such request for an advance should be submitted to the Department Head no more than thirty (30) days before and no less than ten (10) days prior to the need for the advance. Every effort should be made to request the cash advance ahead of the normal check run date occurring prior to the need for the advance. The request must contain the following information:

1. The purpose of the expenditure(s);
2. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
3. The dates of the expenditure(s).

Any unused advance must be returned to the City within fifteen (15) calendar days of the employee’s return, along with an expense report and receipts documenting how the advance was used.

CREDIT CARD USE
Use of a City-issued credit card is permissible for the reimbursable expenses listed herein. The credit card may not be used at any time for personal expenses, even if the City employee subsequently reimburses the City.

EXPENSE REPORTS
Each City employee shall submit requests for reimbursement, using an appropriate Expense Report Form (Travel Expense Form, Mileage Report Form, or Request for Petty Cash) provided by the City to identify information sufficient to document compliance with the requirements of this Policy. The employee will be required to certify that the expenditures made are true and accurate, and that they were made in the course of authorized business on behalf of the City of Daly City.

Expense reports must document that the expenses meet the requirements of this Policy. City employees must submit their expense reports within fifteen (15) calendar days of an expense being incurred, accompanied by receipts documenting each expense.

The documentation of actual costs shall include an identification of the purpose of the expense, the type of expense, the actual amount of expense, and the date each expense was incurred, along with a certification by the City employee that the expenses set forth on the Expense Report Form represent actual and necessary expenses incurred in the performance of the City employee’s official duties.

Adequate documentation of the actual costs shall be submitted with the Expense Report Form. Adequate documentation may include receipts from the vendor, credit card receipts, cancelled checks, or any other documentation in a form satisfactory to reasonably document the expense based on particular circumstances.
Late Expense Reports

Should for any reason the request for reimbursement be received later than sixty (60) calendar days after the expense was incurred or the date on which the employee was entitled to reimbursement (such as for certain education or training classes), the amount of the reimbursement will be reported as taxable income to the City employee, as required by Internal Revenue Service regulations.

Expenses over 60 days old may not be reimbursed from petty cash.

REIMBURSEMENT CHECKS

In compliance with City Policy for all Accounts Payable checks, when reimbursement exceeds petty cash limits a check will be mailed to the employee's home address. No reimbursement checks will be made available for pick-up by the employee. Checks will be issued on the next available Accounts Payable run; no handwritten checks will be processed for expense reimbursements.

COMPLIANCE WITH LAWS

All City expenditures are public records subject to disclosure under the Public Records Act.
Attachment M
Hi Pam,
I just got off the phone with PW regarding the crash on Callan late last week. [Redacted] took care of everything including the cones. They said you can contact PW for any issues and they will notify [Redacted] in case he cannot get to your call.
Thank you

Sorry Pam. Going forward, please contact the city manager or the offices up here these type of issues.
Attachment N
Resident is reporting
The alarm at the children's school by
city hall is going on for over an hour.
Sorry to bother you
Not sure who is in charge of that

I'll have staff check and callout
someone as needed.
Heartfelt thank you
So sorry 😢 to bother you亲爱的

Hopefully no one was trying to break
in
The residents are saying it is so loud
and they and their children cannot
sleep
Is it a fire alarm ???
Only fire has keys ????

Cops are doing a walkthrough now

Heartfelt thank you
Did the alarm stop yet

Residents said the alarm goes off
frequently but usually not so late

Resident said the alarm may be on
the outside and may need a key from
fire ????

The alarm is still going

There is nothing we can do. We need
someone responsible for the property
to deactivate it and dispatch is trying
to get someone through the alarm
Resident said the alarm may be on the outside and may need a key from fire ????.

The alarm is still going

There is nothing we can do. We need someone responsible for the property to deactivate it and dispatch is trying to get someone through the alarm company. We are working on it and will resolve it as best we can.

Sorry Chief 😞
Completely understand 🙏❤️

Yay!! 😊❤️🙏
Heartfelt thank you and all for taking care of our beloved community and stopping the alarm!!

Well, we’re still at 10:00 AM

Hi Pamela. This is really a longshot do you remember me from Westlake Park and Covid shots. I was there with my brother I met you you gave me your phone number. You helped me get my mother-in-law vaccinated in the car at Westlake Park. I have a serious situation going on my brother is a Missing Person. There’s a case open with the Fishcreek police

They are located right on hickey side across the chinese cemetery

Possibly
across the chinese cemetery

OK. I'll send someone out there.

Heartfelt thank you! Wishing you and yours a wonderful weekend!

The resident who contacted me is still there walking. Her name is [redacted] if they wish to say hello and thank her for her helpful observance.

But completely understand if not due to being so busy.

Exact location she just sent me 😊

Probably money for groceries 😕

Maybe the crime happened in another city, but they dumped the purses here? There are many purse snatching incidents in SF

Pameka, someone took the purse, was it our officers

They just took the purses but the stuff inside still there.
I was told most of it already taken
before we got there and no
evidentiary value of what remaining.
Parks will collect and discard

Heartfelt thank you! Completely
understand!
Thank you, and our wonderful officers
for checking it out and keeping our
community safe!

Would any of those items be linked to
any missing person or persons?

So sad there may be victims
somewhere and on top of everything
else, someone removes those purses
that may have helped

With great appreciation and gratitude
🙏
Attachment 0
From: [redacted]
Sent: Saturday, September 25, 2021 10:11 AM
To: City Council <citycouncil@dalycity.org>
Subject: [EXTERNAL] Councilwoman Pamela DiGiovanni

CAUTION: EXTERNAL SENDER. Verify before you respond, click links or open attachments. Questions? Contact ISD.

To whom this may concern,

I am reaching out as a concerned citizen, regarding elected official Pamela DiGiovanni. I was a supporter of the Councilwoman until Sunday, 9/19/21 after an incident at Serramonte Mall Food Court.

That day I received a text message from Ms. DiGiovanni asking to meet her at 1PM. She said she needed my support because she had set up a meeting with 3 other people, Filipinos whom she will try to gain support for a complaint she had about what happened in previous council meeting. I have not watched the said video meeting. In that meeting, she explained, a derogative statement was said to her by another member of the council. She also said that she planned to file a complaint against her fellow council members for alleged fraudulent activities involving real estate companies and San Mateo County Supervisor [redacted]. Pamela encouraged all of us to watch the meeting video to be further convinced. They replied saying that if her allegations about fraud are true, she should file a complaint first because they wanted facts and proof before committing to support her. 2 of the people left and Pamela was clearly disappointed because she was not able to garner the support she wanted immediately. She asked why Filipinos support fellow Filipinos even though they do illegal things. She said that never again will another person of Filipino race should sit on the council after what they did to her. She said that in Daly City, only 33% of registered voters are Filipinos are are not considered the majority. Daly City is diverse and others should be given the opportunity to represent it. I agreed with her statement about diversity, but also told her to be careful in generalizing a race based on what was allegedly done to her by a
few. Further adding that if Filipinos don’t matter, why did she call a meeting today with with all Filipinos for support? She said I knew nothing about politics and the Union doesn’t want another Filipino in the council anymore. I asked what she meant, asking if the Union decides the outcome of elections in Daly City and to this she said that I was twisting her words. At this time, the food court was packed on a Sunday and our discussion was becoming heated and my voice and her voice were loud enough for other people to overhear. I stood up to leave and she tried to stop me saying she wasn’t done talking to which I replied, “Then shut up, who do you think you are? You can’t make me stay and listen to anymore of this.” I honestly can’t believe she wanted to further embarrass herself at a public food court. What if someone was taking videos on their phone?

I have been a supporter of Pamela because she has displayed a great deal of concern for Daly City by being accessible and responsive. But I realized that day that that’s not enough. As a public figure, she is an example and at the very least be respectful in her interactions, she should not be discussing her racist opinions in public. In that meeting, the 3 people were asking her questions about the trash/dumping problems etc but what she kept wanting to talk about was her personal agenda of reelection in 2022.

I am previous resident of Daly City but I still work in healthcare, our main office is in Saly City. I am of Filipino decent, but have sworn allegiance to the U.S. when I became a citizen and after serving in the California National Guard. It is very scary to think that an elected official has racist thoughts after ongoing issues about Asian hate crimes and Black Lives Matter. I urgently ask that this incident be addressed right away by the city.

Thank you,
Attachment P
Morning Pam! Did you happen to see a certificate on the desk in the hallway (where we put certa and proc for signatures) that was for [redacted]? Trying to locate it before I have to print a new one.

I had printed and placed it there last week and now it's gone.

Hi [redacted]

Please add [redacted] to the Adjourn in Memory for February 13th

Many thanks Charlie!

Hi Charlie
February 8, 2023
9:32 AM   Incoming Call
4 minutes

Calls with a checkmark have been verified by the carrier.

Ringtone
Sound: Duck

Notes