

CITY OF SAN BERNARDINO

INVESTIGATION REPORT OF FINDINGS - KIMBERLY CALVIN (2023)

EXECUTIVE SUMMARY

The City of San Bernardino (City) contracted with the JL Group, LLC to conduct an administrative investigation on behalf of the City to determine whether City Councilmember Kimberly Calvin engaged in behavior that rose to the level of misconduct and may have violated City rules and/or policies based upon allegations raised by a claimant.

The City's policy on non-discrimination, retaliation, workplace harassment, and sexual harassment outlines the City's expectations for maintaining a healthy work environment. This investigation detailed these fact finders to determine the circumstances surrounding the concerns brought forward by a claimant.

Claimant indicated he had been subjected to an unfavorable work atmosphere and, as a result, he began to document incidents that he felt rose to the level of misconduct. Claimant also alleged that Ms. Calvin has contacted him and other City staff directly, and made requests that exceeded the authority of a City councilperson which in essence circumvented the city manager.

Ms. Calvin is clearly a highly engaged councilmember and was able to articulate a vision for her ward that she felt would address the needs of her community. While her passion for her electorate is evident, it appeared that her desire to enact positive change would at times create an atmosphere that was not conducive to an efficient and collaborative workplace and may have violated City rules. On December 15, 2020, Ms. Calvin signed an acknowledgment of mandatory compliance with the City's harassment policies.

The facts in this matter demonstrated that Ms. Calvin has repeatedly contacted City staff directly for information and has made requests to provide documents or further research on a specific subject. She has also given City staff direction regarding their specific work assignments that went beyond a simple request for information.

Interpretation of the municipal code provided by a witness is that any requests which require staff to prepare documents or spend time beyond a simple answer to a question are not appropriate and circumvent the chain of command. Witnesses indicated that several attempts were made to address chain of command issues with the City Council.

Claimant provided e-mails that verified his allegations that Ms. Calvin contacted staff directly. There were multiple e-mails which Ms. Calvin sent to staff members directly. A witness explained that these emails could cause confusion with staff because they were uncertain about what their response should be and to whom they should be responding. City staff corroborated these assertions and described the anxiety these situations caused at times.

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The facts in this matter also indicated that many of Ms. Calvin's interactions with City staff were not on behalf of the city council as a body; rather, she was at times acting unilaterally to make personal requests of her own.

During the course of this investigation there were several witnesses who reported interactions that they had with Ms. Calvin that also appeared to rise to the level of misconduct.

There is clearly a very highly charged political atmosphere within the City as a result of Ms. Calvin's interactions with City staff. Several witnesses expressed that they have experienced negative physical reactions to the stress that they attribute to Ms. Calvin's behavior.

Claimant also alleged that City e-mails may have been improperly forwarded to a local activist (Treasure Ortiz), circumventing the Public Records Act process.

While it was clear that another person was in possession of the City e-mails in question, it was not possible to ascertain if they had forwarded this information directly to Ms. Ortiz. The greater weight of credible evidence indicated that they had given this information to other employees who may have subsequently provided it to Ms. Ortiz.

INVESTIGATION FINDINGS

- A. Has City Councilmember Kimberly Calvin created an uncomfortable work environment for claimant that may have violated City of San Bernardino rules? **SUSTAINED**
- B. Has City Councilmember Kimberly Calvin created an uncomfortable work environment for additional (other than claimant) City of San Bernardino staff and/or city council colleagues that may have violated City of San Bernardino rules? **SUSTAINED**
- C. Did another person forward City-generated e-mails to Treasure Ortiz? **NOT SUSTAINED**
- D. Has City Councilmember Kimberly Calvin violated City of San Bernardino rules regarding her communications and/or direction to City staff? **SUSTAINED**