

Gautho, Julia

From: Heidi <Heidy@cwo.com>
Sent: Monday, April 6, 2026 7:58 PM
To: City Council
Subject: April 9, 2026

Follow Up Flag: Follow up
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Dear Capitola City Council,

I am writing regarding Item 6 (Oral Communications by Members of the Public) on your agenda scheduled for Thursday, April 9, 2026. This letter follows prior correspondence submitted after your March 26, 2026 meeting, to which I have received no response. I am therefore placing this matter into the public record through inclusion in the agenda packet.

The absence of any response to the specific concerns raised—particularly those related to public trust in decision-making—has heightened, rather than resolved, the issue.

Accordingly, **I request that a future agenda item be scheduled to address recusal practices beyond the narrow legal standards discussed by Council and addressed by the City Attorney on March 26, 2026.**

That discussion was limited to financial conflicts under the Political Reform Act and bias in quasi-judicial matters. It did not address the guidance provided in the Fair Political Practices Commission ethics training, which all councilmembers are required to complete. That training emphasizes the importance of avoiding situations that raise reasonable questions about impartiality and public trust, even when they do not constitute a legal conflict of interest.

This request is not about whether a legal violation occurred, but whether the City has adequate standards to address situations that reasonably call impartiality into question.

Legislative actions are not ethics-free zones. The appearance of impropriety applies in legislative contexts as well—it is simply weighed differently. At no point did Councilmember Orbach or the City address the ethical question raised.

To restate the relevant facts:

1. Councilmember Orbach's spouse filed a complaint with the Department of Housing and Community Development regarding Capitola's housing policy.

2. That complaint was adversarial to the City's position.
3. Councilmember Orbach subsequently participated in and voted on policy directly responsive to that complaint.
4. In doing so, she participated in shaping the City's response to her spouse's challenge.

A reasonable person could question whose interests were being served. That concern does not disappear because the action is characterized as legislative.

These events, and the absence of a substantive response, raise concerns about the integrity of the decision-making process.

In addition to my request for a future agenda item, I also request that the City provide clear articulation of the following:

1. What factors the City Attorney uses to distinguish legislative from quasi-judicial decisions; and
2. What ethical obligations the City applies to legislative actions where questions of impartiality are raised.

Best regards,
Heidy Kellison