
Item 9B Code of Conduct Complaint

From Scott <scott.public49@gmail.com>

Date Thu 9/25/2025 2:13 PM

To City Council <citycouncil@ci.capitola.ca.us>

Dear Capitola City Council,

I am writing to recommend dismissal of the code of conduct complaint against Councilmember Melinda Orbach. This action sets a troubling precedent for how the City responds to conflicts between councilmembers and creates unnecessary liability for Capitola at the expense of taxpayer dollars.

The issue at hand is regrettable, but also a trivial mistake. And, crucially, Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and has consistently sought to de-escalate by offering mediation. Mediation is identified in the staff report. In fact, both parties are currently engaging in mediation through the Conflict Resolution Center, which is the most appropriate and constructive path forward. By scheduling this hearing, the Council undermines that process, complicates resolution of the original conflict, and risks subjecting the complainant to further criticism for his actions.

Scheduling the hearing also sets the precedent that mediation through the Conflict Resolution Center is unnecessary. Moving these proceedings forward prior to the completion of mediation is not only premature, it sends the message that mediation is not a desired process. That the dialogue for conflict resolution is not needed. This feels antithetical to the existence of this council.

Moving forward with this hearing creates additional liability for both the City and Councilmember Orbach should this situation result in litigation tied to the complainant's tort claim for defamation. Rather than protecting the City or resolving conflict, this approach exposes Capitola to further division and legal risk. This represents poor governance.

I strongly urge the Council to dismiss this complaint on September 25. Capitola deserves leaders who prioritize fairness, safety, and mediation. The message that dialogue is not desired is a message I reject, and I hope you do as well.

Sincerely,
Scott