

Wyatt, Rosie

From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Thursday, June 12, 2025 7:57 PM
To: Clarke, Joe; Gerry Jensen; Melinda Orbach; Margaux Morgan; Gautho, Julia; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)
Cc: City Clerk; City Council; City Attorney
Subject: Formal Complaint Against Councilmember Melinda Orbach

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Formal Complaint Against Councilmember Melinda Orbach

Submitted by: **Kevin Maguire**

Resident of Capitola, CA

Date: 6.12.2025

Subject: Formal Complaint – Violation of Capitola City Council Code of Conduct by Councilmember Melinda Orbach

To the Mayor, City Council, City Attorney, and City Manager:

My name is Kevin Maguire, and I am a lifelong Capitola resident. My family has called this city home since 1966. My grandfather (Adamo D'Ambrosio), a veteran of both World Wars, was an active civic participant — attending council and planning commission meetings and contributing to responsible land use through the Young Conservationists. I proudly continue that tradition through ongoing civic engagement and advocacy for transparency and respect in public service.

I am submitting this formal complaint regarding the conduct of Councilmember Melinda Orbach during the April 17, 2025, City Council meeting. During that meeting, Councilmember Orbach used her position on the dais to publicly accuse me — by name — of harassment and threatening behavior. These accusations were made without any prior communication with me, without evidence, and without any due process. They were broadcast to the community, recorded in the city's official meeting archive, and made in the context of a public meeting, where power dynamics are not equal.

This is not the first instance where Councilmember Orbach has misused the dais — repeatedly using public time and her platform to respond to personal criticism and online commentary, rather than focusing on city business or respectful civic discourse.

Violations of the Code of Conduct

Councilmember Orbach's comments directly violated key provisions of the **Capitola City Council Code of Conduct**, including:

- **Section 5.4 – Council Conduct with the Public**

“Councilmembers shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of members of the public.”

- **Section 6.1.2 – Avoiding Impropriety and the Appearance of Impropriety**

“Members should not engage in behavior that could be perceived as retaliatory, dismissive, or personally biased.”

Councilmembers are also expected to be courteous and responsive to public communications. To that end, I recently submitted a **Public Records Act (PRA) request** to audit Councilmember Orbach’s constituent communication activity over the past six months, seeking to understand her patterns of responsiveness and public engagement.

Attempts at Resolution

Since the April 17 meeting, I have made **multiple efforts to resolve this matter respectfully**, including:

- Direct emails to Councilmember Orbach, with CC Mayor Clarke and Cheif Ryan.
- Conversations with Mayor Clarke and Chief Ryan
- A public invitation for dialogue and reconciliation

None of these efforts have received a response from Councilmember Orbach. That silence speaks volumes — and contradicts the expectation that public officials remain accessible, accountable, and civil.

As a result of Councilmember Orbach’s public accusations, I have experienced ongoing harassment, felt discouraged from participating in public discourse, and suffered emotional impacts — including anxiety, embarrassment, disrupted sleep, and a hesitancy to engage in civic spaces where I’ve long felt purpose and belonging.

Requested Council Actions

In accordance with the City’s Code of Conduct and in the interest of restoring public trust, I respectfully request the Council consider the following:

1. A formal **Resolution of Censure** for Councilmember Orbach.
2. Consideration of removing Councilmember Orbach from **committee assignments or ceremonial roles** until accountability is demonstrated.
3. A recommendation that she undergo **ethics, civility, or conflict-resolution training**.
4. Formal discussion on how Council plans to uphold the Code of Conduct in future cases of alleged misuse of the dais.

Preserving Additional Options

While I remain hopeful that the Council will act appropriately and that Councilmember Orbach will offer a public apology, I must also state clearly:

If this issue remains unaddressed, I reserve the right to explore additional remedies, including filing formal administrative complaints and/or seeking legal guidance regarding defamation or related harm.

I do not raise this lightly. My goal is not escalation — it is integrity, accountability, and a healthier civic environment for everyone in Capitola.

As previously stated, I have sent three kind, respectful, gentle emails extending an olive branch to try to resolve this with no response by Councilmember Orbach. That is not how you restore public trust or serve the public.

Closing

I believe in this city, and in the ability of its leaders to model the values they ask of others: civility, transparency, and respect. This moment is an opportunity to reaffirm those values — and to demonstrate that no one, regardless of title, is above the standards we have agreed to uphold.

There has also been comments from councilmembers to review the Code of Conduct, and hold our councilmembers accountable. Now is the time to put that into action.

Thank you for your time and your consideration of this complaint.

Sincerely,

Kevin Maguire

kmaguire831@gmail.com

Capitola Resident