

Gautho, Julia

From: Matt Orbach <redmattsc@gmail.com>
Sent: Sunday, September 21, 2025 11:35 PM
To: City Council
Subject: Item #9B - Public Comment

Dear Council,

Because only Mr. Maguire's complaint letter is included in the agenda packet as an attachment for Item #9B with no corresponding information regarding Councilmember Orbach's position, I believe it is necessary to provide the City Council (and the public) with some facts for your consideration, as it is not possible to make an informed decision about whether or not to dismiss the claim with only one side of the issue presented.

On Sunday, April 13, 2025, after returning from celebrating our son's third birthday party, we were approached by one of our neighbors who informed us about the uncomfortable interaction he had with the person distributing Concerned Citizens of Capitola flyers that afternoon. According to this neighbor, a man had approached him to talk about the flyer, and as part of the conversation the man asked him if Councilmember Orbach lived in the neighborhood, to which he replied yes. When the man followed up with a question about whether she lived in that specific cluster of units, our neighbor said the interaction began to make him feel uncomfortable, so he declined to divulge the requested information and asked the person his name, to which the man replied 'Kevin.' Mr. Maguire has confirmed his presence at our condo complex that afternoon both in writing and in verbal statements to Mayor Clarke and Chief Ryan.

Intimidation can take many forms, including implicit threats like surveillance, which create a sense of feeling watched, vulnerable, and threatened in the person being surveilled. Implicit threats have been a favorite tactic of many infamous groups over time, from the German Gestapo to the mafia to the Ku Klux Klan, because they create fear without making any explicit verbal or written threats. No matter what his intent was, when we learned that someone with a well-documented dislike of Melinda, who had created and shared negative content about her during the lead up to last year's election, who had stated online that "Melinda might be next" for a recall effort, and who had been posting a steady stream of passionate anti-train posts on Nextdoor and other social media sites about the meeting that Thursday, had come specifically to our condo complex and asked multiple times about where we lived, we felt watched, vulnerable, and threatened.

Councilmember Orbach's statements at the April 17, 2025, meeting were based on facts, identified an action taken by a community member that she considered to be threatening, and politely requested that that type of activity stop.

Additionally, it should be pointed out that at the June 26, 2025, City Council meeting, Councilmember Orbach issued a detailed public apology for calling out Mr. Maguire by name that included acknowledging her mistake and stating that she would never do it again.

Councilmember Orbach was never offered and never declined any offers of mediation. In fact, she made offers of mediation to Mr. Maguire on June 26 and July 16 that he would not accept without preconditions before a final offer was accepted on July 31. That mediation is scheduled for October.

Agendizing this complaint now undermines the mediation process by creating conditions in which additional information and opinions about Mr. Maguire will be shared in public that could cause additional embarrassment, making him less likely to engage productively in the mediation process and more likely to pursue litigation. Mr. Maguire already has a pending tort claim against the City that was pulled from the September 11, 2025, meeting agenda and subsequently continued to a date uncertain.

At a time when elected officials are being assaulted and/or killed throughout this country with frightening regularity for their political beliefs, I urge you to consider what you would have done in a similar situation. Please ask yourself: What is more important, protecting my family or maintaining a 'decorum' that allows questionable or aggressive actions from members of the public to go unchecked?

Reprimanding or censuring your fellow councilperson will reinforce the idea that elected officials are powerless to defend themselves from any sort of abuse, harassment, or intimidation while members of the public are beyond reproach for their conduct. Don't weaponize the code of conduct. Stand by and support Councilmember Orbach, who did what she thought was right to identify unacceptable behavior, set boundaries, and call for civil discourse, and dismiss this complaint. Your actions will say a lot about your character and integrity as the leaders of this community.

Sincerely,

Matt Orbach