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**Council members Orbach Coordinated Call to Action Email – Agenda Item 9B**

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**From** Kevin Maguire <kmaguire831@gmail.com>

**Date** Wed 9/24/2025 7:29 PM

**To** Kevin Maguire <kmaguire831@gmail.com>; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us) <jgoldstein@ci.capitola.ca.us>; Gautho, Julia <jgautho@ci.capitola.ca.us>; City Clerk <cityclerk@ci.capitola.ca.us>; Gerry Jensen <gjensen@ci.capitola.ca.us>; Clarke, Joe <jclarke@ci.capitola.ca.us>; Margaux Morgan <mmorgan@ci.capitola.ca.us>; Melinda Orbach <morbach@ci.capitola.ca.us>; Westman, Susan <swestman@ci.capitola.ca.us>

**Cc** Samantha Zutler <SZutler@bwsllaw.com>

Dear Council and City Attorney,

Please enter the attached email chain into the public record for Item 9B. It shows a coordinated political mobilization effort being circulated by Councilmember Orbach's allies, including former Mayor Yvette Brooks, encouraging people outside Capitola to submit letters and appear at the meeting.

This demonstrates how the narrative is being shaped externally, repeating Councilmember Orbach's claims as "truth" without evidence. Many of these letters rely on the same language provided in this call to action.

This is not about politics or progressive vs. conservative views. It is about whether councilmembers may use the dais for personal accusations against residents, in violation of the City's Code of Conduct.

I submit this not to silence opposing views, but so the Council is fully aware of the organized narrative campaign and the degree to which outside voices are being mobilized to influence this process.

Respectfully,  
Kevin Maguire

From: Amie Forest <mailto:[amie.forest@gmail.com](mailto:amie.forest@gmail.com)>

Date: September 22, 2025 at 9:28:29 PM

Subject: Fwd: Confidential: Call to action, Please Share!! Item 9B

Hi concerned Capitola Citizens and Capitola friends, I'm forwarding on this request to support Councilwoman Melinda Orbach in these times where the bully can now claim to be the victim. This is an outrageous thing that is happening THIS Thursday at our Capitola City Council meeting. Please do

what you can to help Melinda. It has been my experience that she is currently the most responsive, and progressive, city council member. She does not deserve to be treated like this! It's a long read, but worth it. Thanks for caring.

Love,  
Amie

Dear Family and Friends,

I have never before needed to write such a heartfelt call to action until today. Many of you know me as a community member, a colleague, a friend, a mother, and as someone who served our city as a Councilmember. When I encouraged Melinda Orbach to run for Capitola City Council, it was because I knew she had the courage, compassion, and integrity to lead during difficult times. It brings me deep sadness that she is now being forced to endure this level of hostility and scrutiny for simply speaking the truth about harassment and intimidation in our community.

The City Council has chosen to agendize a baseless complaint against Melinda. Item 9B. This is not only a misuse of staff time and our tax dollars—it is an embarrassment to Capitola. To “put her on trial” for standing up for civil discourse and the safety of her family undermines the very principles of public service.

That is why I am asking you—whether you live in Capitola or not—to stand with Melinda. Please:

- Write a letter to the City Council (a draft is linked below for your use). Even if you plan to attend, please send in an email too—this ensures your voice is counted in case you cannot speak during the meeting.
- Show up and speak at the September 25 City Council meeting at 6 p.m. (you'll likely only have one minute to speak, but your presence matters). People are meeting at 5pm prior at Margaritaville to organize.
- Share this call to action with colleagues, friends, and networks who believe in fairness and respect in leadership.

This fight is bigger than one councilmember—it's about what kind of community we want to be. One where bullying and intimidation are legitimized, or one where leaders are supported when they stand for what is right. And please know: it does not matter if you live in Capitola—your voices and your solidarity matter.

👉 Click here for the draft letter: Draft Letter Link

[https://docs.google.com/document/d/1gWLEY\\_OsDR3TJTETkbumJc7IbEYk1ZGTWNRDZB7q5zw/edit?usp=drivesdk](https://docs.google.com/document/d/1gWLEY_OsDR3TJTETkbumJc7IbEYk1ZGTWNRDZB7q5zw/edit?usp=drivesdk)

(Feel free to edit, personalize, and send as you see fit. Personal details such as your name or address are optional.)

Please reply and let me know if you can join us in solidarity—whether by sending a letter, attending in person, or helping spread the word. Your voice and support mean more than ever.

With gratitude and urgency,  
Yvette Brooks

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From Melinda Orbach

Friends, it's an understatement to say that the last nine months of being on the Capitola City Council

has been a really stressful and trying time for me and my family. I never expected public service, and the desire to help my community, to be such emotional and difficult work. I am writing to humbly ask for your support at the upcoming City Council meeting on Thursday, September 25, 2025, at 6 p.m. at the Capitola Council Chambers.

At the April 17, 2025, City Council meeting, I made the following comments in an attempt to establish some boundaries for acceptable behavior during a time of intense polarization in our community:

"I support civil discourse. I think political disagreements and the process of finding compromise are the bedrock of our democracy. I am all for free speech. However, the actions of certain community members, including threats and intimidation, both explicit and implied, have crossed the line in recent months."

"Spewing vitriol on Nextdoor is one thing, but wandering around a City Council member's neighborhood asking their neighbors where they live is something entirely different. You are engaging in physically threatening behavior that extends past politics to our homes and families."

"I would kindly request that the members of our community who have been crossing those lines, and in particular Kevin Maguire (the one trying to find out where I live), dial down the rhetoric and restrict their activities to the appropriate forums."

Based on those comments, Mr. Maguire filed a code of conduct violation complaint against me under Section 5.4 of the Capitola Code of Conduct related to decorum, saying that I engaged in abusive conduct by making "personal charges or verbal attacks upon the character or motives" of a member of the public.

Over the course of these last five months, this individual has posted negative comments about me online, called for a recall campaign against me, and sent an incessant stream of emails to the City Council that included threats of litigation, claims of Code of Conduct violations, ultimatums, demands for a public apology, and calls for the City Council to reprimand me, censure me, and/or take away my committee appointments.

During the June 26, 2025, City Council meeting, I made the following statements:

"Many of you know, I'm a mother of three kids under ten, a wife, a sister, a daughter of immigrants, a Family Nurse Practitioner, and also a councilwoman. This is the hardest job I've ever had. I fully acknowledge that there's a lot to learn and I'm still learning and I know I have made some mistakes. I am human just like you."

"When I made my comments on April 17th, I responded in a way that felt most authentic to me. I did not mischaracterize the individual or call him names, I simply stated the facts. While I acknowledge the mistake of calling him out by name, which I will never do again, I do not regret speaking truthfully about what transpired and how certain behaviors of community members have made me feel. My highest priority is to protect my family and ensure their health and safety. I believe threatening behavior of any kind should never be tolerated. I'm sure my council members would agree."

"I want to put this behind me and move forward in a productive and respectful manner, and I have talked to the Conflict Resolution Center to help mediate this issue. Just earlier today, I sent an email to this individual, advocating for a new kind of conversation - one guided by experienced facilitators who can help us move beyond our misunderstandings, and I hope he will accept."

I acknowledged my mistake and offered mediation. Mr. Maguire agreed to meet after receiving my third and final offer on July 31, 2025. I offered mediation with the hope that we could meet face to face, share our experiences, understand how we each got to this point, and hopefully see that, while we each have different experiences of Capitola and what it could/should be, we are each trying to make it better. I have been trying in good faith to set up a meeting with him through the Conflict Resolution Center since the beginning of August, but they had to repeatedly push back the date

because no dates seemed to work for him. We finally have our intake visit set up for tomorrow afternoon, with our face-to-face meeting set for October 7th.

While I was attempting to defuse this conflict through mediation, Mr. Maguire submitted a tort claim against me and the City of Capitola on August 27th. During the September 11th City Council meeting, Councilmember Susan Westman requested that the tort claim be continued (instead of being rejected) and that the code of conduct complaint against me be agendaized for discussion at the next meeting. Instead of supporting me in this process, the majority of the council wants to put me on trial for having the audacity to ask that an individual respect boundaries. This has been the most difficult and infuriating part of it all - to not be supported by my colleagues. One fellow council member even told me: "Just apologize and this all goes away."

On September 25, the City Council will decide whether to dismiss the code of conduct violation claim against me or vote to move forward with a public hearing. If we move forward with a public hearing, I will defend myself, provide context for my comments, and demonstrate that they do not constitute a violation of the code of conduct, but being put on trial is not the path I would prefer to take.

Just a few short months ago, Councilmember Pedersen chose to resign because of the intense legal harassment he was receiving from the same group of individuals that are now attacking me. As the only progressive voice left on the Capitola City Council, I believe that certain other council members and their friends and supporters are trying to silence me and hoping that if they make civic life miserable enough, I too will resign.

I am asking you to urge the council to vote to dismiss the claim. I do not believe that my comments constitute a violation of the code of conduct. I spoke truthfully about documented events that led up to the April 17th council meeting and asked for respectful boundaries from an individual who has demonstrated animosity towards me since I decided to run for office. I want to teach my kids, and especially my daughters, that their voices have the power to create positive change, to speak out against injustice and inappropriate behavior, and to demand that their boundaries always be respected.

Please consider coming to the meeting to speak during the public comment period and request that the council dismiss this claim. You can also submit a public comment letter to the council if you cannot make it to the meeting by sending it via email to <mailto:citycouncil@ci.capitola.ca.us>. Thank you for your consideration and support. I am also open to hearing any and all ideas!