
Be careful with censures...

From Lowell Hurst <lhurst@baymoon.com>

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

Cc Samantha Zutler <SZutler@bwsllaw.com>

As one of the longest serving Councilmembers in the county I am writing to express strong concern about your Council's decision to agendize a 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 risk for Capitola.

No matter what his intent was, the actions taken by this individual were perceived by Councilmember Orbach and her family as threatening. Councilmembers have no formal means of defending themselves against suspicious behavior, implied threats, or intimidation that may not meet the threshold of criminal conduct. In this case, Councilmember Orbach relied on the only tool available to her—her voice to establish boundaries and protect her family.

It is important to note that Councilmember Orbach publicly apologized at the June council meeting for naming an individual, and she has consistently sought to de-escalate by offering mediation. 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.

Finally, 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.

I strongly urge the Council to dismiss this complaint. Capitola deserves leaders who prioritize fairness, safety, and mediation—not those who turn conflict into a public spectacle that undermines the trust and accountability of good government.

Sincerely,

Lowell Hurst
Councilmember Emeritus
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