

Gautho, Julia

From: Cheryl Ban <cherylban@sbcglobal.net>
Sent: Tuesday, September 23, 2025 1:27 PM
To: City Council
Subject: Code of Conduct Complaint: Item 9B

Dear Capitola City Council Members,

This letter is in regards to Code of Conduct Complaint, item 9B for September 25, 2025 City Council meeting. I would like further discussion on this matter item 9B to determine what actions must be taken.

I was in attendance at the April 17, 2025 Capitola City Council meeting when Council Member Orbach decided to address the public about a personal experience from her seated position on the Council Dias.

Council Member Orbach was allowed as much time as needed to inform the public of what she described as intimidation, harassment, and someone showing up at her place of work, in which Council member Orbach called out by name, Kevin Maguire.

I was stunned to hear Council Member Orbach use this public city council meeting to speak about her fears, especially during a portion of the meeting reserved for Council Members to address the item on the agenda to vote on.

I am not making a judgement upon what clearly is an issue for Council Member Orbach and causing her fear.

I am questioning her judgement in an elected position of standing in our community to choose this moment, this meeting, to bring up her concerns.

I wondered what assistance could be provided to Council Member Orbach when she choose to insert her experience into the business at hand of a City Council meeting.

I wondered if she had contacted the police for assistance in this matter, filling a complaint, as this is a private matter, instead of using a City Council meeting.

I listened as a member of our community was called out by name, leaving the citizen accused, without redress.

It seemed to me his reputation was put into question, even slandered in front of his community and broadcasted over zoom.

Without an opportunity to defend himself from harm.

There is pain and suffering being accused without channels to remedy the situation.

As an attendee of this city council meeting, Council Member Orbach's actions were disconcerting, shocking to me, leaving the general public in an awkward position.

Placing other City Council Members in a comprised position with another Council Member.

Also, exposing the City of Capitola to a possible lawsuit and the burden of added time and cost to the city.

Most important, one is left to consider, if this same unprofessional unexpected behavior could and would be used against a citizen in a public manner.

Unfortunately, I am unable to maintain confidence in the decision making of a Council Member, sadly I have lost trust.

This powerful entrusted elected position has been abused by a liberty taken by Council Member Orbach.

My hope is that Council Member Orbach may have support for her fears through appropriate channels.
My hope is that Kevin Maguire may find resolve to this public situation.
I am sorry that I witnessed this unnecessary experience at two Capitola City Council Meetings.
Sincerely,
Cheryl Ban
Capitola Resident