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**NOTICE AND CALL OF SPECIAL MEETING  
YREKA CITY COUNCIL  
October 21, 2021 – 5:30 P.M.  
Yreka City Council Chamber, 701 Fourth Street, Yreka, CA**

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The full agenda packet can be found on the City’s website: [www.ci.yreka.ca.us/AgendaCenter](http://www.ci.yreka.ca.us/AgendaCenter)

**Join this meeting via Zoom:**

**Link:** <https://us02web.zoom.us/j/6194957056>  
**Meeting ID#** 619-495-7056

*Members of the public may also remotely listen to and participate in the meeting via teleconference. If you wish to listen or participate in this meeting through teleconference, simply dial into the conference number below, and enter the meeting ID#.*

**Conference call in Number:** 669-900-6833 (Toll-Free 888 788 0099)

“RAISE YOUR HAND” to provide public comment for your desired item. Speakers will be asked to identify themselves.

- **Online:** If you are online, click on “raise hand” on the bottom of your screen.
- **Mobile App:** In the mobile app, you can raise your hand by tapping the "Raise Hand" option in the "More" tab.
- **Telephone:** If you are calling in via telephone, to raise your hand, dial \*9 (star-nine). Speakers will be called on by the last four digits of their phone number. To unmute yourself dial \*6 (star-six).

**1. CALL TO ORDER and PLEDGE OF ALLEGIANCE:**

**2. PUBLIC COMMENTS:**

This is the time for public comments regarding issues or matters not on the agenda but still within the jurisdiction of the City Council of Yreka. Public comments period is not intended to be “Question and Answer” period or conversations with the Council or City staff. Councilmembers, when recognized by the Mayor, may ask questions of presenter but no action may be taken by the City Council during the public comment section of the meeting, except to direct staff to prepare a report or place an item on a future agenda.

- Please speak from the podium.
- Please state your name for the record prior to providing your comments.
- Please address the Council as a whole.
- If you have documents to present, please provide a minimum of seven (7) copies.
- Please limit your remarks to five (5) minutes.

**3. BUSINESS ITEM:**

**a. Discussion and Possible Action –**

Adopt a Resolution of the City Council of the City of Yreka to Censure Council Member Paul McCoy and Take Further Actions.

**4. ADJOURNMENT.**

*In compliance with the requirements of the Brown Act, notice of this meeting has been posted in a publicly accessible place, 72 hours in advance of the meeting.*

*All documents produced by the City which are related to an open session agenda item and distributed to the City Council are made available for public inspection in the City Clerk's Office during normal business hours.*

*Public Hearings: If, in the future, you wish to challenge in court any of the matters on an agenda for which a public hearing is to be conducted, you may be limited to raising only those issues which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing. Any person seeking to challenge a City Council decision made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that action 90 days following the date on which the decision becomes final as provided in Code of Civil Procedure Section 1094.6. Please refer to Code of Civil Procedure 1094.6 to determine how to calculate when a decision becomes "final."*

*"CHALLENGING DECISIONS OF CITY ENTITIES The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of Yreka is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing. If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Yreka, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies."*

*The City of Yreka does not discriminate on the basis of race, color, national origin, religion, age, gender, sexual orientation, disability, or any other legally protected classes in employment or provision of services. In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the City Clerk 48 hours prior to the meeting at (530) 841-2336 or by notifying the Clerk at [aboyn@ci.yreka.ca.us](mailto:aboyn@ci.yreka.ca.us).*

**Political or Council Member Initiated Report Regarding the  
Proposed Resolution of Censure of Councilmember Paul McCoy**

Dated: October 21, 2021

The business of the City is to be conducted in an orderly and efficient manner to facilitate sound City Council and public deliberation and decision making. The proper operation of democratic government requires that public officials are bound to observe, in their official acts, the highest standards of performance and to discharge faithfully the duties of their office, regardless of personal considerations. Recognizing that the public's interest must be their primary concern, their conduct in both their official and private affairs should be above reproach.

Censure is political speech and a formal resolution of the City Council officially reprimanding one of its members. Censure serves to formally put a censured councilmember on notice of the Council's disapprobation of conduct that has violated laws or policies, but carries no fine or suspension of the basic rights of the member as an elected official. In other words, if the resolution is adopted it does not prevent the accused member from performing his or her official duties or restrict his or her opportunities to speak, such as the right to vote as a Council Member, the ability to speak before the Council, or the ability to speak to the public in both in open and closed sessions of the City Council. Censure is an appropriate punitive measure when the violation of law or policy is deemed by the City Council to be a serious offense.

The accused Councilmember has the right to prepare and submit to the City Clerk for the agenda packet, reports, documents or other information opposing censure in time for the special meeting agenda; and at the hearing, the accused Councilmember has the right to rebut the allegations in the censure resolution and to question any known accusers if they agree to be questioned. The accused Councilmember or a representative may speak and question on his or her behalf. The accused member is responsible for preparing and submitting to the City Clerk for the agenda packet, reports, documents or other information opposing censure.

A decision to censure must be made by resolution and based on conduct found to have been negligent, willful or intentional. A resolution to censure, like any resolution, requires a majority vote of the Council adopting the resolution: 1) finding there is reasonable evidence to support the specific charges alleged, and 2) finding that the conduct supporting the censure was negligent, willful or intentional, and 3) approving censure.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YREKA TO  
CENSURE COUNCIL MEMBER PAUL McCOY AND TAKE FURTHER ACTIONS

WHEREAS on September 5, 2002, the City Council unanimously adopted a Code of Conduct containing, among others, the following pledges to govern the conduct of City Council Members:

- ! No Council Member has more power than any other Council Member and all should be treated with equal respect.
- ! Fully participate in City Council meetings ... while demonstrating respect, kindness, consideration, and courtesy to others.
- ! Be respectful of other's people's time.
- ! Serve as a model of ... civility to the community.
- ! Council Conduct with One Another: In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.
- ! In Public Meetings:
  - o! Practice civility and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Council Members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.
  - o! Avoid personal comments that could offend other Council Members. If a Council Member is personally offended by the remarks of another Council Member, the offended Council Member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Council Member to justify or apologize for the language used. The Chair will maintain control of this discussion.
- ! Council Conduct with City Staff:
  - o! Treat all staff as professionals. Clear honest communication that respects the abilities, experience and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
  - o! Limit contact to specific City staff except in an emergency when the City Manager is not available. Questions of City staff and/or requests for additional background information should be directed to the City Manager, Assistant to the City Manager or the City Attorney.
  - o! Do not disrupt City staff from their jobs. Council Members should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.
  - o! Never publicly criticize an individual employee. Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
  - o! Do not get involved in administrative functions. Council Members must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of city licenses and permits.
  - o! Without Council approval, a Council Member has no authority to represent the City's policy or position on an issue.
  - o! Limit requests for staff support... Requests for additional staff support, even in high priority or emergency situations, should be made to the City Manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

- ! No personal attacks of any kind, under any circumstance. Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
- ! In Unofficial Settings:
  - ! Make no promises on behalf of the Council. Council Members will frequently be asked to explain a Council action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.)
  - ! Remember that Yreka is a small town. Council Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Council Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.
- ! Inappropriate behavior can lead to removal. Inappropriate behavior by a Commission or Committee member should be noted to the Mayor, and the Mayor should counsel the offending member. If inappropriate behavior continues, the Mayor should bring the situation to the attention of the Council and the individual is subject to removal from the Commission or Committee.
- ! Council Members Behavior and Conduct: City Council Members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Code of Conduct could lead to other sanctions as deemed appropriate by Council. Council Members should, if possible, privately point out to the offending Council Member infractions of the Code of Conduct.
- ! Principles of Proper Conduct: Proper conduct IS NOT ...
  - ! Showing antagonism or hostility
  - ! Stirring up bad feelings, divisiveness
  - ! Acting in a self-righteous manner
- ! Checklist for Monitoring Conduct
  - ! Will my decision/statement/action violate the trust, rights or good will of others?
  - ! If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
  - ! Do I question and confront different points of view in a constructive manner?
  - ! Do I work to resolve differences and come to mutual agreement?
  - ! Do I support others and show respect for their ideas?
  - ! Will my conduct cause public embarrassment to someone else?

WHEREAS City Council Member Paul McCoy has, on multiple occasions as an elected city office-holder, breached the City of Yreka Municipal Code and Code of Conduct based on his ongoing words and/or actions; the provisions breached include, at minimum, each of those stated above; and

WHEREAS Council Member McCoy has taken unjustified offense at comments made by fellow colleagues who question his actions and opinions and reacted emotionally and aggressively, arguing, pacing and pointing his finger at a fellow Council Member and angrily walking out of a meeting of the City Council; and

WHEREAS Council Member McCoy has repeatedly exhibited lack of courtesy, incivility, disrespect, disregard, volatility, bullying conduct and lack of patience towards fellow Council Members, city department heads, staff and/or personnel in the performance of his official city duties; and

WHEREAS, Council Member McCoy has conducted himself in both tone of voice and physical mannerisms in an aggressive manner causing other Council Members to believe that his actions might rise to the level of physical violence and that he may lack emotional stability; and

WHEREAS Council Member McCoy has solicited contributions for his causes during council meetings; and

WHEREAS Council Member McCoy interrupts others and talks over others who don't support his views (Council Members and staff) and has publicly criticized fellow Council Members and staff publicly; and

WHEREAS Council Member McCoy has publicly reported City Council positions on matters where deliberation and direction have not been provided; and

WHEREAS, Council Member McCoy has demanded access to employee personnel records and applications of those seeking employment with the city thereby demonstrating a failure to respect the Council-Manager form of government; and

WHEREAS Council Member McCoy has not worked towards consensus building; and

WHEREAS Council Member McCoy has been repeatedly admonished about his behavior without effect or contrition; and

WHEREAS Council Member McCoy actions suggest that he desires to single handedly control the city's operations and personnel demonstrating a failure to respect the Council-Manager form of government and respect and authorization of fellow Council Members; and

WHEREAS Council Member McCoy presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively; and

WHEREAS Council Member McCoy has made promises to third parties about his ability to gain affirmative council action in favor of the third party; and

WHEREAS, Council Member McCoy has failed to return to order when the Mayor gavelled for order and he continued to be argumentative and disruptive to fellow Council Members; and

WHEREAS Council Member McCoy has continually demonstrated a lack of concern for the proper use of city assets (such as senior staff, personnel time and associated resources); and

WHEREAS, Council Member McCoy has had excessive absences from City Council meetings without notice to the City Manager or Mayor that he would be absent; and

WHEREAS Council Member McCoy has abused his position by contacting department heads and lower level City employees and contractors; this conduct demonstrates a failure to understand or respect the Council-Manager form of government and has caused the loss of park hosts, and

WHEREAS, Council Member McCoy has made multiple unannounced visits to various city departments when Council Member appointments with the departments are deemed required; and

WHEREAS, Council Member McCoy has entered into negotiations for the purchase of real property without City Council authority; and

NOW, THEREFORE, BE IT RESOLVED, that for the foregoing reasons the City Council of the City of Yreka does hereby censure Council Member Paul McCoy, and

BE IT FURTHER RESOLVED that until further notice, no further agenda items or placement of special meetings by Council Member Paul McCoy will be allowed to be included by Council Member McCoy on future agendas of the City Council without the specific advance authorization of the full Council taken at an open meeting; and

BE IT FURTHER RESOLVED that independent contractors under contract with the City are directed not to expend billable time on the City's accounts responding to Inquiries or data requests received from Council Member McCoy, and

BE IT FURTHER RESOLVED that Council Member McCoy is hereby immediately relieved and removed as a city representative and/or alternate on all City Committees and Commissions.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Yreka held on October \_\_, 2021,  
by the following vote:

AYES: Council Members

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Duane Kegg, Mayor

ATTEST:

By: \_\_\_\_\_  
Arthur Boyd, City Clerk

[Delete All](#)[Cancel](#)

Sandy &gt;

Mon, Aug 9, 8:35 PM

Hi Joan, I thought you should know that Karl and I decided that we won't be going back to Greenhorn Park as park host this fall.

We've talked about this a lot while we've been gone this summer. We've already sent Ben Miller a email that we won't be back.

One of the main reasons that we won't be back is because we've been told by numerous people that city council member, Paul McCoy was always complaining about us. He felt that we weren't doing enough at the park for what we were getting paid. He also complained that we were using our golf cart instead of the gem cart that the city provided. He was very wrong there!!!

Karl and I felt it was better that we used both vehicles while we were out and about in the park. One of us would work lower park while the other one did upper park.

Paul didn't take in consideration that we felt we were "on call" for the park visitors. even on our





Delete All



Cancel

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Karl and I felt it was better that we used both vehicles while we were out and about in the park. One of us would work lower park while the other one did upper park.

Paul didn't take in consideration that we felt we were "on call" for the park visitors, even on our days off.

We had many people knocking on our door after the gates were locked for other issues than being locked in. One morning at 2:05 am a lady was pounding on our door because her boyfriend had roughed her up. We got her help by calling YPD. We didn't mind helping people regardless of the time or day that they needed help.

We gave the park our all, we love that park and did our best to keep it a clean and safe place for the visitors. But with Mr. McCoy complaining about us it was hard to enjoy what we were doing. Every time I saw his truck at the park I would be worried that we weren't pleasing him.

