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RESOLUTION NO. 2022-01

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE
PLACENTIA LIBRARY DISTRICT OF ORANGE COUNTY TO
CENSURE TRUSTEE HILAIRE SHIOURA.**

WHEREAS, the Placentia Library District (“District”) is governed by a Board of Trustees who are directly elected by the public to represent them in matters concerning the affairs of the District; and

WHEREAS, the District’s mission statement provides: “Placentia Library District inspires, opens minds, innovates, and connects our community; and

WHEREAS, by virtue of their elected positions, District Trustees are expected to participate in the Board’s decision-making process and exhibit a high standard of professionalism, courtesy, and respect in treatment of members of the public, each other, and District employees; and

WHEREAS, upon election all Trustees took the oath of office in which each swore to, among other things, “well and faithfully discharge the duties upon which I am about to enter”; and

WHEREAS, the Board has adopted a number of code of conduct policies to serve as a guide for Trustees to follow in fulfilling their duties of office as the governing body of the District; and

WHEREAS, the purpose of these policies is to promote efficient, reasoned, and informed decision-making by the Board; and

WHEREAS, the policies include the promotion of civility, courtesy, and other general norms of decorum necessary for the efficient conduct of Board meetings and furthering of the District’s mission; and

WHEREAS, the Board received a memorandum from President Martin and Trustee Dahl, dated January 17, 2022, requesting a censure hearing for Trustee Shioura, which memorandum was provided to all Trustees; and

WHEREAS, pursuant to District Policy 4078, the request for a censure hearing was

1 considered by the Board and the Board determined by a 4-0 vote¹ to appoint an ad hoc
2 committee consisting of Secretary Carline and Trustee Dahl to draft a resolution proposing
3 to censure Trustee Shioura; and

4 **WHEREAS**, the specific actions taken and statements made by Trustee Shioura
5 which are the subject of this censure are set forth in Exhibit "A", which is attached hereto
6 and incorporated herein by this reference; and

7 **WHEREAS**, effective implementation of the Board's policies requires a strong
8 working relationship between the District's Board and Management Staff; and

9 **WHEREAS**, the Board and Management Staff must treat each other with respect
10 and professionalism in order to ensure a strong working relationship; and

11 **WHEREAS**, the Board finds, as further set forth in Exhibit "A", that Trustee Shioura
12 has engaged in conduct which violates numerous Board policies, spoken at length on items
13 not on the agenda in potential violation of the Brown Act despite repeatedly being asked
14 not to do so, and engaged in disruptive conduct at public meetings; and

15 **WHEREAS**, while this censure does not carry with it any type of formal discipline or
16 penalty and does not otherwise limit the censured Trustee Shioura's ability to carry out the
17 duties of office for which he was elected, it is a formal expression of the opinion of those
18 Trustees voting for the censure that Trustee Shioura has engaged in conduct which is
19 detrimental to the District's mission.

20 **NOW, THEREFORE**, the Board of Trustees of the Placentia Library District do
21 hereby resolve and determine as follows:

22 1. Based on the conduct described in the attached Exhibit "A", the Board of
23 Trustees of the Placentia Library District formally censures Trustee Hilaire Shioura.

24 **PASSED AND ADOPTED** by the Board of Trustees of the Placentia Library District
25

26 ¹ Trustee Shioura called into the meeting, but Trustee Shioura had not complied with
27 specified Brown Act requirements that would have permitted him to participate in the
28 meeting as a Trustee and the Board had not determined to utilize the Brown Act's relaxed
standards for teleconferencing due to COVID. Trustee Shioura was informed he could
participate as a member of the public, but would not be able to vote on matters.

1 of Orange County on this fifteenth day of February, 2022.

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Jo-Anne Martin, Board President

I, Gayle Carline, Board Secretary, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Board of Trustees of the Placentia Library District of Orange County in a special meeting held on February 15, 2022, by the following vote:

- AYES: Martin, Carline, Dahl, Shkoler
- NOES: None.
- ABSENT: Shioura

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said Placentia Library District of Orange County this 15th day of February, 2022.



Gayle Carline, Board Secretary

1 **EXHIBIT A**

2 **List of Charges in Support of Censure of Trustee Shioura**

3
4 1. Repeatedly fails to participate in board meetings in a collaborative manner and
5 has been absent for three of the thirteen meetings held from December 2019 thru January
6 2022. During meetings, Trustee Shioura remains silent during discussion of agenda items,
7 and votes “No” with no oral justification.

8 A. Examples of conduct in support of the charge are as follows:

- 9 • At the February 16, 2021 Board meeting, Trustee Shioura voted “No”
10 on 50% of actionable agenda items.
- 11 • At the March 15, 2021 Board meeting, Trustee Shioura voted “No” on
12 43% of actionable agenda items.
- 13 • At the April 19, 2021 Board meeting, Trustee Shioura voted “No” on
14 100% of actionable agenda items, including Item 3, Adoption of the
15 Agenda, and Item 24, Establish the Holiday and Library Closure
16 Schedule for the 2021-2023 Fiscal Year and Adopt by Resolution 21-
17 03.
- 18 • At the May 17, 2021 Board meeting, Trustee Shioura voted “No” on
19 86% of actionable agenda items.
- 20 • At the June 21, 2021 Board meeting, Trustee Shioura voted “No” on
21 100% of actionable agenda items, including Item 3, Adoption of the
22 Agenda.
- 23 • At the August 16, 2021 Board meeting, Trustee Shioura voted “No” on
24 100% of actionable agenda items, including Item 3, Adoption of the
25 Agenda.
- 26 • At the September 20, 2021 Board meeting, Trustee Shioura voted “No”
27 on 67% of actionable agenda items.
- 28 • At the December 20, 2021 Board meeting, Trustee Shioura voted “No”
on 100% of actionable agenda items, including Item 3, Adoption of the

1 Agenda, and Item 26, Adopt Resolution 21-08: A Resolution of the
2 Board of Trustees of the Placentia Library District of Orange County to
3 Establish the Board of Trustees Regular Meeting Dates for Calendar
4 Year 2022.

- 5 • Trustee Shioura was absent without stated cause for the meetings in
6 October 2021, November 2021, and January 2022, as follows:
 - 7 ○ He notified the Board by email of his absence at 2:00 p.m. on
8 October 18, 2021, the same day as the 6:30 p.m. Board
9 meeting. No reason for his absence was stated.
 - 10 ○ He did not attend the November 15, 2021 Board meeting and
11 failed to notify the Board that he would be absent.
 - 12 ○ He called in to the January meeting, without complying with the
13 Brown Act teleconferencing requirements so he could not
14 participate as a Board member (see Note 1 on Resolution
15 above).

16 B. Library Polices violated by the above conduct are as follows:

- 17 • Placentia Library District Policy 4010.1 states that the Board of
18 Trustees of Placentia Library District is committed to providing
19 excellence in legislative leadership that results in the provision of the
20 highest quality of services to its constituents. Under section 4010.1.2,
21 responsiveness and attentive listening in communication is
22 encouraged.
- 23 • Placentia Library District Policy 4010.2 states that the work of the
24 District is a team effort. All individuals should work together in the
25 collaborative process, assisting each other in conducting the affairs of
26 the District.
- 27 • The Oath of Office outlined in the Constitution of the State of California
28 requires that each elected official shall “well and faithfully discharge the
duties upon which I am about to enter.”

1 2. Repeatedly talks at length on items not on the agenda, including items not on the
2 agenda that have already been discussed and rejected at previous Board meetings.

3 A. Examples of conduct in support of the charge are as follows:

- 4 • At the February 16, 2021 Board meeting, Trustee Shioura brought up
5 the subjects of ultraviolet machines and social workers, neither of
6 which was on the agenda.
- 7 • At the March 15, 2021 Board meeting, Trustee Shioura brought up
8 multiple subjects as follows: library assessment/privatization, in-person
9 tutoring, the Placentia Library Friends Foundation fundraising and fund
10 allocation process, the library's website update timeline, and streaming
11 services for virtual meetings. None of these items were on the agenda.
- 12 • At the May 17, 2021 Board meeting, Trustee Shioura brought up the
13 subjects of 3D printers and privatization, neither of which was on the
14 agenda. Privatization was voted upon and rejected at the April 19,
15 2021 Board meeting.
- 16 • At the August 16, 2021 Board meeting, Trustee Shioura brought up the
17 subject of hiring social workers, which was not on the agenda.
- 18 • At the August 16, 2021 Board meeting, Trustee Shioura repeatedly
19 questioned why agenda items must be given to the District 14 days
20 prior to the agenda's publication, and asked that the agenda items be
21 given 48 hours or 72 hours before the meeting. This is another
22 example of Trustee Shioura's lack of knowledge of the requirements of
23 the Brown Act, for which he has been provided extensive training.

24 B. Statute violated by the conduct above is Government Code section
25 54954.2 which provides that no discussion may take place in a Board meeting on items
26 within the jurisdiction of the District unless they are posted on the agenda, except for brief
27 response to public comments, a reference to staff for factual information, or to place a
28 matter on a future agenda. Government Code section 54954.2 also states that each Board
meeting agenda must be posted 72 hours in advance for the public to access.

1 3. Refuses to adhere to policy requirements through continued disruption,
2 interruption, and disorderly conduct. Often, Trustee Shioura refuses to engage in any
3 discussions or express his concerns regarding agenda items prior to voting. He instead
4 saves his objections in order to be disruptive during the voting process when the only
5 required and recorded response is a Yes or No from each Board member.

6 A. Examples of conduct in support of the charge are as follows:

- 7 • Voting on Item #30 at the April 19, 2021 Board meeting regarding the
8 library's operational plan during the state's COVID-19 lockdown and
9 subsequent state mandates, Trustee Shioura's vote was, "Since I've
10 been misled in the beginning, no." At no time prior to the vote did he
11 provide information as to how he felt he was misled.
- 12 • Voting on Item #27 at the May 17, 2021 Board meeting regarding
13 Policy 5070 Rules of Order for Board and Committee Meetings,
14 specifically the procedures for contacting police to remove continually
15 disruptive members of the meeting, Trustee Shioura's vote was, "No,
16 We're right next door to the Police Department, the safest place to be."
- 17 • Voting on Item #28 at the August 16, 2021 Board meeting regarding
18 the Information on the Censure Procedure of an Elected Official and
19 Discussion of a Proposed Policy discussion, Trustee Shioura's vote
20 was, "That's the United States flag, there's a thing called the first
21 amendment. This is a public meeting. I will protect everybody's rights
22 to have a say, if they're for or against me, it doesn't matter for Trump
23 or for Biden, it doesn't matter. Religions, pro-gay, pro-LGBQ. This is a
24 public library. This is not 1984. And Counsel, I'm shocked and horrified
25 that you would even propose this and go along with this. You and I
26 know about contractual law, you know about first amendment and
27 constitutional law. This is not North Korea, this is not the Communist
28 China. For God's sake, we just pledge the allegiance. We owe it to
men and women that are dying around the world who's fighting

1 Afghanistan, we deserve our freedom of speech. Let us not take that
2 away from the public. We serve the public as elected officials. First
3 amendment is crucial. This is a thin veil of censorship.”

- 4 • Voting on Item #29 at the September 20, 2021 Board meeting
5 regarding the library’s request to send the current IT consultant
6 (Jeremy Yamaguchi) to attend the Virtual Internet Librarian
7 Conference, Trustee Shioura’s vote was, “He’s a City Councilmember
8 with a conflict of interest at \$65 per hour, I vote no! Thank you.”
9 Trustee Shioura did not explain why he felt Mr. Yamaguchi had a
10 conflict of interest. Both General Council for the District and the City
11 Attorney for the city of Placentia had previously stated there was no
12 conflict of interest.
- 13 • Voting on Item #31 at the September 20, 2021 Board meeting
14 regarding the Training Authorization for Board Members with David
15 Aranda, an agenda item specifically meant to provide all Board
16 members with training, Trustee Shioura’s vote was, “No. This is a way
17 to censor a trustee who speaks out. No. I vote no.”

18 B. Library Polices violated by the above conduct are as follows:

- 19 • Placentia Library District Policy 4010.1 states that the Board of
20 Trustees of Placentia Library District is committed to providing
21 excellence in legislative leadership that results in the provision of the
22 highest quality of services to its constituents.
 - 23 ○ Under section 4010.1.5, Trustees should commit themselves to
24 emphasizing the positive, avoiding double talk, hidden agendas,
25 gossip, backbiting, and other negative forms of interaction.
 - 26 ○ Under section 4010.1.7, differing viewpoints are healthy in the
27 decision-making process. Individuals have the right to disagree
28 with ideas and opinions, but without being disagreeable. Once
the Board of Trustees takes action, Trustees should commit to

1 supporting said action and not to create barriers to the
2 implementation of said action.

- 3 • Placentia Library District Policy 4010.2 states that the work of the
4 District is a team effort. All individuals should work together in the
5 collaborative process, assisting each other in conducting the affairs of
6 the District.
- 7 • Placentia Library District Policy 5070 outlines the rules of order for the
8 Board and any committee meetings. Section 5070.1.1 states that
9 Robert’s Rules of Order shall apply in meetings, and Section 5070.3
10 outlines the manner and timeline in which motions are made and votes
11 are taken. Section 5070.3.2 states that “once the motion has been
12 stated by the Board President, it is open to discussion and debate.
13 After the matter has been debated by the Board, the Board President
14 will call for the vote.”
- 15 • The Oath of Office outlined in the Constitution of the State of California
16 requires that each elected official shall “well and faithfully discharge the
17 duties upon which I am about to enter.”

18 4. Regularly misrepresents and makes derogatory comments regarding the Board’s
19 actions and performance as well as District operations and information, both within Board
20 meetings and to the public.

21 A. Examples of conduct in support of the charge are as follows:

- 22 • Trustee Shioura made several claims to the public on social media
23 (Nextdoor) that privatizing the library would “save millions of dollars,”
24 even though the library’s total yearly budget averages around \$3.2
25 million.
- 26 • On April 21, 2021, Trustee Shioura made the following comment to the
27 public on social media (Nextdoor) regarding his desire for privatizing
28 the library: “the LibraryIQ Assessment for our library would reveal much
more than I have discovered in just a few months. Below is the LA Times

1 article.” Trustee Shioura then posted a link to the City of Placentia’s \$5.16
2 million embezzlement by a city employee in 2016, thus implicating the
3 library in the loss of city funds, even though the library is not
4 associated with the city.

- 5 • At the February 16, 2021 Board meeting, Trustee Shioura repeatedly
6 referred to the library as being comparable to school libraries, despite
7 being corrected each time.
- 8 • At the May 17, 2021 Board meeting, Trustee Shioura repeatedly
9 misstated the City of Placentia’s Fire and Life Safety Department as
10 being outsourced/privatized, when the Department is actually operated
11 fully by City employees.
- 12 • At the September 20, 2021 Board meeting, during discussion of Item
13 #28, Policy 4078 Censure Policy, Trustee Shioura made the following
14 statement: “My email all of a sudden stopped working in this
15 censorship protocol debate—that’s interesting. Hmm...why am I being
16 censored without being passed?” He had not informed library staff of
17 this problem. Upon investigation, the email problem was with his
18 personal account.
- 19 • Voting on Item #24 at the December 20, 2021 Board meeting
20 regarding the Elections of Officers for the Board for 2022, Trustee
21 Shioura’s vote was, “No due to deceitfulness to the public.”

22 B. Library policies violated by the above conduct are as follows:

- 23 • Placentia Library District Policy 4010.1 states that the Board of
24 Trustees of Placentia Library District is committed to providing
25 excellence in legislative leadership that results in the provision of the
26 highest quality of services to its constituents.
- 27 • Placentia Library District Policy 4010.1.1 states the dignity, style,
28 values, and opinions of each Trustee will be respected.
- Placentia Library District Policy 4010.1.5 states Trustees should

1 commit themselves to emphasizing the positive, avoiding double talk,
2 hidden agendas, gossip, backbiting, and other negative forms of
3 interaction.

4 5. Regularly represents positions that are inconsistent with decisions that are made
5 by Board majority.

6 A. Examples of conduct in support of the charge are as follows:

- 7 • Trustee Shioura solicited a position on the Independent Special
8 Districts of Orange County (ISDOC) Board without Library Board
9 knowledge and consent.
- 10 • Trustee Shioura contacted the outside company LibraryIQ to procure a
11 library assessment and outsourcing without Board knowledge and
12 consent.

13 B. Library policies violated by the above conduct are as follows:

- 14 • Placentia Library District Policy 4010.2 states that the work of the
15 District is a team effort. All individuals should work together in the
16 collaborative process, assisting each other in conducting the affairs of
17 the District.
- 18 • Placentia Library District Policy 4010.2.3 states that Trustees should
19 function as a part of the whole. Issues should be brought to the
20 attention of the Board as a whole, rather than to individual members
21 selectively.

22 6. Regularly represents himself as acting for the Placentia Library District to take
23 positions inconsistent with the Board majority.

24 A. Examples of conduct in support of the charge are as follows:

- 25 • Trustee Shioura continues to utilize the website name
26 “placentialibrary.com” for personal use, without a disclaimer that his
27 stated opinions and goals are not those of the library. He has utilized
28 this site to provide negative and misleading commentary about the
 Placentia Library District, as well as to advance his campaign for three

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other political offices. The District has requested that he turn
“placentialibrary.com” over to the District, but he refuses.

B. Library policies violated by the above conduct are as follows:

- Placentia Library District Policy 4010.2 states that the work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.
- Placentia Library District Policy 4010.2.3 states that Trustees should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.