

**From:** Nicolas Duchastel <[nduchast@hotmail.com](mailto:nduchast@hotmail.com)>  
**Sent:** Tuesday, March 1, 2022 4:28 PM  
**To:** Public Comments <[PublicComments@ci.woodinville.wa.us](mailto:PublicComments@ci.woodinville.wa.us)>  
**Subject:** public comment: Stop spending our taxes on lawyers

Information requested for Public Comment procedures:

- The group (City Council, Planning Commission, Public Spaces Commission) – **City Council**
- Date of the meeting your comments are intended for – **Tuesday March 1<sup>st</sup> 2022**
- Your name – **Nicolas Duchastel de Montrouge**
- Whether or not you live in the City limits of Woodinville – **Does not reside inside city limits**
- Time sent – **before 4:30 PM; hence before 5PM cutoff**

*Tuesday March 1<sup>st</sup>, 2022, by Nicolas Duchastel de Montrouge, former resident of Woodinville*

I used to be a resident of Woodinville, a proud resident of Woodinville. My children grew up here and my wife and I were involved in the community. Since getting involved at the Planning Commission and then running for City Council, my family and I have been subjected to personal attacks, bullying and intimidation. I had a death threat levied against me. This is not the behavior of normal, emotionally healthy adults. That's why we do not live in Woodinville anymore.

What makes this even worse is that city resources were used in this endeavor. City officials using their city emails and titles to intimidate me, and my family is not acceptable. As a taxpayer, I should not have my tax dollars being used to attack me personally.

Luckily, in Washington state our predecessors passed laws to make our government of the people and for the people. This includes the Open Public Meetings Act and the Public Records Act. Violations of these laws by Woodinville City Councilmembers has resulted in my bringing a lawsuit against the City of Woodinville. Getting public records is essential to bring truth to light and bring accountability to these bad political actors.

In one of the most egregious incidents that partially led to this lawsuit, a meeting was called by a then-appointed City Councilmember and the Deputy Mayor at the time, inviting two Planning Commissioners to “*talk about the Planning Commission*”. Such a meeting is clearly city business and records made or used in it and related to it are public records. The city of Woodinville has already spent many thousands of dollars in this legal battle to try to not follow the PRA. How many staff hours have been spent on this? How many hours of our city attorney and his associates have been paid? At \$275 per hour that accumulates quickly.

More importantly, the trial hasn't even started. The public is tired of government abuse and so are the courts. PRA violations have a hefty penalty of \$100 per day per page. Since the request for documents was in January 2020 and we are already in March 2022, that's 784 days or \$78,400... “per page”. There was at least one piece of paper and one recording; that's at least “two pages” unless the judge decides to consider more pages. All of this is not a good use of the city budget... especially not when we consider that this is basically to conduct an ongoing personal vendetta against someone who doesn't even live here anymore.

For the sake of the City of Woodinville and its residents, I respectfully ask that this new council does the right thing about the substance of my lawsuit, and future behavior about the Public Records Act and Open Public Meetings Act.

Specifically:

- Adopt clear policies to ensure that public records are preserved.
- Adopt clear policies to ensure that city politicians cannot use city resources for their own personal use.
- Adopt clear policies to ensure that communications by the council, including meetings and posts on social media and on personal cell phones and emails, are properly conducted, and protected as indicated by our state laws. The city of Kirkland has a good example (see Chapter 5 of their Council procedures).
- Accept this new settlement agreement so that we can stop this useless fight.

## Proposed Settlement Agreement

1. The City of Woodinville shall provide all records, including those it claims are not “public records” meeting the parameters of Mr. Duchastel de Montrouge’s three PRA requests, PRR 4088, 4089 and 4159. This includes, but is not limited to, the written statement from which Councilmember Best-Campbell read during her meeting with Mr. Duchastel de Montrouge and others at Starbucks on January 4, 2020, the recording of such meeting on her cell phone, all communications of any current or former employee, official or agent of the City about Mr. Duchastel de Montrouge from May 2017 to January 19, 2020, and all communications regarding his three PRA requests PRR 4088, 4089, and 4154. (All records must be produced within two weeks of acceptance of this Settlement Offer.)
2. If some of these records are missing or have been destroyed, the City will provide detailed explanation of acts taken to try to get and recover such records, and why such records have been lost and how they have been lost. A recommendation for improvements in policies and procedures to prevent such failure to comply with the PRA, the OPMA or other laws and regulations needs to be provided to the public.
3. The City will provide appropriate Nissen Declarations of all current and former employees, officials and agents documenting their search for responsive records, and any records not provided to Mr. Duchastel de Montrouge and the reasons therefore. (All Declarations must be produced within two weeks of acceptance of this Settlement Offer.)
4. The City will pay care of Allied Law Group Trust Account the amount of \$27,000 in attorney’s fees and costs incurred by Mr. Duchastel de Montrouge to date. (Payment must be received within two weeks of acceptance of this Settlement Offer.)
5. The City will pay \$3,000 in statutory penalties for its PRA violations, care of Allied Law Group Trust account, such amounts to be donated by Mr. Duchastel de Montrouge 50/50 to the ACLU of Western Washington and the Washington Coalition for Open Government. (Payment must be received within two weeks of acceptance of this Settlement Offer.)
6. The City will review existing policies, rules, regulations, and training regarding enforcement of the Open Public Meeting Act and the Public Records Act. The public will be invited to offer recommendations. After review and consideration of all public input, recommendations should be made to the Council for proper action to ensure that the public is protected and that the government works for them, not individual councilmembers.
7. The City should adopt a policy regulating communications by city councilmembers. This policy should cover proper ways to interact with the public and in particular the usage of social media, cell phones and emails, and other application and public forums. Chapter 5 of the Council Procedures for the city of Kirkland can be used as a good example of such a procedure.

If the City does all of the above things, I will drop my lawsuit and the City can stop wasting its taxpayers’ money defending the indefensible. Rather than paying lawyers, the new council should do the right thing; and in the long run, save hundred of thousands of dollars.

Sincerely yours,

**Nicolas Duchastel de Montrouge**  
Former Planning Commissioner,  
Former candidate for City Council of Woodinville  
Former resident of Woodinville