

CITY OF SPOKANE ETHICS COMMISSION

THOMAS BASSLER,

Complainant,

v.

BREEAN BEGGS,

Respondent

EC-22-01

DECLARATION OF BREEAN

BEGGS IN SUPPORT OF

RESPONDENT'S MOTION TO

DISMISS

I am over the age of eighteen and make this declaration based on my personal knowledge and under penalty of perjury under the laws of the State of Washington.

1. I am the City Council President and my duties include setting agendas for meetings and insuring that Council Members have the materials they need to make decisions on City policy, budgets and contracts- including contracts proposed by the City Council.
2. A good example of this is a group of RFP proposals that I recently solicited and obtained on behalf of City Council from the Director of the Community, Housing and Human Services- Jenn Cerecedes- for all proposals recently submitted in response to a request for proposal to operate the Trent Shelter after the RFP Committee had reviewed them and provided their opinion. She provided these to Council on June 28, 2022 at my request well in advance of any specific contract to be considered by Council. See a true and accurate copy of that email at Exhibit A.
3. I provided exactly the same type of materials regarding the same shelter to City Council on April 18, 2022 after an earlier RFP Committee and the CoC Board and completed its ratings process, held a public meeting where the specific proposals were discussed and took a final

1 vote on the proposals. See a true and accurate copy at Exhibit B of my April 18th email and
2 the April 18th email from the CoC Board Chair that I relied upon to conclude that the CoC
3 had rated, discussed in public and voted on the proposals.

- 4 4. My email with the now public proposals was not distributed publicly by me- I limited my
5 distribution to Council Members and Staff within the City- to prepare for a April 21st
6 Council meeting where we were going to discuss operations of the Trent Shelter given that
7 the RFP process had failed to identify a clear choice for an operator. Council has the
8 ultimate authority under the Spokane City Charter and ordinances to approve and even sign
9 contracts in excess of \$50,000, which would apply to the contract for operating the Trent
10 Shelter.
11
- 12 5. Just the week before, in the Urban Experience City Council Committee meeting on April
13 11th I asked Eric Finch, the Interim Director of the Neighborhoods, Housing and Human
14 Services Director when Council could see the competing RFP proposals for the Trent
15 Shelter and he answered that Council could see them after the CoC had voted on the
16 proposals. See a true and accurate video representation of that meeting at
17 <https://vimeo.com/698372526>, or facebook.com/spokanecitycouncil at the April 11,
18 2018 Facebook Live posting at @ 1 hour 13 minutes through 1 hour 15 minutes.
19
- 20 6. I took Director Finch at his word and after receiving the April 18th email that the CoC had
21 voted on the proposals I emailed Director Finch and City Administrator Perkins that Council
22 was ready to review the proposals and would be discussing them at an upcoming meeting.
23 See true and accurate copies of those emails at Exhibit C. Neither ever raised any email
24 objection so I forwarded the proposals to the Council and Staff, but not to the public. I don't
25 believe the documents I forwarded included any scoring information and I have never
26 reviewed any scoring information for the RFP at issue. However, it is customary for
27 Council to see scoring before voting on a contract so that they can confirm due diligence by
28 the raters.
29
30

- 1 7. Although I did not distribute the proposals to the public, I had no indication that the
2 proposals I sent were in any way confidential when I sent them. The CoC had finished its
3 ratings and voting, and the documents were now simply information that the Council could
4 use to make budget and policy decisions going forward. By virtue of them being sent to me
5 from outside the City, they also appeared to me to be a public record.
6
- 7 8. Because the CoC's work on the RFP was advisory only, the City Council and the City
8 Administration could still have moved forward to choose an operator based on the RFP
9 Committee's recommendations regardless of the CoC Board vote. And indeed, the City
10 Council is now poised to consider a contract for the same services by the same operator
11 recommended by the CoC RFP Committee despite the rejection by the CoC Board.
12
- 13 9. Although I believe City Council could have promptly moved forward in approving an
14 operator contract based on the recommendation of the CoC RFP Committee in April, the
15 Administration's delay in seeking a second opinion does not appear to have delayed the
16 opening of the Trent Shelter because the construction of the necessary tenant improvements
17 has been delayed.
- 18 10. I did not benefit in any way from distributing materials to my fellow Council Members, nor
19 am I aware of even an argument that some person or entity benefited from that distribution
20 of materials solely within the Council office. Neither I nor my family have any financial
21 interest in any of the three entities that made proposals to operate the Trent Shelter. Nor is
22 there any evidence that the distribution of materials, or even the brief delay in finalizing a
23 contract for Council to approve to operate the Trent Shelter benefited any organization.
24
- 25 11. Finally, the Complainant in this matter essentially admitted in a letter to the Commission
26 that he does not currently have sufficient evidence to prove a release of confidential
27 information to the public or a benefit to myself. Instead, he admits that he filed his
28 complaint without having such evidence and speculates that he might obtain it with a public
29 records request.
30

1
2 Dated this 16th day of August, 2022.
3

4 
5 BREEAN L. BEGGS
6

7 **CERTIFICATE OF SERVICE**

8 I hereby certify that on this date, I caused to be served a true and correct copy of the
9 preceding document to the following person of record by method specified below:
10

11 Thomas Basseler
12 tom@gvdcommercial.com
13

☒ Email: tom@gvdcommercial.com

14 DATED August 16, 2022
15


16 
17 Breean Beggs
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EXHIBIT A

Breean Beggs

From: Beggs, Breean <bbeggs@spokanecity.org>
Sent: Tuesday, August 16, 2022 10:37 AM
To: Breean Beggs
Subject: [External] Fw: Shelter Operator Applications
Attachments: Reg Flex NOFA- TGF- Shelter Operator.pdf; Reg Flex NOFA- TSA- Shelter Operator.pdf; TGF Operations Budget.xlsx; TSA- Operations Budget.xlsx

From: Beggs, Breean <bbeggs@spokanecity.org>
Sent: Tuesday, August 16, 2022 10:20 AM
To: Beggs, Breean <bbeggs@spokanecity.org>
Subject: Fw: Shelter Operator Applications

From: Cerecedes, Jennifer <jcerecedes@spokanecity.org>
Sent: Tuesday, June 28, 2022 10:01 AM
To: City Council Members and Staff <citycouncil@spokanecity.org>
Cc: Finch, Eric <efinch@spokanecity.org>
Subject: Shelter Operator Applications

Good Morning,

As requested, please see the attached RFP's for the Shelter Operator at the Trent Shelter. Please let me know if you have any questions.

Best,



Jenn Cerecedes | Director
Community, Housing, and Human Services
808 W. Spokane Falls Boulevard, Spokane, WA 99201-3342
O: 509.625.6055 | C: 509.703.0671 jcerecedes@spokanecity.org

I respectfully acknowledge the Indigenous People who have stewarded this land throughout the generations and recognize that the land on which we reside is the unceded and traditional homelands of the Spokane Tribe.

Confidential Notice: This correspondence may be legally privileged and confidential. It is intended for the named addressee(s) only. If you are not the authorized recipient, distribution or copying of this message is strictly forbidden. If you have received this correspondence in error, please notify me immediately and return or destroy this message and any attached files.

Disclosure Notice: All e-mail sent to this address will be received by the Spokane City e-mail system and may be subject to public disclosure under GR31, GR31.1, and Chapter 42.56 RCW, as well as to archiving and review.

EXHIBIT B

Breean Beggs

From: Beggs, Breean <bbeggs@spokanecity.org>
Sent: Sunday, August 14, 2022 4:07 PM
To: Breean Beggs
Subject: [External] Fw: CoC Follow up - Board action needed
Attachments: RFP2022 - Hope Village - Budget (1).xlsx; 2022-2026 The Way In Phase One Shelter RFP Budget (with edits).xlsx; RFP2022 - Hope Village - JHH Submission.pdf; Budget Narrative 3.21.22.pdf; Management Proposal.pdf; LETTER OF SUBMITTAL-2022 RFP.pdf; The Guardians Foundation - 2022 Surge Shelter Budget Workbook.xlsx; The Guardians Foundation Surge Shelter RFP.pdf

From: Beggs, Breean <bbeggs@spokanecity.org>
Sent: Thursday, August 11, 2022 12:09 PM
To: Faggiano, Sam <sfaggiano@spokanecity.org>
Cc: Tom Bassler <tom@gvdcommercial.com>; Koegler, Shelly <skoegler@spokanecity.org>
Subject: Fw: CoC Follow up - Board action needed

From: Ben Stuckart <benstuckart@gmail.com>
Sent: Monday, April 18, 2022 8:12 AM
To: Ben Stuckart <benstuckart@gmail.com>
Subject: CoC Follow up - Board action needed

[CAUTION - EXTERNAL EMAIL - Verify Sender]
Hello CoC Board Members (other included as well)

1) The vote to approve an operator for the shelter on Friday failed. We had 17 board members present. As far as I counted we had 8 yes votes, 6 abstentions and 3 no votes. A yes vote would have required 12 yes votes. Attached are the RFP's. I am setting 2 hours on Wednesday from 11am-1pm to discuss if we can come up with an alternative we can all support. **ZOOM LINK for a 2 hour meeting Wednesday April 18 11am-1pm (I will send a calendar invite this morning as well)**
<https://us06web.zoom.us/j/82592447035>

Please don't send this to the media, I received a call at 5:30pm Friday from the Spokesman. Right now, media attention as we try and work this out and have no united messaging is very messy and could result in unintended consequences.....

Try to come to the meeting Wednesday with ideas, developed alternatives.....if you cannot make it Wednesday feel free to email me your thoughts.

2) Vote needed by 5pm today - please respond YES. Moving money
As part of the reallocation process approved by the CoC Board in September 2021, the Board reviews budget reallocations on a quarterly basis if needed.

HUD looks at Budget Line Items (BLI) for budgeting purposes within a Unified Funding Agency (UFA). All of the budgets of all of the projects are rolled up into a single budget of HUD BLIs that the UFA contracts with HUD to spend. This

means that budget amendments occur based on changes between BLIs versus changes to the overall individual project budget. Each individual project's budget is made up of multiple BLIs.

Some projects will receive budget amendments because they moved money from one BLI to another BLI within their own project. For example, in the budget below, money was moved out of the BLI Leasing in a couple of the projects but moved into the same project's BLI Supportive Services to cover additional costs of case management. While the projects may not have experienced a net budget change, the UFA's budget did change.

If any one BLI within the UFA changes more than 10% of its total, then the UFA must request a contract amendment with HUD. This is why budget revisions take place as a package versus one-at-a-time. We have to monitor that percentage shift to ensure that the UFA is in compliance. We also want to avoid contract amendments with HUD if at all possible because when we amend our UFA/HUD contract the changes carry forward to the next NOFO competition.

What I am asking you to review below, is the actual budget that we contract with HUD to spend, and the changes that providers have requested. The highlighted BLIs are the areas where changes have been requested. Please note that no shift in any BLI exceeds 10%.

I want to stress that our CoC Service Providers have done tremendous work in identifying needs for additional funding, and in identifying funding that will go unused if not reallocated. We had several providers who graciously agreed to accept additional funds. This means that they accepted the responsibility of spending those funds by the end of the grant cycle, and coming up with the required match for those funds. It's very important that we give these providers as much time as possible to spend those additional funds. Thus, the reason we have requested your email vote to approve the budget revisions below.

FY2020 Spokane Regional UFA/CoC OPR 2021-0461				
BLI	Original Budget	\$ Changes	Amended Budget	Percentage Shift
Leasing	564,887.00	-42,716.91	522,170.09	1.11
Rental Assistance	1,212,924.00	-254,630.00	958,294.00	6.62
Supportive Services	1,491,003.00	261,141.51	1,752,144.51	6.79
Operating Costs	226,513.00	36,205.40	262,718.40	0.94
Administrative Costs (Provider/City Combined)	260,258.00	0.00	260,258.00	0.00
HMIS	172,125.00	0.00	172,125.00	0.00
Continuum of Care Planning Activities	110,494.00	0.00	110,494.00	0.00
UFA Costs	110,494.00	0.00	110,494.00	0.00
	4,148,698.00		4,148,698.00	

Thanks
Ben Stuckart
Chair CoC

From: [Beggs, Breean](#)
To: [City Council Members and Staff](#)
Subject: Proposals for Trent Shelter
Date: Monday, April 18, 2022 8:21:21 PM
Attachments: [2022-2026 The Way In Phase One Shelter RFP Budget \(with edits\).xlsx](#)
[Budget Narrative 3.21.22.pdf](#)
[Copy of The Guardians Foundation - 2022 Surge Shelter Budget Workbook.xlsx](#)
[LETTER OF SUBMITTAL-2022 RFP.pdf](#)
[Management Proposal.pdf](#)
[RFP2022 - Hope Village - Budget \(1\).xlsx](#)
[RFP2022 - Hope Village - JHH Submission.pdf](#)
[The Guardians Foundation Surge Shelter RFP.pdf](#)

Dear All (please don't reply all):

I have asked the Administration several times for the proposals without really getting a response. I was able to secure from another source these attachments, which appear to be the proposals. My hope is to carve out time at this week's study session to hear from the Continuum of Care and the Administration on the subject.

Best,

Breean

EXHIBIT C

From: Beggs, Breean
To: Finch, Eric
Cc: Cerecedes, Jennifer; Perkins, Johnnie
Subject: Shelter Operator Proposals
Date: Monday, April 18, 2022 12:45:07 PM

Eric,

Now that the review committee has completed their work, can you email full council the three proposals?

Best,

Breean

From: Beggs, Breean
To: Perkins, Johnnie
Cc: Finch, Eric; Cerecedas, Jennifer; Allers, Hannahlee; McClatchey, Brian; Kinnear, Lori
Subject: Operator Proposals
Date: Monday, April 18, 2022 4:55:25 PM

I believe we can make time at study session this week at 12 noon to hear from Administration and the COC on the proposals, but Council still needs to see the proposals. I recall Eric telling us last week that we could get them as soon as the RFP review committee had finished, which they have, so hoping those can be sent around ASAP.

Best,

Breean