

**EMAILS TO WHICH THE UNCONDITIONAL
COMMITMENT LETTERS IN AGENDA
ITEMS 10.A AND 10.B RESPOND**

ATTACHMENT 2



Housing Authority
— of the —
City of Alameda

PHONE: (510) 747-4300
FAX: (510) 522-7848
TTY/TRS: 711

701 Atlantic Avenue • Alameda, California 94501-2161

Sent:
Friday, September 26, 2025
2:27 PM

Subject:
Re: Error in released Board of
Commissioners Agenda

Vanessa Cooper

From: Robert Shaye [REDACTED]
Sent: Friday, September 26, 2025 2:27 PM
To: Jay Faustini
Cc: Jasmine Polar; Vanessa Cooper; atorbitt@nixonpeabody.com
Subject: Re: Error in released Board of Commissioners Agenda

[External Email]

Ms. Poplar

Good day. Was Potential Litigation discussed in the closed session in the April board meeting? The meeting minutes indicate yes.

If so, is it not a Brown Act violation to not disclose what's required under subsection 5465.9?

Those disclosures must be made available.

Kindly
Robert

On Thu, Sep 25, 2025 at 9:44 AM Jay Faustini [REDACTED] wrote:

Dear Ms. Cooper, Ms. Torbitt and Ms. Polar,

Thank you for the prompt response regarding the additional misclassification errors that occurred in the agenda and Board approved minutes for the April meeting.

As I discussed with Jasmine, the offered corrections/clarifications are a bit confusing and not entirely complete. They do not fully address all the apparent errors and do not offer clarification between the erroneous disclosures provided and actual factual information. Specifically, it does not fully address which specific entries listed in the approved minutes and agendas were in error and which were not.

Other community members and I believe that correction of the accidental mis-classifications requires a complete and full correction of the multiple disclosure errors that have been made. The provided response clearly does not do that. The

specific corrections necessary to address the specific disclosure errors have not been provided. And for some errors, the offered corrections offer only general information about closed sessions, not specific information pertaining the meetings with disclosure errors.

In addition to the agenda for the April meeting, the Board approved minutes verified that the topic under negotiation which was actually discussed was "Potential Litigation". The fact that no action was taken in April is not relevant, the required disclosures still need be made correctly. From the provided response, it is not entirely clear whether the verification by all members of the Board that litigation was discussed was, in fact, in error or not.

Simply put, we believe that the mis-classification error, referencing two different and incompatible sections of the Brown Act, in the approved minutes could have been a result of three different occurrences in the April closed session. Section 54656.8 real estate transactions issues were discussed AND/OR Section 5465.9 "Potential Litigation" issues were discussed. The correction offered to date only clarifies general information regarding all "Section 54656.8" disclosures for the site, not the specific error in the April approved minutes and agenda. And the correction offered does not specifically address whether the verification in the minutes that "Potential Litigation" was discussed is correct or an error.

A complete correction and clarification of the disclosure errors made require these three questions to be answered:

1. Were the repeated specific disclosures of "Potential Litigation" as a topic under negotiation (in the April agenda and) and specific verification of litigation having been discussed (in the April approved minutes) correct or accidental errors?

2. Should these specific line items that reference "Potential Litigation" be deleted and replaced by the one or both of the two topics put forward as a possible topics under negotiation: "*now completed purchase of the real property*" and/or "*future lease(s) of the real property*"?

3. Or is the versification made by the Board in the approved minutes correct in describing that "Potential Litigation" was actually discussed in April?

Thank you for the assurance that "*no information has been shared in closed session that should have been made public*". But please know that this assurance was not necessary. Neither I, nor anyone in the neighborhood that I am aware of, are concerned about the content of Board discussions when closed sessions are correctly authorized and when the topics under negotiation are correctly disclosed. We are, however, concerned with AHA fully correcting the errors in its disclosures about litigation related discussions in closed session and providing any applicable missing disclosures.

Although this assurance may seem to address the community's concerns about the closed session disclosure errors, in fact, this assurance actually does not fully foreclose the possibility that additional disclosures are necessary under Section 54656.9.

The closed session "Potential Litigation" topic description appeared in the approved minutes for the April meeting, and was seen by all staff and verified by all board members in the approval process. It remained uncorrected. If the litigation reference is untrue and litigation was not discussed, then please simply state so.

To date, the Boards responses to inquires about these errors makes it appear to the public that discussion of a "Potential

Litigation" may very well have been something that did occur. The response provided dances around, yet purposefully avoids, simply addressing the obvious correction that is specifically needed. This does not encourage community trust.

Again, to correct its error, further information must be provided to fully clarify what part of the discloses are true and which were accidental errors/are false. Full correction and clarification of the errors made in the approved minutes clearly requires specific corrections for each individual error. And if litigation was discussed, the discloses made were incomplete and additional Section 54656.9 disclosures are necessary.

If litigation was not discussed, the community stakeholders are requesting that the offered assurance be extended to include an assurance that all the "Potential Litigation" references in the approved minutes/agendas were in error and that, despite the verification by the Board in the approved minutes, "Potential Litigation" was not in fact discussed

The approved minutes for the April meeting contain the specific verification by the Board that "Potential Litigation" was discussed in closed session. At a minimum, the public is entitled to know if this specific verification by the Board is in and of itself true, or if it is also included in the accidental disclosure errors made by AHA and is not true.

After references in both the agenda and Board verified minutes, I trust you will agree that it clearly does not foster the public trust for AHA to refuse to fully correct its disclosure error. Kindly address the most apparent issue raised by the disclosure errors made by AHA: whether or not litigation was actually discussed.

Best Regards,

F. Jay Faustini Jr.
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
On 9/22/2025 4:35 PM, Jasmine Polar wrote:

Good afternoon, Mr. Faustini:

Thank you again for your participation. 2615 Eagle Ave. is a development site owned by the Housing Authority of the City of Alameda, with additional information available here: <https://link.edgepilot.com/s/835ade4b/UuLakKYkAUuKQ-W1jvzXIA?u=https://www.alamedahsg.org/project/poplar/>.

Closed Session Item No. 5A was pulled and the Board did not discuss the matter during closed session on September 17, 2025. In addition, no action was taken in connection with Closed Session Item No. 5.C on April 16, 2025. We will clarify the record in open session at the October Board meeting to notify the public of the mis-categorization.

I would like to assure you that no information has been shared in closed session that should have been made public.

All Board closed session discussions regarding 2615 Eagle Ave. to date have been authorized under Section 54656.8 in regard to the now completed purchase and future lease(s) of the real property. Additional public information will be available at several upcoming community meetings. We look forward to your continued participation.

Best regards,

Jasmine Polar

Senior Executive Assistant

Housing Authority of the City of Alameda

701 Atlantic Avenue

Alameda, CA 94501

Phone: 510-747-4325

Email: jpolar@alamedahsg.org

Pronouns I use: she, her, hers



PLEASE NOTE:

Our main offices are open Monday through Thursday 8:30 a.m. to 3:00 p.m.

AHA will provide reasonable accommodations upon request.

DISCLAIMER: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, forwarding, re-transmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this electronic mail transmission in error, please notify the sender at (510) 747-4325 and delete it.

From: Jay Faustini [REDACTED]
Sent: Sunday, September 21, 2025 1:59 PM
To: Jasmine Polar <jpolar@alamedahsg.org>
Subject: Re: Error in released Board of Commissioners Agenda

[External Email]

Great. And thank you for the prompt response Jasmine.

Have a nice weekend,

F. Jay Faustini Jr.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On 9/19/2025 9:37 AM, Jasmine Polar wrote:

Good morning, Mr. Faustini:

The Housing Authority of the City of Alameda (AHA) expects to respond to your inquiry next week.

Best regards,

Jasmine Polar

Senior Executive Assistant

Housing Authority of the City of Alameda

701 Atlantic Avenue

Alameda, CA 94501

Phone: 510-747-4325

Email: jpolar@alamedahsg.org

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From: Jay Faustini <[REDACTED]>
Sent: Friday, September 19, 2025 7:48 AM
To: Jasmine Polar <jpolar@alamedahsg.org>
Subject: Fwd: Error in released Board of Commissioners Agenda

[External Email]

Hi Jasmine,

I was wondering when this error will be corrected. When can community can expect to receive the disclosures that should have been made last April?

Thank you for the prompt correction to the other accidental error. That correction was made in about 24 hours. Can we expect the same for this correction?

Best Regards,

F. Jay Faustini Jr.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

----- Forwarded Message -----

Subject:Re: Error in released Board of Commissioners Agenda

Date:Thu, 18 Sep 2025 12:12:53 -0700

From:Jay Faustini [REDACTED] >

Jasmine Polar <jpolar@alamedahsg.org>, Vanessa Cooper <vcooper@alamedahsg.org>
atorbitt@nixonpeabody.com <atorbitt@nixonpeabody.com>

To:

CC:Robert Shaye <[REDACTED]>

Dear Ms. Cooper, Ms.Torbitt and Ms. Polar,

Thank you again for your prompt remediation of the accidental mis-categorization in the agenda for the September 17th Board of Commissioners meeting.

Unfortunately, this is not the first time AHA staff made this same mis-categorization error regarding a discussion of the 2615 Eagle Ave. site in closed session.

The April 16 meeting also had a mis-categorization on its Agenda (Item 5C) and the minutes do not indicate any announcement at the meeting regarding the mis-categorization. Stakeholders

within the community are also seeking clarification regarding the required disclosures for this closed session due to the error.

If the authorization cite of Section 54656.8 is correct, kindly provide the correct real estate transaction topic (purchase, sale, exchange or lease) that was the actual discussed topic under negotiation in the closed session (i.e. replacing "potential litigation").

If potential litigation was in fact the actual topic under negotiation that was discussed in the closed session, then kindly provide the additional Section 54656.9 disclosures required. We trust that you will agree the public is clearly entitled to the proper disclosures and the existing facts and circumstances regarding any potential litigation that may have been discussed in closed session last spring.

To correct the mis-categorization error, the correct information that should have been disclosed must be made public. We understand that a correction would only apply to the existing facts and circumstances as of the date of the closed session.

We look forward to the Board providing the required additional public information. Your prompt attention to this matter is appreciated.

Best Regards,

F. Jay Faustini Jr.
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On 9/17/2025 9:29 AM, Jasmine Polar wrote:

Hello, Mr. Faustini:

Thank you for your participation and cooperation in identifying this accidental mis-categorization in our agenda. This Board of Commissioner agenda item will not be discussed during the September 17, 2025 meeting and will be moved to the next meeting (October 15, 2025).

We again thank you for your good attention.

Best regards,

Jasmine Polar

Senior Executive Assistant

Housing Authority of the City of Alameda

701 Atlantic Avenue

Alameda, CA 94501

Phone: 510-747-4325

Email: jpolar@alamedahsg.org

Pronouns I use: she, her, hers



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From: Jay Faustini [REDACTED]
Sent: Tuesday, September 16, 2025 10:24 AM
To: Jasmine Polar <jpolar@alamedahsg.org>; Vanessa Cooper <vcooper@alamedahsg.org>; atorbitt@nixonpeabody.com
Cc: Robert Shaye [REDACTED]
Subject: Error in released Board of Commissioner Agenda

[External Email]

Dear Ms. Cooper, Ms. Torbitt and Ms. Polar.

I am writing to you it appears that there is an error in the agenda that has been released for of Alameda Housing Authority's meeting of Board Members/Commissioners. on Wednesday September 17th.

Stakeholders within the community are seeking clarification due to this apparent error.

The section of the agenda that pertains to the portion of closed session regarding the property at 2615 Eagle Ave. cites Gov. Code Sect. 54956.8. as authorization for this portion of the closed session, However, it also cites "potential litigation" as the topic under negotiation.

Section 54956.8 only covers the purchase, sale exchange or lease of real property. This section does not appear to apply, nor give authorization to discuss a pending litigation topic in closed session.

If the topic of pending litigation is actually incorrect, and the discussions will actually be limited to the purchase, sale exchange or lease of the property at 2615 Eagle Ave., kindly inform stakeholders that "pending litigation" appearing as the topic under negotiation is in error.

The following Section 54956.9 actually covers litigation and potential litigation. And to discuss a potential

litigation that is not yet filed, the section adds additional public disclosure requirements, including which sub-part of Section 54956.9 is being relied upon.

As the extra disclosures must be in the agenda or announced prior to the closed session, please inform us of any corrections and any additional required disclosures prior to the meeting, if possible.

If not possible, kindly confirm that a clarification of this apparent error will be announced at the meeting prior to the closed session.

I will also will like time to make a comment, obviously during the public comment section that is prior to the closed session.

Thank you.

Best Regards,

F. Jay Faustini Jr.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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City of Alameda

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701 Atlantic Avenue • Alameda, California 94501-2161

Sent:

**Tuesday, September 30, 2025
2:04 AM**

Subject:

**Upcoming October AHA board
meeting – agenda disclosures**



Vanessa Cooper

From: Robert Shaye [REDACTED]
Sent: Tuesday, September 30, 2025 2:04 AM
To: Carly Grob; Jasmine Polar
Cc: Sylvia Martinez; atorbitt@nixonpeabody.com; Vanessa Cooper
Subject: upcoming October AHA board meeting - agenda disclosures

[External Email]

Dear Ms. Polar, Chairperson Grob, and AHA Board Members -

Ahead of the upcoming AHA Board Meeting in October, I would like to address the importance of providing the proper disclosures in the agenda, as required by the Brown Act. Specifically, if the AHA Board is going to discuss the sale and transfer or pending litigation of an AHA property, the proper disclosures must be made in the agenda prior to the meeting.

The Alameda City Council has been following the proper disclosure regulations reading sections 54956.8 and .9, and a proper example of correct disclosures can be found here and below: https://link.edgepilot.com/s/7bd97b8a/vv7p3kPrSkGvOskky36Gdw?u=https://legistar1.granicus.com/alameda/meetings/2025/10/6218_A_City_Council_25-10-07_Meeting_Agenda.pdf?id=fc24af0f-a2a1-4071-a79d-4877ebff21cb

If you are unsure how to properly disclose information required by the Brown Act ahead of the AHA October meeting, I encourage you to reference the City's above agenda and confer with legal counsel.

Since this has been an ongoing problem for AHA in the past, including at least in April and Sep 2025, I want to bring this to your attention ahead of the upcoming October board meeting. If you continue to discuss Potential Litigation in closed session, while improperly citing Section .8 (Sale and Transfer), do not provide the required disclosures, and do not make complete corrections for past disclosure errors, we will assume this is an intentional act. In this case, your actions would not be in compliance with the Brown Act.

Stakeholders understand the AHA Board is allowed to discuss Potential Litigation, and other matters, in closed session. We are not asking for any information about closed session discussions. However, if discussions happen in closed session, the proper disclosures must be made. The AHA Board approved minutes from the April 2025 meeting, confirming Litigation was discussed in closed session, without the proper disclosures being made. We expect these related disclosures to be provided in writing before 08 Oct 2025.

In the past on multiple occasions, AHA has not followed proper procedure, hence our raising of the concern ahead of the October meeting. We eagerly await the release of the October agenda and expect you to include the proper legal disclosures for all items being discussed as well as correct past errors in writing before the next board meeting.

Kindly,
Robert Shaye

Examples from Alameda City council agenda, properly disclosing information related to 5496.8 and 5496.9:

4 Adjournment to Closed Session to consider:

4-A 2025-5367 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)
PROPERTY: 1501 Viking Street (Building 166), and 1399 Ferry Point (Pier 1) Alameda, CA
CITY NEGOTIATORS: City Manager Jennifer Ott, Base Reuse and Economic Development Director Abigail Thorne-Lyman, Base Reuse Manager Alesia Strauch, Assistant City Attorney Len Aslanian, and Cushman and Wakefield Managing Director Ted J. Anderson
NEGOTIATING PARTIES: City of Alameda, Power Engineering Construction
UNDER NEGOTIATION: Price and terms
Employment

4-C 2025-5391 CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION
Potential Initiation of Litigation Pursuant to Government Code Section 54956.9, Subsection (d)(4)
Number of Cases: One (As Plaintiff - City Initiating Legal Action); and

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to Government Code § 54956.9)
CASE NAME: City of Fresno, et al., v. Scott Turner, et. al.
COURT: United States District Court for the Northern District of California
CASE NUMBERS: 25-CV07070-RS

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701 Atlantic Avenue • Alameda, California 94501-2161

Sent:

Tuesday, October 7, 2025

1:35 PM

Subject:

**Re: upcoming October AHA board
meeting – agenda disclosures**

Vanessa Cooper

From: Robert Shaye [REDACTED]
Sent: Tuesday, October 7, 2025 1:35 PM
To: Jasmine Polar
Cc: Carly Grob; Vanessa Cooper; Sylvia Martinez; atorbitt@nixonpeabody.com; Jhaila R. Brown
Subject: Re: upcoming October AHA board meeting - agenda disclosures

[External Email]

Hello Ms. Polar -

Thank you for confirming that the Board will use the proper disclosures for future meetings. I do find it alarming and concerning that these types of clerical or administrative errors are made on a frequent basis by an agency that regularly uses these codes and holds meetings monthly. The Board contains members who are attorneys and/or City Attorneys themselves (Vice Chair Sidelnikov, by example.) From a public perspective, it does not instill confidence or make me feel comfortable that the AHA will not make other errors, or catch errors, made during project development.

As you know, it does not matter if any action was taken in closed session discussions. If Potential Litigation was discussed -- the proper disclosures must have been made in accordance with Gov. Code § 54960 (the Brown Act).

I reiterate my request to receive the corrections by 08 Oct 2025. As you know, the 10 Oct date you stated applies to the 72 hour meeting agenda requirement ahead of the 15 Oct AHA meeting. It is irrelevant to correcting prior mistakes.

Kindly,
Robert Shaye

On Tue, Sep 30, 2025 at 8:31 AM Jasmine Polar <jpolar@alamedahsg.org> wrote:
Dear Mr. Shaye,

Thank you for your email. We are aware of the situation and have addressed this for upcoming meetings. We are also in the process of reviewing past Closed Session notifications and will provide a report at the October Board meeting.

Please note that any error is inadvertent and clerical. No action was taken by the Board in the Closed Session Meetings. We apologize for any concerns it may have raised for you.

In accordance with State noticing requirements, the October 15, 2025, Board packet will be published no later than October 10, 2025.

Best regards,

Jasmine Polar

Senior Executive Assistant

Housing Authority of the City of Alameda

701 Atlantic Avenue

Alameda, CA 94501

Phone: 510-747-4325

Email: jpolar@alamedahsg.org

Pronouns I use: she, her, hers



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From: Robert Shaye [REDACTED]

Sent: Tuesday, September 30, 2025 2:04 AM

To: Carly Grob <cgrob@alamedahsg.org>; Jasmine Polar <jpolar@alamedahsg.org>

Cc: Sylvia Martinez <smartinez@alamedahsg.org>; atorbitt@nixonpeabody.com; Vanessa Cooper <vcooper@alamedahsg.org>

Subject: upcoming October AHA board meeting - agenda disclosures

[External Email]

Dear Ms. Polar, Chairperson Grob, and AHA Board Members -

Ahead of the upcoming AHA Board Meeting in October, I would like to address the importance of providing the proper disclosures in the agenda, as required by the Brown Act. Specifically, if the AHA Board is going to discuss the sale and transfer or pending litigation of an AHA property, the proper disclosures must be made in the agenda prior to the meeting.

The Alameda City Council has been following the proper disclosure regulations reading sections 54956.8 and .9, and a proper example of correct disclosures can be found here and below: https://link.edgepilot.com/s/f1f14c9b/ktciz6JVTEGj8Ghv3hyz0A?u=https://legistar1.granicus.com/alameda/meetings/2025/10/6218_A_City_Council_25-10-07_Meeting_Agenda.pdf?id=fc24af0f-a2a1-4071-a79d-4877ebff21cb

If you are unsure how to properly disclose information required by the Brown Act ahead of the AHA October meeting, I encourage you to reference the City's above agenda and confer with legal counsel.

Since this has been an ongoing problem for AHA in the past, including at least in April and Sep 2025, I want to bring this to your attention ahead of the upcoming October board meeting. If you continue to discuss Potential Litigation in closed session, while improperly citing Section .8 (Sale and Transfer), do not provide the required disclosures, and do not make complete corrections for past disclosure errors, we will assume this is an intentional act. In this case, your actions would not be in compliance with the Brown Act.

Stakeholders understand the AHA Board is allowed to discuss Potential Litigation, and other matters, in closed session. We are not asking for any information about closed session discussions. However, if discussions happen in closed session, the proper disclosures must be made. The AHA Board approved minutes from the April 2025 meeting, confirming Litigation was discussed in closed session, without the proper disclosures being made. We expect these related disclosures to be provided in writing before 08 Oct 2025.

In the past on multiple occasions, AHA has not followed proper procedure, hence our raising of the concern ahead of the October meeting. We eagerly await the release of the October agenda and expect you to include the proper legal disclosures for all items being discussed as well as correct past errors in writing before the next board meeting.

Kindly,

Robert Shaye

Examples from Alameda City council agenda, properly disclosing information related to 5496.8 and 5496.9:

4 Adjournment to Closed Session to consider:

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COURT: United States District Court for the Northern District of California
CASE NUMBERS: 25-CV07070-RS

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Sent:

Friday, October 10, 2025

11:47 AM

Subject:

**Re: upcoming October AHA board
meeting – agenda disclosures**

Vanessa Cooper

From: Robert Shaye [REDACTED]
Sent: Friday, October 10, 2025 11:47 AM
To: Jhaila R. Brown
Cc: Jasmine Polar; Carly Grob; Vanessa Cooper; Sylvia Martinez; atorbitt@nixonpeabody.com
Subject: Re: upcoming October AHA board meeting - agenda disclosures

[External Email]

Ms. Brown,

Is the Housing Authority still going to meet their 10 Oct deadline to post the agenda? My understanding is that many AHA staff do not work on Fridays.

The 72-hour Brown Act requirement applies to posting agendas for upcoming meetings; however, there is no requirement that corrections must be made via the agenda process. Mis-categorizations could simply be corrected via email or by posting revised agendas to prior meetings.

Example: When AHA wants to correct or edit a slideshow related to the Poplar Project, they do it immediately on their website. They do not wait until 72 hours before the next Poplar Meeting.

I find it interesting that AHA has taken this long to correct a simple disclosure. We are now past my requested date of 08 Oct and quickly approaching the 10 Oct deadline you previously stated. I look forward to your reply.

Kindly,
Mr. Shaye

On Wed, Oct 8, 2025 at 9:57 AM Jhaila R. Brown <jbrown@goldfarblipman.com> wrote:

Mr. Shaye,

I am working with the Authority to correct this issue. In your email below, you reference an October 8th date. Per Ms. Polar's email below, the agenda for the October 15th Board meeting will be posted on October 10th. An item will be included on the agenda correcting the mis categorizations, which is permissible under the Brown Act. Pursuant to Government Code section 54954.2, the agenda must be posted seventy-two hours before the meeting. The Authority's posting date satisfies the aforementioned requirement.

Can you please clarify what other documents you are seeking by October 8th? I want to ensure we are addressing all of your requests.

Thank you, Jhaila

Jhaila R. Brown

she | her | hers

jbrown@goldfarblipman.com

510.433.6619

Goldfarb & Lipman LLP

550 South Hope Street | Suite 2685 | Los Angeles CA 90071

213.627.6336 | goldfarblipman.com



From: Robert Shaye [REDACTED]
Sent: Tuesday, October 7, 2025 1:35 PM
To: Jasmine Polar <jpolar@alamedahsg.org>
Cc: Carly Grob <cgrob@alamedahsg.org>; Vanessa Cooper <vcooper@alamedahsg.org>; Sylvia Martinez <smartinez@alamedahsg.org>; atorbitt@nixonpeabody.com; Jhaila R. Brown <jbrown@goldfarblipman.com>
Subject: Re: upcoming October AHA board meeting - agenda disclosures

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Thank you for confirming that the Board will use the proper disclosures for future meetings. I do find it alarming and concerning that these types of clerical or administrative errors are made on a frequent basis by an agency that regularly uses these codes and holds meetings monthly. The Board contains members who are attorneys and/or City Attorneys themselves (Vice Chair Sidelnikov, by example.) From a public perspective, it does not instill confidence or make me feel comfortable that the AHA will not make other errors, or catch errors, made during project development.

As you know, it does not matter if any action was taken in closed session discussions. If Potential Litigation was discussed -- the proper disclosures must have been made in accordance with Gov. Code § 54960 (the Brown Act).

I reiterate my request to receive the corrections by 08 Oct 2025. As you know, the 10 Oct date you stated applies to the 72 hour meeting agenda requirement ahead of the 15 Oct AHA meeting. It is irrelevant to correcting prior mistakes.

Kindly,

Robert Shaye

On Tue, Sep 30, 2025 at 8:31 AM Jasmine Polar <jpolar@alamedahsg.org> wrote:

Dear Mr. Shaye,

Thank you for your email. We are aware of the situation and have addressed this for upcoming meetings. We are also in the process of reviewing past Closed Session notifications and will provide a report at the October Board meeting.

Please note that any error is inadvertent and clerical. No action was taken by the Board in the Closed Session Meetings. We apologize for any concerns it may have raised for you.

In accordance with State noticing requirements, the October 15, 2025, Board packet will be published no later than October 10, 2025.

Best regards,

Jasmine Polar

Senior Executive Assistant

Housing Authority of the City of Alameda

701 Atlantic Avenue

Alameda, CA 94501

Phone: 510-747-4325

Email: jpolar@alamedahsg.org

Pronouns I use: she, her, hers



PLEASE NOTE:

Our main offices are open Monday through Thursday 8:30 a.m. to 3:00 p.m.

AHA will provide reasonable accommodations upon request.

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From: Robert Shaye [REDACTED]
Sent: Tuesday, September 30, 2025 2:04 AM
To: Carly Grob <cgrob@alamedahsg.org>; Jasmine Polar <jpolar@alamedahsg.org>
Cc: Sylvia Martinez <smartinez@alamedahsg.org>; atorbitt@nixonpeabody.com; Vanessa Cooper <vcooper@alamedahsg.org>
Subject: upcoming October AHA board meeting - agenda disclosures

[External Email]

Dear Ms. Polar, Chairperson Grob, and AHA Board Members -

Ahead of the upcoming AHA Board Meeting in October, I would like to address the importance of providing the proper disclosures in the agenda, as required by the Brown Act. Specifically, if the AHA Board is going to discuss the sale and transfer or pending litigation of an AHA property, the proper disclosures must be made in the agenda prior to the meeting.

The Alameda City Council has been following the proper disclosure regulations reading sections 54956.8 and .9, and a proper example of correct disclosures can be found here and below: https://link.edgepilot.com/s/f1f14c9b/ktciz6JVTEGj8Ghv3hyz0A?u=https://legistar1.granicus.com/alameda/meetings/2025/10/6218_A_City_Council_25-10-07_Meeting_Agenda.pdf?id=fc24af0f-a2a1-4071-a79d-4877ebff21cb

If you are unsure how to properly disclose information required by the Brown Act ahead of the AHA October meeting, I encourage you to reference the City's above agenda and confer with legal counsel.

Since this has been an ongoing problem for AHA in the past, including at least in April and Sep 2025, I want to bring this to your attention ahead of the upcoming October board meeting. If you continue to discuss Potential Litigation in closed session, while improperly citing Section .8 (Sale and Transfer), do not provide the required disclosures, and do not make complete corrections for past disclosure errors, we will assume this is an intentional act. In this case, your actions would not be in compliance with the Brown Act.

Stakeholders understand the AHA Board is allowed to discuss Potential Litigation, and other matters, in closed session. We are not asking for any information about closed session discussions. However, if discussions happen in closed session, the proper disclosures must be made. The AHA Board approved minutes from the April 2025 meeting, confirming Litigation was discussed in closed session, without the proper disclosures being made. We expect these related disclosures to be provided in writing before 08 Oct 2025.

In the past on multiple occasions, AHA has not followed proper procedure, hence our raising of the concern ahead of the October meeting. We eagerly await the release of the October agenda and expect you to include the proper legal disclosures for all items being discussed as well as correct past errors in writing before the next board meeting.

Kindly,

Robert Shaye

Examples from Alameda City council agenda, properly disclosing information related to 5496.8 and 5496.9:

4 Adjournment to Closed Session to consider:

4-A 2025-5367 CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Pursuant to Government Code Section 54956.8)
PROPERTY: 1501 Viking Street (Building 166), and 1399 Ferry Point (Pier 1) Alameda, CA
CITY NEGOTIATORS: City Manager Jennifer Ott, Base Reuse and Economic Development Director Abigail Thorne-Lyman, Base Reuse Manager Alesia Strauch, Assistant City Attorney Len Aslanian, and Cushman and Wakefield Managing Director Ted J. Anderson
NEGOTIATING PARTIES: City of Alameda, Power Engineering Construction
UNDER NEGOTIATION: Price and terms

Employment

4-C 2025-5391 CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION
Potential Initiation of Litigation Pursuant to Government Code Section 54956.9, Subsection (d)(4)
Number of Cases: One (As Plaintiff - City Initiating Legal Action); and

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Pursuant to Government Code § 54956.9)
CASE NAME: City of Fresno, et al., v. Scott Turner, et. al.
COURT: United States District Court for the Northern District of California
CASE NUMBERS: 25-CV07070-RS

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