



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:

Tuesday, October 14, 2025

3:51 PM

Subject:

**Re: Error in released Board of
Commissioners Agenda**

Vanessa Cooper

From: Jay Faustini [REDACTED]
Sent: Tuesday, October 14, 2025 3:51 PM
To: Jhaila R. Brown
Cc: Vanessa Cooper; [REDACTED]; Jasmine Polar; Robert Shaye
Subject: Re: Error in released Board of Commissioners Agenda

[External Email]

Ms. Brown,

I have just consulted with Mr. Shaye regarding the appearance of our names in AHA's publicly posted agenda materials.

Thank you for not also including our email addresses in a publicly posted document.

Please remove the currently posted Agenda and replace it with a version that redacts the appearances of our names. We did not agree to allow our names to appear publicly in AHA's Brown Act safe harbor documents.

Since it is not appropriate to leave them unredacted, especially after a removal request, kindly respond to this request promptly.

Thank you

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

On 10/10/2025 4:45 PM, Jhaila R. Brown wrote:

Messrs. Faustini and Shaye,

Attached please find a copy of the agenda and packet for the regular Board of Commissioners meeting scheduled to take place on Wednesday, October 15, 2025.

The document can also be found here:

<https://link.edgepilot.com/s/eaf3a35b/ScGg80FU9Eil8Ujq-XG4QQ?u=https://www.alamedahsg.org/wp-content/uploads/2025/10/10.-Board-of-Commissioners-October-15-2025-Agenda-and-Packet.pdf>

Thank you,

Jhaila R. Brown

she | her | hers

jbrown@goldfarbblipman.com
510.433.6619

Goldfarb & Lipman LLP

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

[REDACTED] | goldfarbblipman.com

Over 50 Years of Building and Supporting Communities

From: Jay Faustini [REDACTED]
Sent: Friday, October 10, 2025 3:31 PM
To: Jhaila R. Brown [REDACTED]
Cc: Robert Shaye [REDACTED]; Vanessa Cooper [REDACTED];
[REDACTED]; Jasmine Polar [REDACTED] <jpolar@alamedahsg.org>
Subject: Re: Error in released Board of Commissioners Agenda

Ms. Brown.

Ms. Polar seems to be out of the office today.

Both you and your client have represented that the closed session corrections would be made today.

It is nearing the end of the day and I still have not received a response to my email from first thing this morning.

Kindly provide an update on the status of the corrections.

Thank you.

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

On 10/10/2025 9:29 AM, Jay Faustini wrote:

Ms Polar,

At what time today can we expect the Agenda to be posted?

Thank you.

Regards,

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

Cell: [REDACTED]

On 10/2/2025 2:03 PM, Jasmine Polar wrote:

Good afternoon, Mr. Faustine:

AHA expects to provide you with a response by Friday,
October 10, 2025.

Thank you again for your patience on this matter.

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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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: Jay Faustini [REDACTED]
Sent: Wednesday, October 1, 2025 7:01 PM
To: Jasmine Polar <jpolar@alamedahsg.org>
Cc: Robert Shaye [REDACTED]; Vanessa Cooper <vcooper@alamedahsg.org>; [REDACTED]; Jhaila R. Brown [REDACTED]
Subject: Re: Error in released Board of Commissioners Agenda

[External Email]

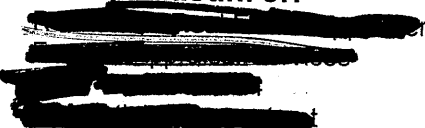
Dear Ms. Cooper, Ms. Torbitt, Ms. Brown
and Ms. Polar,

I've also requested additional information regarding the
Section 54656.8 authorized closed
sessions referenced in your response of September 22,
2025 (below). Specifically, the request was for
information about the site's completed real estate
transaction agreements for which the price and
payment terms were negotiated in the closed sessions,
including the March 2022 and April 2025 closed
sessions.

I could be wrong, but I don't think that such post-closed
session requests for information are typically
responded to via agenda materials.

If the responses to the information requests will be
included in the agenda materials you reference, please
let us know. Or, if they will be provided separately,
when can we expect the responses?

Regards,

F. Jay Faustini Jr.


On 10/1/2025 3:49 PM, Jasmine Polar wrote:

Good afternoon, Mr. Faustini:

Thank you for your below email.

AHA is working on this issue expects to publish
the Board Agenda and Packet by Friday,
October 10, 2025, with corrections.

We appreciate your patience on this matter.

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 Faustin [REDACTED]
Sent: Wednesday, October 1, 2025 10:43 AM
To: Jasmine Polar <jpolar@alamedahsg.org>; Vanessa Cooper <vcooper@alamedahsg.org>; [REDACTED]
Cc: Robert Shaye [REDACTED]
Subject: Re: Error in released Board of Commissioners Agenda

[External Email]

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

I sincerely wish that members of the community and I could be assured that one of these errors was "an unintentional and inadvertent error" and another was an "accidental mis-classification". But the series of these errors, after being seen, verified and left uncorrected by many sets of eyes, indicates otherwise.

Although the series of errors, in and of itself, does not indicate intentional Brown Act violations, they certainly do indicate, at a minimum, carelessness and negligence in providing required disclosures to the public.

And AHA's failure to be forthcoming and promptly make all the necessary corrections to these disclosure errors further indicates intentional concealment of required disclosures. Especially since full corrections require little more than drafting few lines of text and possibly releasing some documents.

If these were, in fact, "unintentional and inadvertent errors", then please provide the complete disclosure that was actually intended to be made in the April/September agenda drafting and in May, during the minute approval process.

If these errors were, in fact, "accidental mis-classifications," kindly explain what accident was made during the classification process in the April/September agenda drafting and in May, during the minute approval process.

The Board provided very quick responses for the prior incomplete corrections. The Board has been aware of these errors for two weeks now and have still not offered a viable explanation of the errors made nor

compliant corrections. There is no reason, other than intentional obfuscation, for further delay in answering the obvious issue which arises from the disclosures: Was "Potential Litigation" discussed? And if so, the required Section 54656.9 disclosures must be provided.

Additionally, the general corrections offered to date are incomplete. They do not fully correct the errors, nor provide all the required disclosures for the discussion topics claimed to be authorized under Section 54656.8. Please provide the actual disclosures language that was intended to be included in the agenda for the Section 54656.8 authorizations. Also please provide the exact language that should have been approved in May, in place of the inaccurate information that was verified by the board inadvertently.

The Board prior partial corrections list future lease(s) and AHA's 2022 purchase of the property as the real estate transactions which were topics under negotiation. The price and payment terms of the 2022 sale were negotiated and completed with a final agreement reached three years ago. Any discussion of the sale's price and payment terms in 2025 would not fall under a Section 54656.8 authorization, as the terms are no longer under negotiation. Thus any 2025 closed session authorized by Section 54656.8 is not authorized to discuss the sale without additional required disclosures. So, if the the sale's price and payment terms were, in fact, discussed in closed session, despite the agreement no longer being under negotiation, kindly also provide the additional disclosures which

are obviously necessary for a closed session discussion of a real estate transaction that is NOT under negotiation.

If the claimed Section 54656.8 authorization were, in fact, based upon discussions regarding the negotiation of a lease, I assume that negotiations have concluded by now, five months later. Please provide the substance of the agreement reached, if any. And please allow this message to serve as a standing request for disclosure of the substance of all of the site's real estate transaction agreements which are discussed in closed session, once the agreements are finalized.

Continued refusal by the Board to promptly disclose the truth about a series of erroneous closed session disclosures indicates continued intentional reluctance to make required disclosures. Disclosures, I remind you, that the public should have seen over five months ago. Further delay does not foster a constructive partnership with the community.

Thank you for your time and consideration.

Regards,

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

On 9/29/2025 9:36 AM, Jasmine Polar wrote:

Dear Mr. Faustini,

Thank you for your patience. Our Public Records staff will provide the agendas and minutes early this week for your review.

Your other question about the closed session is being reviewed, and Staff will get back to you in writing before the next Board meeting. Any errors will also be corrected publicly in that meeting.

Please be assured that any mislisting was an unintentional and inadvertent error.

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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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: [REDACTED]
[REDACTED]

Sent: Thursday, September 25, 2025
9:44 AM

To: Jasmine Polar
<jpolar@alamedahsg.org>; Vanessa
Cooper <vcooper@alamedahsg.org>;
atorbitt@nixonpeabody.com
Cc: Robert Shaye
[REDACTED]

Subject: Re: Error in released Board of
Commissioners Agenda

[External Email]

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

Thank you for the
prompt response
regarding the
additional mis-
classification 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 the all the apparent errors and do not offer clarification between the erroneous disclosures provided and actual factual information. Specifically, it does not fully address the 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 misclassifications 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 misclassification 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@alam
edahsg.org](mailto:jpolar@alam
edahsg.org)
Pronouns I use: she,
her, hers



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p.m.

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other than the
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prohibited. If you
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electronic mail
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error, please notify
the sender at (510)
747-4325 and delete
it.

From: Jay Faustini
[REDACTED]
[REDACTED]

Sent: Sunday,
September 21, 2025
1:59 PM

To: Jasmine Polar
<jpolar@alamedahsg.org
g>

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:

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Mr.
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Best
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Jasmin
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City of

Alameda
701
Atlantic
Avenue
Alameda, CA
94501
Phone
: 510-
747-
4325
Email:
jpolar@alameda.hsg.org
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**PLEASE
NOTE:**

Our
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From:
Jay
Faustini

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

Sent:
Friday,
Septem
ber 19,
2025
7:48
AM

To:
Jasmine
Polar
<jpolar@alamedahsg.org>

Subject
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**F. Jay
Fausti
ni Jr.**

[REDACTED]

Forwar
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Subject:Re: Error in released Board of Commissioners Agenc

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

From:Jay Faustini [REDACTED]

Jasmine Polar <jpolar@alamedahsg.org>, Vanessa C
atorbitt@nixonpeabody.com <atorbitt@nixonpeabo

To:

CC:Robert Shaye [REDACTED]

Dear
Ms.
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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

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entitled to the proper disclosures and the existing facts and circumstances regarding any potential litigation on that may have been discussed in closed session last spring.

To correct the mis-categorization

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

Best
Regar
ds,

**F. Jay
Fausti
ni Jr.**

[REDACTED]

Cell: ●

[REDACTED]

On
9/17/2
025
9:29
AM,
Jasmin
e Polar
wrote:

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