



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:

**Wednesday, October 15, 2025
9:07 AM**

Subject:

**PII on AHA website....Re: Error in
released Board of Commissioners
Agenda**

Vanessa Cooper

From: Robert Shaye [REDACTED]
Sent: Wednesday, October 15, 2025 9:07 AM
To: Jay Faustini
Cc: Jhaila R. Brown; Vanessa Cooper; atorbitt@nixonpeabody.com; Jasmine Polar
Subject: PII on AHA website....Re: Error in released Board of Commissioners Agenda

[External Email]

Ms. Brown

Our first and last names remain posted as of this morning. Kindly acknowledge if you will meet our request to redact our personally identifiable information, or not.

Please reply before 11am PT today.

Regards
Mr. Shaye

On Tue, Oct 14, 2025 at 3:51 PM Jay Faustini [REDACTED] wrote:

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]

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/b301e2af/WrZdxt1yt0_dy84-OqaA7A?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

510.836.6336 | 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 <jbrown@goldfarbblipman.com>

Cc: Robert Shaye [REDACTED] Vanessa Cooper <vcooper@alamedahsg.org>;
atorbitt@nixonpeabody.com; Jasmine Polar <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]
[REDACTED]
[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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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>; atorbitt@nixonpeabody.com; Jhaila R. Brown <jbrown@goldfarbblipman.com>
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.

[REDACTED]

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 Faustini [REDACTED]
Sent: Wednesday, October 1, 2025 10:43 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,**

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 pubic 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 mis-
listing 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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From: Jay Faustini
[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/clarificatio
ns 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 inquiries 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 specif
ic 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.ed
gepilot.com/s/835a
de4b/UuLakKYkA
UuKQ-
W1jvzXlA?u=https:
//www.alamedahsg
.org/project/poplar/](https://link.ed
gepilot.com/s/835a
de4b/UuLakKYkA
UuKQ-
W1jvzXlA?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@alamedaahsg.org

Pronouns I
use: she, her, hers



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are open Monday
through Thursday
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p.m.

AHA will provide
reasonable
accommodations
upon request.

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transmitted is
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the person or entity
to which it is
addressed and may
contain
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privileged material.
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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]
[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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

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Mr.
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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
Fausti
ni

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

Sent:
Friday,
September
19,

2025

7:48

AM

To:

Jasmin

e Polar

<[jpolar](mailto:jpolar@alamedah.sg.org)

[r@alamedah](mailto:jpolar@alamedah.sg.org)

[medah](mailto:jpolar@alamedah.sg.org)

[sg.org](mailto:jpolar@alamedah.sg.org)

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[REDACTED]

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Subject:Re: Error in released Board of Commissioners Agen

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

From:Jay Faustini [REDACTED]

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

To:

CC:Robert Shaye [REDACTED]

Dear
Ms.
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The
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Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.