

PHONE:

(510) 747-4300 (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

Sent:

Wednesday, October 15, 2025 9:07 AM

To:

Jav Faustini

Cc:

Subject:

Jhaila R. Brown; Vanessa Cooper; atorbitt@nixonpeabody.com; Jasmine Polar 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

wrote:

Ms. Brown,

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

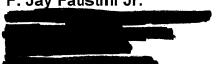
Thank you for not also including our email addresses in a publicly posted document.

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.



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

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@goldfarblipman.com 510.433.6619

Goldfarb & Lipman LLP

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

510.836.6336 | goldfarblipman.com

Over 50 Years of Building and Supporting Communities

From: Jay Faustini

Sent: Friday, October 10, 2025 3:31 PM

To: Jhaila R. Brown < jbrown@goldfarblipman.com>

Cc: Robert Shaye Vanessa Cooper cvcooper@alamedahsg.org;

atorbitt@nixonpeabody.com; Jasmine Polar <ipolar@alamedahsg.org>

Subject: Re: Error in released Board of Commissioners Agenda

Ms. Brown.

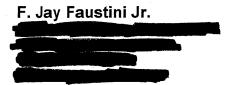
Ms. Polar seems to be out of the office today.

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.



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

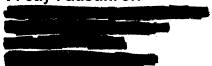
Ms Polar,

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

Thank you.

Regards,

F. Jay Faustini Jr.



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.

That 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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From: Jay Faustini

Sent: Wednesday, October 1, 2025 7:01 PM

To: Jasmine Polar < ipolar@alamedahsg.org>

Cc: Robert Shaye Vanessa Cooper vcooper@alamedahsg.org; atorbitt@nixonpeabody.com; Jhaila R.

Brown <jbrown@goldfarblipman.com>

Subject: Re: Error in released Board of Commissioners Agenda

[External Email]

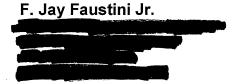
Dear Ms. Cooper, Ms. Torbitt, Ms. Brown and Ms. Polar,

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 postclosed 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,



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

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

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.

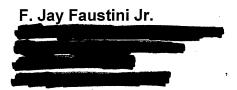
If the claimed Section 54656.8 authorization were, in fact, based upon discussions regarding the negotiation of a lease, I assume that negotiations have concluded by now, five months later. Please provide the substance of the agreement reached, if any. And please allow this message to serve as a standing 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,



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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From: Jay Faustini

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

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 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 the all the apparent errors and do not offer clarification between the erroneous disclosures provided and actual factual information. Specific ally, 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 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.

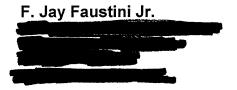
If litigation was not discussed, the community stakeholders are requesting that the offered assurance be extended to include an assurance that all the "Potential Litigation" references in the approved minutes/agendas were in error and that, despite the verification by the Board in the approved minutes,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



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-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 miscategorization.

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@ala medahsg.org

Pronouns I

use: she, her, hers



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From: Jay Faustini



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

To: Jasmine Polar <ipolar@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.



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

> Good morni ng, Mr. Faust ini:

The Housi ng Auth ority of the City of Alam eda (AHA expe cts to respo nd to your inquir у next week

Best regar ds,

Jasmi ne Polar

Senio r . Exec utive Assis tant

Housi ng Autho rity of the City of Alam eda 701 Atlant ic Aven ue

Alam eda, CA 9450

Phon e: 51 0-747-4325

Email: jpol ar@al amed ahsg. org

Prono uns I use: s he, her, hers



PLEA SE NOTE

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AHA will provi de reaso nable acco mmo datio ns upon reque st.

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than the

inten ded recipi ent is prohi bited. If you recei ved this electr onic mail trans missi on in error, pleas е notify the send er at (51 0) 747-4325 and delet e it.

From: Jay Fausti ni Sent: Friday,

Septe mber 19,

2025 7:48 ΑM To: Jasmin e Polar <jpola <u>r@ala</u> medah. sg.org ≥ Subjec t: Fwd: Error in releas $\operatorname{\sf ed}$ Board of Comm issione rs Agend

[Exter nal Email]

Hi Jasm ine,

I was won derin g whe n this error will be corre cted. Wh

en can com muni ty can expe ct to recei ve the discl osur es. that shou ld have been mad е last April ?

Than k you for the prom pt corre ction to the other acci dent al error . Tha t corre

ction was mad e in abou t 24 hour s. C an we expe ct the sam e for this corre ction ?

Best Rega rds,

F. Jay Faus tini Jr.

Forw arded Mess age --

Subject: Re: Error in released Board of Commissioners Agen

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

From: Jay Faustini

Jasmine Polar spolar@alamedahsg.org, Vanessa
atorbitt@nixonpeabody.com <atorbitt@nixonpeabody.com</pre>

To:

CC:Robert Shaye

Dear

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miscate goriz ation in the agen da for the Sept emb er 17th Boar d of Com missi oner s meet ing.

Unfo rtuna tely, this is not the first time AHA staff mad е this sam e mi scate goriz ation erro r

rega rding а disc ussi on of th е 2615 Eagl е Ave. site in clos ed sessi on.

The April 16 meet ing also had a mi scate goriz ation on its Age nda (Item 5C) and the minu tes do not indic ate

any anno unce ment at the meet ing rega rding the miscate goriz ation . Sta keho lders withi n the com muni ty are also seeki ng clarif icati on regar ding the requi red discl osur es for this clos ed

sessi

on due to the error

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tiatio n that was disc usse d in the clos ed sessi on, then kindl у provi de th е addit ional Secti on 5465 6.9 discl osur es requi red. We trust that you will agre e the publi c is clear ly entitl ed to

the prop

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To corre ct the miscate goriz ation erro r, the

corre ct infor mati on that shou ld have been discl osed must be mad е publi c. W е unde rstan d that а corre ction woul d only appl y to the existi ng facts and circu msta nces as of the date of the

clos

ed sessi on.

We look forw ard to the Boar

d provi ding

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.