



DATE: June 16, 2026

TO: Mayor and City Council

FROM: Chief of Police

SUBJECT: Adopt a Resolution Rescinding Resolution No. 26-022 and Authorizing the City Manager to Accept and Appropriate All Proceeds from Liquidations of Donated Securities From the Edward Michael Nuss Trust Estimated at Approximately \$121,432.73 with Final Value Subject to Market Fluctuation and Liquidation Timing to Be Used by the Hayward Animal Services Bureau for the Community Cat Trap, Neuter, Vaccinate, and Return Program

RECOMMENDATION

That the City Council adopts a resolution (Attachment II): (1) rescinding Resolution No. 26-022, which was previously adopted March 24, 2026, and thereafter administratively corrected to include the City Manager's name, for banking purposes; and (2) authorizing the City Manager to accept and appropriate all proceeds from liquidations of donated securities from the Edward Michael Nuss Trust estimated at approximately \$121,432.73 to Fund 250, Donation Fund, with final value subject to market fluctuation and liquidation timing for use by the Hayward Animal Services Bureau (HASB) to continue offering subsidized spay and neuter for community cats through HASB's Trap, Neuter, Vaccinate, and Return program.

SUMMARY

The Hayward Animal Service Bureau previously came to the City Council on March 24, 2026, recommending that the City Council authorize the City Manager to accept and appropriate up to \$115,000 from the Edward Michael Nuss Trust, a Trust in which the HASB was named a beneficiary, for use by the HASB in support of its Community Cat, Trap Neuter, Vaccinate and Return (TNVR) program. The Council adopted this Resolution (No. 26-022, at the March 24, 2026 meeting.

Subsequently, the bank which holds the Trust securities informed HASB that the Resolution needed to include the name of the City Manager in order to authorize the City Manager to sign necessary paper work to receive the Trust donation. As such, the City administratively corrected the Resolution to include the City Manger's name, "Jennifer Ott."

On May 14, 2026, HASB was informed that securities from the Trust are in the process of being liquidated and that the amount of the distribution may exceed \$115,000 previously authorized by the Council to be accepted and appropriated at the March 24, 2026 City Council meeting. The bank informed HASB that the total amount of the donation dependent on the sale price of the securities, which could fluctuate depending on the market.

On May 20, 2026, the HASB was contacted by the Executor of the Trust indicating that the securities in the Trust have an increased value of \$121,432.73.

Given the above, City staff is returning to Council to rescind the prior resolution (No. 26-022), to be replaced by this updated resolution with the updated language which will allow the City Manager to accept and appropriate approximately \$121,432.73 to Fund 250, but leaves space for the authorization to be applicable to the final sale price of the securities, whether above or below the approximated value.

FISCAL IMPACT

The gift of approximately \$121,432.73, with final value subject to market fluctuation, from the Edward Michael Nuss Trust will allow for the continued operation of the HASB's TNVR program. Receipt of this gift will have no impact on the General Fund.

BACKGROUND/DISCUSSION

The HASB has been named beneficiary of a gift from the Edward Michael Nuss Trust (the Trust). Originally, the HASB was informed that, pursuant to the Trust, a bequest with an approximate value of \$115,000 would be distributed to it. On March 24, 2026, City Council adopted Resolution No 26-022, authorizing the City Manager to accept and appropriate up to \$115,000 from the Trust. On May 14, 2026, HASB was informed that securities from the Trust are in the process of being liquidated and the amount of the distribution may exceed \$115,000 dependent on the sale price. On May 20, 2026, HASB was informed that the new approximate value of the securities had increased to \$121,432.73.

Adoption of the new Resolution would rescind the prior Resolution and authorize the City Manager to accept and appropriate all proceeds from liquidations of donated securities, estimated at approximately \$121,432.73, with final value subject to market fluctuation and liquidation timing.

The HASB is proposing to use the gift for the continued operation of the TNVR program. The HASB plans to place donor recognition on its website as well as TNVR program material to memorialize this generous gift Edward Michael Nuss has bestowed upon the HASB and the animals and community it serves.

The HASB's TNVR program is a cornerstone of the City's proactive animal welfare strategy. By humanely managing the community cat population, this program serves as an indispensable tool for maintaining public health, reducing shelter intake, and addressing resident concerns regarding unmanaged feline colonies.

The TNVR model provides a dual benefit to the city:

- **Public Health & Safety:** Each cat is vaccinated against rabies and other communicable feline diseases, creating a "buffer zone" of immunity within the community.
- **Population Control:** Sterilization is the only proven method to stabilize and eventually reduce community cat populations over time, preventing the "vacuum effect" where new, unsterilized cats move into an area to replace those removed.
- **Nuisance Reduction:** Fixed cats are quieter and less likely to engage in roaming, spraying, or fighting, reducing the volume of animal-related complaints from residents.
- **Reduced Kitten Intake:** Community cats are sterilized preventing the birth of unwanted kittens therefore reducing the number of kittens entering the shelter or left to grow up living on the street.

The HASB began operation of this program in 2014. Under this program, HASB is able to offer subsidized services to community cat caregivers needing spay or neuter assistance, and residents wanting a humane method to help reduce the cat population in their neighborhoods. Thanks to grant funding, HASB was able to offer these services to Hayward residents for free for a period of time in 2025; however grant funds have now been exhausted. In 2025, 1,084 cats were provided services through HASB's TNVR program. Without grant funding, program services are again offered to residents with a 50% subsidy funded by donations made specifically for spay and neuter programs. However, current donation levels for this program are low, creating a funding gap.

The allocation of funds from the Edward Michael Nuss Trust is vital to bridging the funding gap ensuring the continued availability of this subsidized program.

ECONOMIC IMPACT

This agenda item will have an economic impact on the residents of Hayward since it will enable HASB to continue to provide subsidized TNVR services to residents wanting to help reduce the cat population in their neighborhoods by trapping community cats for purposes of spaying or neutering, and vaccinating them, prior to being released back into the community they call home.

STRATEGIC ROADMAP

This agenda item supports the following Council Strategic Priorities: Enhances Community Safety & Quality of Life.

NEXT STEPS

If Council approves, the City will send a copy of the approved Staff Report and new Resolution to the Executor of the Trust. A designated member of the City's Finance team and the City Manager would then work with the appropriate individuals from the trust to transfer the gift to the City so that it can be used as directed in this report.

Prepared by: Jennie Comstock, Animal Services Administrator

Recommended by: Bryan Matthews, Chief of Police

Approved by:

A handwritten signature in blue ink, appearing to read "Jennifer Ott". The signature is fluid and cursive, with a large initial "J" and "O".

Jennifer Ott, City Manager