



# AGENDA REPORT


**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Chuck Baker  
Assistant City Administrator

**SUBJECT:** Exception to 180-Day Waiting Period  
for Retired Annuitant

**DATE:** April 21, 2026

City Administrator Approval

  
Jestin Johnson (May 1, 2026 03:15:54 PDT)

Date: May 1, 2026

## **RECOMMENDATION**

**Staff Recommends That The City Council Adopt A Resolution Approving The Appointment Of An Annuitant Without A 180-Day Break In Service Where The Appointment Is Necessary To Fill A Critically Needed Position Before 180 Days Have Passed Since The Employee's Retirement In Accordance With Government Code Sections 21224 And 7522.56.**

## **EXECUTIVE SUMMARY**

The recommended resolution would approve an exception to the 180-day waiting period for hiring John Monetta as a retired annuitant. Mr. Monetta is currently employed full-time by the City of Oakland (City) as a Project Manager II working exclusively on the redevelopment of the Oakland Army Base (OAB Project). He is preparing to retire in Spring 2026. He has been working on the OAB Project since 1999 and is uniquely qualified to support the City Administration as it transitions his responsibilities to other current and/or future employees. This exception is in the best interest of the City given the complex, time-sensitive and critically needed work associated with the OAB Project. The City Administration is working on a transition plan, but the work is currently in excess of what other, current staff can do.

## **BACKGROUND / LEGISLATIVE HISTORY**

Pursuant to Government Code Section 21224, a retired City of Oakland employee may serve without reinstatement from retirement or loss or interruption of CalPERS benefits if the retired person (Retired Annuitant) has specialized skills needed in performing work of limited duration. The Retired Annuitant shall not work for a CalPERS employer for more than 960 hours each fiscal year.

Pursuant to Government Code Section 7522.56, a Retired Annuitant generally must be separated from employment for at least 180 days before returning to work for an employer in the same retirement system from which they receive a pension.

Finance & Management Committee  
May 12, 2026

However, the statute provides certain exceptions to the 180-day waiting period, including as relevant here, where the employer certifies the nature of the employment and that the appointment is necessary to fill a critically needed position before 180 days have passed, and the appointment has been approved by the governing body of the employer in a public meeting as an action item rather than on the consent calendar.

Adoption of a resolution waiving the 180-day waiting period does not create a permanent appointment but authorizes temporary, at-will employment when the governing body determines that doing so is in the best interests of the public agency.

### **ANALYSIS AND POLICY ALTERNATIVES**

The OAB Project is a complex, multi-jurisdictional public infrastructure and economic development initiative requiring close coordination with regional, state and federal agencies, administration of time-sensitive environmental remediation, regulatory compliance, and grant agreements, and uninterrupted support for active real estate negotiations. A number of special projects at the OAB are underway now, including a potential new Costco store pursuant to [Resolution No. 91000 C.M.S.](#) adopted on December 16, 2025.

Mr. Monetta has been working on the OAB Project as an employee of the City since 1999 and possesses unique, technical knowledge of the OAB Project. He is preparing to retire from the City in Spring 2026 but is willing to continue working on the OAB Project on a temporary, part-time basis as a Retired Annuitant to provide extra help to the City.

The Economic and Workforce Development Department (EWDD) is working on transitioning Mr. Monetta's knowledge and duties to other personnel but this will require more time than remains before his planned retirement and thus his work as a Retired Annuitant would be in excess of what other, current City staff can do.

An 180-day delay in Mr. Monetta's reappointment as a Retired Annuitant would negatively impact the City's ability to complete critical work at the OAB Project, meet grant and regulatory deadlines, coordinate with partner agencies, advance time sensitive real estate negotiations, and protect the City's financial and contractual interests.

He currently manages compliance for an open \$242 million State Trade Corridor Improvement Fund (TCIF) grant for the OAB Project and oversees implementation of various environmental remediation and regulatory compliance agreements that are time-sensitive and legally binding, including a consent agreement, remedial action plan and risk management plan that are all continuously monitored by the California Department of Toxic Substances Control.

Mr. Monetta's proposed appointment as a Retired Annuitant will be temporary and limited in duration and scope. He will perform work that is project-specific and transitional in nature, including completing ongoing compliance obligations and supporting knowledge transfer during succession planning. The appointment will not exceed the statutory maximum of 960 hours

within a fiscal year, and compensation will not exceed the maximum monthly base salary paid to other employees performing comparable duties. The Retired Annuitant will receive no benefits, incentives, or compensation beyond those authorized by law. The appointment does not create a new permanent position nor expand authorized staffing levels.

### **RELATED PLANNING EFFORTS**

This action supports the City's recently completed [Economic Development Action Plan](#) (EDAP). A key goal of the EDAP is to pursue development on vacant or underutilized public property to catalyze positive change and investment. Mr. Monetta will help complete critical and time sensitive work needed to advance new development and investment at the OAB, including a new Costco in West Oakland proposed to be located on a vacant parcel at the OAB.

It also supports the City's adopted [OAB Final Reuse Plan](#), adopted July 2002, which establishes a framework to transform the former military base into a modern commercial, maritime, and industrial center that generates significant employment and economic activity.

It also supports the City's adopted [OAB Redevelopment Plan](#), adopted in June 2000, which establishes the legal and policy framework for eliminating physical and economic blight and facilitating the redevelopment of the former Army Base into a productive economic asset.

### **FISCAL IMPACT**

The cost of funding this retired annuitant position would be less than the cost of Mr. Monetta's current full-time position and would be funded from the same funding source: Oakland Base Reuse Authority Leasing and Utility Fund (5671), OARB Bay Bridge Gateway Program (SC07), Oakland Army Base Redevelopment Organization (85244), OBRA Leasing and Utility Project (1001542).

### **PUBLIC OUTREACH / INTEREST**

No outreach was deemed necessary for the recommended action beyond the standard City Council agenda noticing procedures.

### **COORDINATION**

The City Administrator's Office, Economic and Workforce Development Department, City Attorney's Office, Human Resources Department, and Budget Bureau have coordinated on this resolution.

## **RACE AND EQUITY**

West Oakland, where the OAB Project is located, is comprised of Census tracts that are identified as Highest Priority Neighborhoods according to the Oakland Department of Transportation's Geographic Equity Toolbox, with some tracts having up to 91% People of Color. The recommended action would help ensure that critically needed work is completed to support the West Oakland community's interests and advocacy related to the OAB Project and its impact on air quality, economic opportunity and community benefits. Mr. Monetta has deep knowledge of these community needs given his years of community stakeholder engagement and this position will allow him to also transfer this knowledge to existing staff to ensure continuity in addressing these community needs.

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt:

A Resolution Approving The Appointment Of An Annuitant Without A 180-Day Break In Service Where The Appointment Is Necessary To Fill A Critically Needed Position Before 180 Days Have Passed Since The Employee's Retirement In Accordance With Government Code Sections 21224 And 7522.56

For questions regarding this report, please contact Brendan Moriarty, Director of Real Estate & Special Projects, at [bmoriarty@oaklandca.gov](mailto:bmoriarty@oaklandca.gov) or (510) 238-6354.

Respectfully submitted,

  
Chuck Baker (Apr 30, 2026 09:55:50 PDT)

Chuck Baker, Assistant City Administrator

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