



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

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

WHEREAS, 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 (annuitant) has specialized skills needed in performing work of limited duration so long as the annuitant's work for CalPERS employer(s) does not exceed 960 hours per fiscal year and the compensation for the appointment does not exceed the maximum monthly base salary paid to other employees performing comparable duties; and

WHEREAS, Code Section 7522.56 provides that 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; and

WHEREAS, 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; and

WHEREAS, adoption of a resolution waiving the 180-day waiting period does not create a permanent appointment, but rather authorizes temporary, at-will employment; and

WHEREAS, the redevelopment of the former Oakland Army Base (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 negotiations; and

WHEREAS, John Monetta has been working on the OAB Project as an employee of the City since 1999 and possesses unique knowledge of the OAB Project; and

WHEREAS, John Monetta is preparing to retire from the City in Spring 2026 but is willing to continue working on the OAB Project as a retired annuitant to provide extra help to the City; and

WHEREAS, the Department of Economic & Workforce Development is working on transitioning John 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 regular City staff can do; and

WHEREAS, a 180-day delay between John Monetta's retirement and his appointment as a retired annuitant would negatively impact the City's ability to maintain continuity of oversight, meet grant and regulatory deadlines, coordinate with partner agencies, advance time sensitive negotiations, and protect the City's financial and contractual interests; and

WHEREAS, the position does not create a new permanent role or expand staffing levels;

WHEREAS, the cost of funding this retired annuitant position would be funded from: Oakland Base Reuse Authority Leasing and Utility Fund (5671), OBRA Leasing and Utility Project (1001542), OARB Bay Bridge Gateway Program (SC07), Oakland Army Base Redevelopment Organization (85244); now, therefore, be it

RESOLVED: That based on the information provided by the City Administrator above and in the related agenda report, the Council approves the appointment of John Monetta as 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 date in accordance with California Government Code sections 21224 and 7522.56; and

FURTHER RESOLVED: That Mr. Monetta's work as a retired annuitant will not exceed 960 hours per fiscal year, and his compensation will not exceed the maximum monthly base salary paid to other employees performing comparable duties.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

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