

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

APPROVING THE APPOINTMENT OF RETIRED ANNUITANT ROBERT ORBETA TO THE POSITION OF ADMINISTRATIVE SPECIALIST III WITH ALAMEDA MUNICIPAL POWER AND CERTIFYING THAT THE APPOINTMENT IS NECESSARY TO FILL A CRITICALLY NEEDED POSITION BEFORE THE PASSAGE OF 180 DAYS FOLLOWING THE DATE OF MR. ORBETA'S RETIREMENT, IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 7522.56 AND 21224

WHEREAS, in compliance with Government (Gov.) Code section 7522.56 of the Public Employees' Retirement Law, the Council of the City of Alameda must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since their retirement date; and

WHEREAS, Robert Orbeta (CalPERS ID 3155982547) retired from the City of Alameda in the position of Assistant General Manager of Administration, effective February 3, 2024; and

WHEREAS, Gov. Code section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Council of the City of Alameda, the City of Alameda, and Robert Orbeta certify that Robert Orbeta has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Council of the City of Alameda hereby appoints Robert Orbeta as an extra help retired annuitant to perform the duties of the Administrative Specialist III for the City of Alameda under Gov. Code section 21224, effective February 11, 2024; and

WHEREAS, the entire employment agreement, contract or appointment document between Robert Orbeta and the City of Alameda has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum salary for employees performing comparable duties is \$18,255.92 monthly and the hourly equivalent is \$105.32, and the minimum base salary for this position is \$15,019.25 monthly and the hourly equivalent is \$86.65; and

WHEREAS, the hourly rate paid to Robert Orbeta will be \$103.09; and

WHEREAS, Robert Orbeta has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to his hourly pay.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Alameda hereby approves the appointment of retired annuitant Robert Orbeta to the position of Administrative Specialist III with Alameda Municipal Power, certifies the nature of the appointment of Robert Orbeta as described herein and detailed in the attached employment agreement/contract/appointment document, and further certifies that this appointment is necessary to fill a critically needed position for the City of Alameda by February 11, 2024. The retired annuitant was the Assistant General Manager of Administration for the City of Alameda and will be rehired performing the comparable duties of the Assistant General Manager classification. The City would like to rehire Robert Orbeta to provide critical knowledge and strategic consultation to the City as it relates to the development, finalization, and presentation Fiscal Year 2024-2025 budget; negotiations with PG&E and the California Independent System Operator (CAISO) in relation to the Oakland Clean Energy Initiative; and in supporting AMP's position as NCPA deals with aging facilities.

## EXHIBIT A

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### City of Alameda · California

January 22, 2024

Robert Orbeta  
1117 Grand Street  
Alameda, CA 94501

Dear Robert:

Welcome back to the City of Alameda! This is to confirm your conditional appointment to the part-time position of Administrative Specialist III within the Alameda Municipal Power Department. Your tentative start date is February 11, 2024. Please note that your appointment is conditional on City Council approval of exception to the CalPERS 180-day waiting period. Should City Council not approve this exception this offer will be rescinded.

Your salary has been established at Step 5, \$103.09 hourly. Your position is non-exempt under the Fair Labor Standards Act and is eligible for overtime pursuant to legal requirements. As a CalPERS retired annuitant, you are limited to working no more than 960 hours per fiscal year. Your scheduled workdays are to be determined. Part-time employees may be scheduled for no more than 28 hours per week. These hours are subject to change based upon the needs of the City and the Department. Part-time employment with the City of Alameda is considered "at-will" and continued employment is at the discretion of the department.

You will be receiving a link to create an account and complete your orientation documents online, which will include hiring and payroll forms for this job, such as a W-4 and a notice that the City does not participate in Social Security. During your Human Resources orientation, you will have the opportunity to discuss onboarding documents, and ask any questions related to employment with the City of Alameda.

**Next Steps in the hiring process:** Please complete the items listed below in the order listed.

1. Please sign below and return this letter, to Chad Barr [cbarr@alamedaca.gov](mailto:cbarr@alamedaca.gov), as soon as possible.
2. Please be aware that Federal law requires that upon employment you must furnish proof of identity and eligibility for employment in the United States. Evidence of eligibility for employment documentation includes a United States Passport, a valid driver's license, and a United States Social Security card; or, other legally accepted documentation as defined in the Federal I-9 Form,

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*Human Resources Department, Room 290, City Hall / 2265 Santa Clara Ave, Alameda, CA 94501  
(510) 747-4900 / F (510) 865-4043*

Employment Eligibility Verification.

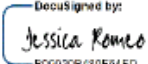
3. To establish continuity between data systems, we require you to bring in your Social Security card as one form of identification. Please be prepared to provide it on your first day of employment.
4. The City of Alameda participates in the Federal Government's E-verify program and new employees must provide documentation to establish both identity and work authorization, which includes showing a valid United States Social Security card at the time of hire.

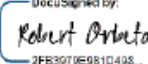
If you have any questions, please contact Chad Barr, Human Resources Technician, at [cbarr@alamedaca.gov](mailto:cbarr@alamedaca.gov) or contact us at (510) 747-4911. Please acknowledge acceptance by signing below and return to the Human Resources Department.

We look forward to you joining our team!

Sincerely,

Acknowledgment and acceptance:

DocuSigned by:  
  
B06020B489F34ED...  
\_\_\_\_\_  
Jessica Romeo  
Human Resources Director

DocuSigned by:  
 1/23/2024  
2FB3070E981D408...  
\_\_\_\_\_  
Signature Date

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*Human Resources Department, Room 290, City Hall / 2263 Santa Clara Ave, Alameda, CA 94501  
(510) 747-4900 / F (510) 865-4043*

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 6<sup>th</sup> day of February 2024, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 7<sup>th</sup> day of February 2024.

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Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Yibin Shen, City Attorney  
City of Alameda