

Boards and Commissions Application

Profile

Richard

First Name

Seal

Last Name

Email Address

Which Boards would you like to apply for?

Police and Fire Retirement Plan Board: Submitted

Question applies to Police and Fire Retirement Plan Board,Federated City Employees' Retirement System

Public members of the Board of Administration of the San Jose Police and Fire Department Retirement Plan or the Federated City Employees Retirement System must live within 50 miles of San Jose City Hall and meet specified eligibility requirements.

Employee members of the Retirement Boards must be active employees who are members of the respective retirement plan. The Police and Fire Department representative must be an employee of the Police or Fire Department respectively. The employee representatives to the Federated Board shall be employed by different departments.

Retiree members of the Retirement Boards must be persons who have retired under the provisions of the respective retirement plan.

Are you a resident of San Jose?

☒ Yes ☐ No

Question applies to Police and Fire Retirement Plan Board,Federated City Employees' Retirement System

Member Category: *

☒ Retiree Representative**Length of Residency**

☒ 6 or more years

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If not a resident, do you live within 50 miles of San Jose City Hall?

☒ Yes ☐ No

What district do you live in? To verify, please click here: <https://eservices.sccgov.org/rov/?tab=dt> *

☒ District 10

[Redacted]

Street Address

[Redacted]

Suite or Apt

San Jose

City

CA

State

95123

Postal Code

[Redacted]

Primary Phone

[Redacted]

Alternate Phone

Law Office of Richard R. Seal,
P.C.

Employer

Attorney at Law

Job Title

[Redacted]

Current Employer Address

N/A

Current Employer of Spouse

[Redacted]

Address of Current Employer of Spouse

N/A

Spouse's Job Title

If you or your spouse is retired and receiving a pension, please state source of pension.

SJC Police and Fire Retirement

Interests & Experiences

High School, College, Professional, Vocational, or Other Schools Attended. Please include Major or Field of Study, Dates Attended, Degree and Date of Degree.

Chaminade College Prep. 1979-1982 University of California, Berkeley - Geography 2004-2007 (BA) San Jose State University - Public Administration 2008-2010 (MPA) Golden Gate University - Law 2012-2015 (JD) _

List any position or office held in any governmental agency, civic, or charitable organization including the dates

Firefighter, Fire Captain, Battalion Chief - City of San Jose (1990-2016) Fire Chief - East Bay Regional Park District (2017-2018)

English

Languages Spoken

Special Awards or Recognitions Received

Medal of Valor- Class A (San Jose Fire Department)

Please state why you want to become a member of this Board or Commission including specific objectives which you would work toward as a member. If you are applying for the Board of Fair Campaign and Political Practices, please indicate any familiarity or experience you may have with campaign laws.

I would like to become a member on this Board to continue my service to the community of San Jose, to the City of San Jose, and the women and men of San Jose police and fire department. I have lived in San Jose for over thirty years, and you like to contribute to the community in a different capacity by adding value as a Board member through my capable knowledge, skills, and abilities. I would advocate for strengthening long-term investment strategies; reducing fund exposure to high risk/ high return investment strategies; and increase greater input from community, current employees, retirees, and city.

Please state any other information which you feel would be useful in reviewing your application

Do you own property in the City of San José?

☒ Yes ☐ No

If yes, please list the addresses here.

Do you rent property in the City of San José?

☐ Yes ☒ No

If yes, is it a month-to-month lease?

☐ Yes ☒ No

State and local law require that you abstain from participation in decisions that may affect your financial interests, including sources of income, interest in real property, personal finances or investments. In addition, if appointed, you may be required to fill out a disclosure statement which identifies certain of your financial interest beginning with the immediate twelve-month period prior to your appointment. Please review the scopr of your board/commission in Municipal Code Chapter 2.08. Based on your best judgment, does this Board or Commission make decisions that may affect sources of income, interests in real property, personal finances or investments of you or your spouse?

☒ Yes ☐ No

If yes, please explain. Please identify any organizations, associations, corporations, or entities by which you are employed or associated that might be affected by decisions of this Board or Commission, and the positions you hold in these entities.

I am receiving a pension from the SJC Police and Fire Retirement Fund.

Question applies to multiple boards

If appointed, you will be required to fill out a disclosure statement, which identifies certain of your financial interests beginning with the immediate twelve-month period prior to your appointment and annually on or before April 1 of each year thereafter. Please confirm that you have read Fair Political Practices Commission (FPPC) Form 700 Reference Pamphlet and agree to file required FPPC Form 700 Statements of Economic Interest, as required by current City Council Conflict of Interest resolution.

☒ Yes ☐ No

Question applies to multiple boards

Have you ever been required to file a Statement of Economic Interest (Form 700) and failed to do so?

☐ Yes ☒ No

Question applies to multiple boards

If yes, please explain in complete detail.

N/A

Question applies to multiple boards

Please confirm that you have reviewed and agree to comply with the San Jose Municipal Code Chapter 12.08 (Prohibition of Gifts), City of San Jose Ethics Policy (City Policy Manual 1.2.1), and City of San Jose Gift Policy (City Policy Manual 1.2.2).

☒ Yes ☐ No

Curtis Jacobson

Reference 1 Name

[REDACTED]

Reference 1 Address

[REDACTED]

Reference 1 Phone

Kevin Conant

Reference 2 Name

[REDACTED]

Reference 2 Address

[REDACTED]

Reference 2 Phone

Supplemental Questions

Have you ever attended a meeting of the Commission(s) to which you are applying?

☐ Yes ☒ No

Would you be available to attend meetings at the scheduled time?

☒ Yes ☐ No

Please describe your experience in serving on a Commission or Board.

No relevant experience.

Considering your experience and activities in business, labor, professional, social, or other organizations, indicate the experience, training, knowledge and/or skills which qualify you for appointment to the selected commission(s).

Completed a graduate degree in Public Administration and a doctorate degree in Law.

What is your understanding of the purpose of the Commission?

This Board is responsible for the San Jose Police and Fire retirement fund, making sure that the fund is able to pay retirees and beneficiaries a defined pension and other OPEBs. The role of a trustee for the retirement board is to be a fiduciary for the fund, meaning that there is a duty of care and loyalty towards the fund and beneficiaries. A trustee specifically and the Board generally is to consider accurate, relevant data to make short and long range decisions concerning the retirement fund's investment policies and strategies. The Board is to assure that persons before the board receive a fair hearing and consideration as it relates to their retirement.

Please list three issues facing the City that you feel the Commission should address.

Rising Other Post Employment Benefits (OPEB), particularly health care costs. Rising administrative costs. Cyber threats to the City and retirement fund.

I would like to say . . .

It would be an honor and a privilege to serve on the San Jose Police and Fire Retirement Plan Board. Thank you for reading this application and considering me for this position.

(Optional) Please upload a resume.

Retirement Board Questions Only

Question applies to Police and Fire Retirement Plan Board,Federated City Employees' Retirement System

Please list your applicable experience or expertise relevant to public retirement plan administration. *

☒ Legal

Question applies to Police and Fire Retirement Plan Board,Federated City Employees' Retirement System

Please summarize your qualifications to serve as a member of the Retirement Board? Briefly highlight your skills, training, education, qualifications, experience (licenses and/or certifications) and personal qualities that you will bring to the Board and share with the organization.

I feel that my 25 years working for the City of San Jose has given me an in depth understanding of the core values of the City. I have a formal education that would allow me to add value to the Retirement Board, specifically a Masters degree in Public Administration and a Juris Doctorate in Law has sharpened my analytical and conceptual abilities. I also have a license to practice law in the State of California, I have been a member in good standing with the State Bar of California since 2016. I have the excellent interpersonal skills that allows me to work effectively with and through individuals and small groups to achieve positive and sustainable outcomes.

Question applies to Police and Fire Retirement Plan Board,Federated City Employees' Retirement System

Please discuss your pension plan and/or investment management and oversight experience including the development of key financial policies.

None

Please describe your understanding of the relationship between the Retirement Board and City Council? The City Administration? Retirement Services staff? Employee bargaining units? Plan participants and beneficiaries?

The Retirement Board has a representative appointed to the Board to assure the interests of the city are considered. The relationship of the Board to the City Administration is to assure that the retirement fund is managed appropriately fiscally, now and in the future. This includes assuring that each person before the Board is considered fairly and limit and/or eliminate any fraudulent claims for a disability retirement. The Retirement Staff is integral in the daily operation of the Retirement Board in terms of conducting completed staff work. The Retirement Board's relationship with the POA and Local 230 is to assure that there is direct and clear communication regarding any proposed changes to policies and procedures concerning retirement from the San Jose Police and Fire Department. The Retirement Board's relationship to the plan participants and beneficiaries to be courteous, empathetic, honest, and fair concerning their retirement needs from the City of San Jose.

What do you perceive as the short and long-term goals of the Retirement Board?

The short-term goals of the Retirement Board are to effectively execute the objectives of the Board's business plan. Staying focused on ensuring best practices are being exercised in the operating policies and procedures of the fund. The long-term goals of the Retirement Board is to ensure that the fund remains solvent, and sustainable to pay retirees and beneficiaries a pension. To achieve both short-term and long-term goals the Board must focus on transparency, always acting in good faith in the best interest of the fund.

Do you believe that the retirement funds that are invested by the retirement boards are public funds? Why or why not?

I believe that the San Jose Police and Fire retirement funds are subject to federal and state laws, and local rules and regulations as public funds. The reason why I believe this is because the City contributes to the fund. The City's contribution is taxpayer dollars, i.e., public funds.

Have you read the report by the City Auditor entitled, "Pension Sustainability: Rising Pension Costs Threaten the City's Ability to Maintain Service Levels?" This report is available at: <https://www.sanjoseca.gov/DocumentCenter/View/3208>

☒ Yes ☐ No

If so, how is this report applicable to the work you would do as a Retirement Board Member?

This 2010, report from the Office of the City Auditor is a useful and still relevant report that should assist a trustee of the Police and Fire retirement board. The Auditor's report is useful in three areas (1) outlining a general philosophy of equity, (2) reasons for the fund's unfunded liabilities, and (3) outlining five cost saving strategies. Additionally, the report clearly cautions to always use realistic assumptions when estimating actual costs vis-a-vis the retirement fund.

How do you ensure that you are maintaining an in-depth and up-to-date knowledge of institutional investing and the capital market environment?

Attend all Retirement Board meetings and participate in workshops. Attend relevant seminars that focus on institutional investing and capital markets. Independent self-study canvassing foundational elements of institutional investments and capital markets i.e., macro and micro economics, finance, regulatory compliance.

Given the current status of the capital markets, where do you see opportunities to increase return and reduce risk in the pension portfolios? What is your experience with risk budgeting?

Intuitively, the current crisis in the American infrastructure i.e., roads, bridges and critical transportation nodes i.e., ports and airports require immediate repair or replacement. Investing in this area provides both an opportunity for an economic return and a social benefit. Avoidance of risk to the pension fund can be achieved through avoiding monolithic investments in singular industries or markets. Simply put, ensure fund diversification to avoid economic risk. I have no direct experience with risk budgeting at the institutional setting, only with my personal finances.

Please describe your views on the role of asset allocation and provide detail on your recommended asset classes and proportions for pension funds like those serving the employees of the City of San Jose.

The correct plan to avoid risk is to have a long-range economic investment plan in place, implemented, supervised and periodically revised. Allocation of assets in many areas generates asset diversity, thus reduces economic risk. The Plan's current allocation of assets is diversified; the only area I would look to change is reducing the allocation of assets in hedge funds, hopefully to reduce the appetite for high risk/high gain of investment of retirement funds.

Should pension plans like those in San Jose invest in alternative investments such as private equity, commodities, infrastructure or separate account real estate? If so, how? If not, why?

I believe that having a diverse fund is a wise practice. I do not believe that the pension fund should invest in any high risk/high return investments. As mentioned above, I would advocate for investment of retirement funds in infrastructure. There is a critical need for nationwide (and locally) improvements to our transportation system, and utility (water, gas, electric) systems. These investments produce a conservative long-term return on financial investment and a social benefit through the improvement of connectivity of people and community. Also, real property is a smart long-term investment for any investor regardless of scale.

How would you evaluate an investment manager? When would you terminate an investment manager? How should due manager diligence be conducted?

There are several factors I would use to evaluate an investment manager. An investment manager must have an appropriate education and credentials/licenses relevant to financial planning, accounting, and investment strategies. An investment manager must have relevant experience in institutional investments. An investment manager must not have any conflicts of interest relative to the City of San Jose, or the Police and Fire Retirement Pension Fund. An investment manager must display integrity, be ethical, honest, and be financially conservative. I would recommend termination of an investment manager if there is a violation in the manager's fiduciary obligations to the retirement fund i.e., duty of care, duty of loyalty, any self-dealing, or usurping fund opportunities. Additionally, if there were evidence of discrimination or harassment in the manager's professional conduct, domestic violence in the manager's private conduct, or any evidence of moral turpitude, I would recommend termination. A manager's due diligence should encompass having a rational basis for their financial decisions; must act in good faith concerning their financial decisions; and financial decisions must be well informed.

What should be included in a pension plan's statement of investment policies? Please address the roles of trustees, staff, consultants, investment managers and custodians in asset allocation, portfolio structure, manager selection and due diligence, rebalancing, reporting and analysis.

The current pension plan's statement of investment policies does not include in its statement language concerning moral turpitude, domestic violence, workplace harassment or discrimination. The plan's statement of investment policy also does not mention social equity or investment strategies that strengthen social reform, injustices, or inequities by investment in organizations that have policies and procedures that advance an informed, healthy, and engaged community.

Individuals applying for appointment as public members of the Board are ineligible for appointment to the Board if they meet certain criteria. Please confirm if you meet any of the following criteria:

☒ Retired members of, or persons participating in or receiving benefits from the Police and Fire Retirement Plan or Federated City Employees Retirement System

Have you ever been convicted of a misdemeanor within the past five years or a felony within the past ten years (except for minor traffic offenses that resulted only in a fine)?

☐ Yes ☒ No

If yes, please explain in complete detail. State the nature and approximate date of the conviction, the sentence imposed, whether the sentence has been completed, and any other information you consider relevant.

N/A

Are you or your firm currently or within the past five years been the subject of any litigation or claims resulting from any investment activity, advice, a fiduciary relationship, or regarding alleged financial improprieties?

☐ Yes ☒ No

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If yes, please provide details.

N/A

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Are you or your firm currently or within the past five years been the subject of any investigation or disciplinary action by any governmental and/or regulatory body (SEC, NASD, states Attorney General or Insurance Commissioner, etc.)?

☐ Yes ☒ No

Question applies to Police and Fire Retirement Plan Board,Federated City Employees' Retirement System

If yes, please provide details.

N/A

Verification

By checking the box below, you agree with the following statement.

I agree that all of the information contained in my responses to the questions on this application are true and accurate to the best of my knowledge. I further agree that, by checking the box below and submitting this application, online or otherwise, I am affixing my digital signature to this form as of the date submitted.

☒ I Agree *