

Boards and Commissions Application

Profile

Please note, applications are continuously accepted to the City of San Jose Boards and Commissions. The Board or Commission you select may or may not indicate there is a vacancy. Your application will remain on file for one year from the date of submission. During the year, your application may be considered for unanticipated vacancies.

Additionally, applicants to the following commissions will be required to fill out a [Form 700](#) (California State required Statement of Economic Interest) within 30 days of appointment.

- Airport Commission
- Appeals Hearing Board
- Arena Authority
- Arts Commission
- Civil Service Commission
- Deferred Compensation Advisory Committee (DCAC)
- Downtown Parking Board
- Board of Fair Campaign and Political Practices (formerly Ethics Commission)
- Federated and Police & Fire Retirement Boards
- Historic Landmarks Commission
- Housing & Community Development Commission
- Work2future (SVWIB) Board
- Planning Commission*

Harvey _____ Leiderman _____
 First Name Last Name

 Email Address

 Street Address Suite or Apt

 City State Postal Code

Are you a resident of San Jose?

Yes No

What district do you live in? To verify, please click here:
<https://rovservices.sccgov.org/Home/IndexPost?selected=dt&electionId=133&distance=5&navtab=vc&asm=simple> *

N/A - Retirement Board Applicants Only

 Primary Phone Alternate Phone

Length of Residency

None Selected

Which Boards would you like to apply for?

Police and Fire Retirement Plan Board: Submitted

Question applies to multiple boards

If appointed, would you be able to show proof of updated COVID-19 vaccination (inclusive of booster)?

Yes No

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.

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

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

Yes No

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

Member Category: *

Public Member

Retiring from current
employment on or about
January 31, 2024

Employer

Senior Counsel with Reed
Smith LLP until 1/31/2024

Job Title

Current Employer Address

NA

Current Employer of Spouse

Retired

Address of Current Employer of Spouse

NA

Spouse's Job Title

NA

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

During retirement, my wife is receiving RMD from her IRA; upon impending retirement, I will be receiving RMD from my 401k account

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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.

Born Washington, DC; attended high school in Silver Spring, MD; BA degree, 1969, Case Western Reserve University, Cleveland (Political Science), with Honors in Government Studies from The American University, Wash, D.C., 1968; JD degree, 1972, Columbia Law School, New York.

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

20+ years on board of Legal Aid at Work, San Francisco (approx. 1990-2010)

Languages Spoken

English

Special Awards or Recognitions Received

Twice named one of Top 100 Lawyers in California (Daily Journal)

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.

I have had the honor of serving this Board as its fiduciary and general counsel since 2012, and upon my impending retirement, I would like to continue contributing, pro bono, my expertise and experience towards assuring the mission of the plan. I believe I would bring expertise, wisdom, balance and fairness to the Board's deliberations and decisions. A fair and open process for all stakeholders is the pledge all fiduciaries must honor. I believe I could enhance the Board's ability to assure a successful administration of the plan and its investment fund.

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

I believe I have earned the respect of all members of the P&F Board, and of the City and other stakeholders in the plan. My reputation both locally and nationally after serving 30 years in the public pension fund environment is strong, and I have been a catalyst for creating respectful and productive relationships among all those who have an interest in the effective administration of public employee retirement plans. I believe I also have encouraged a common sense approach to the investment of the plans' assets, keeping in mind the lessons of past misconceptions (whether actuarial, financial or political) about the risks that overly optimistic projections can have on funding and plan sponsor obligations. Trustees can best serve their mission if they employ a healthy skepticism; it helps assure a full and balanced due diligence process.

Do you own property in the City of San José?

Yes No

If yes, please list the addresses here.

N/A

Do you rent property in the City of San José?

Yes No

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

Yes No

Question applies to multiple boards

Are you currently experiencing homelessness or have you experienced it in the past?

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 financial interest beginning with the immediate twelve-month period prior to your appointment. Please review the scope 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.

N/A

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

Reference 1 Name

[REDACTED]

Reference 1 Address

[REDACTED]

Reference 1 Email address

[REDACTED]

Reference 1 Phone

[REDACTED]

Reference 2 Name

[REDACTED]

Reference 2 Address

[REDACTED]

Reference 2 Email address

[REDACTED]

Reference 2 Phone

[REDACTED]

Supplemental Questions

If applicable, have you ever attended or watched 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.

I have been a long-serving Board member of Legal Aid at Work, a San Francisco-based non-profit dedicated to promoting fair employment opportunities and assisting low-income working families for over 100 years. I have also served tens of boards of public employee retirement systems, at the city, county and state levels, in California and elsewhere, as their trusted advisor. As a fiduciary to named trustees, I shared in the same responsibilities they had.

Considering your experience and activities in business, labor, School, professional, social, Commissions, Boards, or other organizations, indicate the experience, training, knowledge and/or skills which qualify you for appointment.

I have deep and extensive knowledge in all aspects of the administration of public employee retirement systems. I have educated system fiduciaries on their responsibilities and capabilities in every one of those aspects, including benefit administration, disabilities, IT installations, investment portfolios, contracting, governance policies and procedures, actuarial methodologies and assumptions, the conduct of hearings, open meeting laws, conflicts of interest and ethics. Further, I have unique experience in helping to on-board C-suite talent to administer retirement plans, both in California and elsewhere, and I believe I could provide immediate value as the P&F and Federated boards launch their 2024 search for a new Chief Executive Officer.

What is your understanding of the purpose of the Commission?

The P&F Board has the fundamental responsibility to administer and steward the assets of the plan in order to deliver the benefits promised to City employees, in a timely manner, and to incur only reasonable costs of administration in doing so. This requires prudently investing the assets of the fund, maintaining a careful balance of safety, liquidity and yield - keeping in mind the unique characteristics of the plan's membership, benefit structure, funding timeline, cash flow requirements, and plan sponsor fiscal capabilities and risk tolerance.

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

With reference to the P&F plan: 1. Assuring the professional and business-like management of the Office of Retirement Services 2. Mitigating the risks inherent in the administration of a public employee retirement plan 3. Assuring the prudent investment of system assets in a volatile market, while mitigating uncompensated risks The Council can address each of these in material part by appointing wise, trusted and experienced board members.

Anything else you would like us to know?

Over the past decade I have developed a true sense of loyalty to the P&F plan and its mission. I believe I could continue to enhance the effective governance of this plan, for the benefit of all the residents of the City. Simply put: I care. And I would relish the opportunity to devote my talents in retirement to the benefit of the City and its safety members' retirement plan. A word about my current status: I will be employed by Reed Smith LLP and practicing law only through January 31, 2024. Accordingly, depending on the City's timing with this appointment, I will be fully retired and free to serve as a board member at any time after January 31, 2024. (I may still be closing out my office and files for a while thereafter, but not as a practicing attorney with the firm.)

(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.

Kindly refer to attached CV. In addition, I believe I bring balance, civility, efficiency and prudence to any organization that I serve.

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.

I have participated in the effective administration of pension fund investment portfolios, from \$2 billion AUM to over \$400 billion AUM. I bring a strong understanding of prudent principles of fiduciary conduct of investment programs. By way of recent example, I advised the Washington State Investment Board (\$120bb AUM) on conflict of interest and prudent governance issues relating to its internally and externally managed global real estate investment portfolio. I have prepared multiple Investment Policy Statements, "pay-to-play" regulations, compliance procedures and investment belief statements for public employee retirement systems in California and elsewhere.

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

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 City and the two Retirement Boards have a synergistic relationship - each with its respective authorities and responsibilities. The City, as plan sponsor, designs the plans that the Boards administer, and provides critical services to the administration of the plan which would be unreasonably cost-prohibitive for the plan to replicate. Further, with ORS being a department of the City, City policies and procedures apply to the delegated responsibilities of ORS employees, except when the Boards have been granted authority/discretion to direct their activities. It's a delicate balance; in fact, we are engaged right now in an effort to better clarify those respective responsibilities so as to assure an efficient and effectively managed plan, for the benefit of all stakeholders - the City, the employees and the residents of San Jose. The Boards recognize that the fiscal health and well being of the City are instrumental to the proper stewardship of the retirement and health care funds. The Board must always be mindful of the primary trust obligation owed to the members and their beneficiaries.

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

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

Key short term goal for 2024 is to successfully steward the transition of ORS to new leadership. Key long term goal is to continue to invest the assets of the fund so as to assure the timely payment of benefits to members and their beneficiaries over the next 60+ years, and to do so prudently so as to lessen the financial burden on the City's general fund.

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

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

The funds of the plans are indeed public funds, held in trust for a specific purpose: To timely fund the benefits promised to the City's retired employees and their beneficiaries. The plan's investments are public assets, which is why we require all investment managers to agree to the same standard of care owed by plan trustees and fiduciaries under law.

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

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: <http://www.sanjoseca.gov/Home/ShowDocument?id=36432>.

Yes No

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

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

The City Auditor report was issued in 2010, following the "Black Swan" event of the Great Recession. During that period, I witnessed first hand the double-whammy hit on governmental plan sponsors from collapsing investment markets and oversized, underfunded pension promises. I counseled CA and other pension funds for years on the bankruptcies of Detroit, Vallejo, Stockton and San Bernardino. The same year the City Auditor report was published, I testified before the state Little Hoover Commission on the fiscal challenges to defined benefit public employee pension plans and their plan sponsors due to unfunded liabilities. There were and are considerable lessons to be learned from that period. As a member of the P&F Board, I will continue to be mindful of the delicate balance we must achieve between promising and funding benefits and maintaining sustainable contributions from both employers and employees alike.

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

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

The P&F Board is regularly advised by expert investment consultants, Meketa, Neuberger Berman and Verus (for risk management), all of whom are considered tops in their fields. I will continue to listen to their views, while also probing them for detail and credibility. Further, I have long participated in educational programs sponsored by national, state and regional conferences (NAPPA, SACRS, CALAPRS, NASRA, NCPERS...) which focus on development in micro- and macro- capital markets, and will continue to do so. With membership on the Board, I will also have access to Council of Institutional Investors, Pension Bridge, the Wharton School, and other investment-oriented programs with pension fund specializations. Finally, as a regular faculty member of the annual Berkeley Haas School/SACRS investment educational program, I will continue to have access to thought leaders on current trends and opportunities in the capital markets on an annual basis.

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

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?

I would rely heavily on our internal investment staff and outside consultants to advise on tactical opportunities to increase risk-adjusted returns within the broad global capital markets. They are in far better position to be able to identify sub-market opportunities to which we might profitably deploy available assets. I would, however, carefully examine and probe any recommendations that departed from our long-term asset allocations, to avoid costly attempts to "time" the market. While my role to date has not involved me in risk budgeting per se, I have instructed many systems and conferences on the differences between compensated and uncompensated risks. The former being the risks assumed necessary to earn associated returns along the so-called "Efficient Frontier" described by Modern Portfolio Theory (Markowitz); the latter being risks for which no return can be expected (compliance risks, regulatory risks, reputational risks, governance risks, etc.) "Risk budgeting" is typically considered a technique for achieving a better Sharpe Ratio, but I think it is more than that. My view of "risk budgeting" includes eliminating as much of the uncompensated risk we can from the operations of the plan. Uncompensated risk is not measured in Standard Deviation, but can punish a portfolio as much as volatility can.

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

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.

A broadly diversified portfolio is not only consistent with Modern Portfolio Theory, it is required by the state Constitution. I accept the wisdom of long-term diversification, and fully subscribe to having plan assets allocated in a balanced and thoughtful manner to all aspects of investable markets. (Also, I am not a proponent of divestment from specific markets, as it can contribute to costly constraints on diversification.) I am satisfied that the current asset allocation ranges established by the P&F plan's Investment Policy Statement is appropriate and prudent for the foreseeable future.

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

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?

Of course, a broadly diversified portfolio should not ignore "alternative" investments. They provide risk-adjusted returns and non-correlation benefits to enhance the long-term performance of a portfolio. Given their non-public nature, and fact that they can be more costly relative to passive investing in public markets, however, they require heightened expertise, diligence, compliance and monitoring. Most municipal pension plans cannot develop and retain the expertise that is needed to manage an active portfolio of alternative investments in-house, so plans must rely on outside consultants and managers to do so on their behalf. This requires developing policies and practices, and talent, to assure prudence when investing in these markets.

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

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

Managers should be evaluated on a regular cycle for performance relative to their targets and relative to their peers' performance; fees; exogenous market conditions; compliance with their contractual covenants; key personnel turnover; regulatory and reputational standing; level of communication to the board and its delegated staff; and any other information that sheds light on the conduct of their businesses. A manager should be terminated based on metrics that the plan develops and that incorporate all of the foregoing aspects of performance, together with a cost/benefit analysis related to termination. It is appropriate to place under-performing managers on a "watch list" and to explain to them what deficiencies exist that must be remedied in a timely manner (except in exigent circumstances when immediate termination is called for.) Manager due diligence (both for on-boarding and for performance review) in the P&F plan should be conducted by investment staff, under the guidance and monitoring of the Investment Committee and, ultimately, the Board. Throughout the entire process, accountability and transparency is critical.

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

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 following areas should be found in an IPS: 1. Purpose and Intent 2. Investment Beliefs 3. Objectives 4. Diversification 5. Asset Allocation 6. Duties and Accountability of Trustees, Staff, Consultants, Managers, Custodian Bank 7. Risk Management 8. Manager Selection, Hiring, Evaluation, Termination, Fees 9. Compliance Functions 10. Reporting

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

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:

None Selected

Question applies to Police and Fire Retirement Plan Board, 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

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

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.

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

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

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

If yes, please provide details.

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

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.

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 *