Attachment A

SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)

Independent Auditor's Report,
Financial Statements, and Required
Supplementary Information
For the Year Ended June 30, 2021

MGO Certified Public Accountants

SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)
For the Year Ended June 30, 2021

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Certified
Public
Accountants

Independent Auditor's Report

Honorable City Council
San José Clean Energy
San José, California

Report on the Financial Statements

We have audited the accompanying financial statements of the San José Clean Energy (SJCE), an enterprise fund of the City of San José, California (City), as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise SJCE's financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the SJCE, as of June 30, 2021, and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Macias Gini & O'Connell LLP
2121 N. California Boulevard, Suite 750
Walnut Creek, CA 94596

Emphasis of a Matter

Basis of Presentation

As discussed in Note 1 to the financial statements, the financial statements of SJCE are intended to present the financial position, the changes in financial position and cash flows of only that portion of the business-type activities and major fund of the City that is attributable to the transactions of SJCE. They do not purport to, and do not, present fairly the financial position of the City as of June 30, 2021, the changes in its financial position, or, where applicable, its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the schedule of the proportionate share of the net pension liability, the schedule of employer contributions – defined benefit pension plan, the schedule of the proportionate share of the net OPEB liability, and the schedule of employer contributions – postemployment healthcare plan identified as required supplementary information in the accompanying table of contents be presented to supplement the financial statements. Such information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the financial statements, and other knowledge we obtained during our audit of the financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the financial statements. Such missing information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. Our opinion on the financial statements is not affected by this missing information.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 18, 2021 on our consideration of SJCE's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering SCJE's internal control over financial reporting and compliance.

Macias Gini É O'Connell LLP

Walnut Creek, California
November 18, 2021

SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)
Statement of Net Position
June 30, 2021

ASSETS		
Current assets:		
Equity in pooled cash and investments held in City Treasury	$	5,020
Receivables (net of allowance for uncollectibles)		40,749
Prepaid expenses, advances and deposits		9,475
Total unrestricted current assets		55,244
Restricted assets:		
Equity in pooled cash and investments held in City Treasury		20,000
Total current assets		75,244
Noncurrent assets:		
Net OPEB Asset - GASB 75		1,062
Total assets		76,306
DEFERRED OUTFLOWS OF RESOURCES		
Pension Contributions		2,669
OPEB Contributions		454
Total deferred outflows of resources		3,123
LIABILITIES		
Current liabilities:		
Accrued cost of electricity		30,982
Accounts payable		1,877
Accrued salaries, wages, and payroll taxes		300
Accrued vacation, sick leave and compensatory time		399
User taxes and energy surcharges due to other governments		2,490
Due to SJFA - Commercial Paper		15,000
Total current liabilities		51,048
Noncurrent liabilities:		
Net pension liability - GASB 68		1,660
Total liabilities		52,708
DEFERRED INFLOWS OF RESOURCES		
Pension Contributions		258
OPEB Contributions		122
Total deferred inflows of resources		380
NET POSITION		
Restricted for debt service		20,000
Unrestricted		6,341
Total net position	$	26,341

The Notes to Financial Statements are an integral part of this statement.

SAN JOSE CLEAN ENERGY

(An Enterprise Fund of the City of San José)

Statement of Revenues, Expenses, and Changes in Fund Net Position

For the Year Ended June 30, 2021

OPERATING REVENUES		
Power sales	$	280,388
OPERATING EXPENSES		
Power purchases		275,248
Operations and maintenance		8,020
General and administrative		8,347
Total operating expenses		291,615
Operating loss		(11,227)
NONOPERATING REVENUES (EXPENSES)		
Investment Expense		(191)
Letter of Credit Fees		(1,055)
Other revenues		100
Intergovernmental Payment to City of San Jose		(246)
Net nonoperating revenues (expenses)		(1,392)
Change in net assets		(12,619)
Net position - beginning		38,960
Net position - ending	$	26,341

The Notes to Financial Statements are an integral part of this statement.

SAN JOSE CLEAN ENERGY

(An Enterprise Fund of the City of San José)

Statement of Cash Flows

For the Year Ended June 30, 2021

CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts from customers and users	$	290,437
Receipts from customers of tax and surcharge		2,490
Payments to suppliers		(314,134)
Payments to employees		(6,083)
Net cash used in operating activities		(27,290)
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES		
Principal receipt on short-term commercial paper/short-term notes payable		15,000
Letter of credit fees		(1,055)
Principal paid on short-term notes payable		(10,000)
Intergovernmental payment to City of San Jose		(246)
Net cash provided by capital and related financing activities		3,699
CASH FLOWS FROM INVESTING ACTIVITIES		
Interest and dividends received		(191)
Net change in cash and cash equivalents		(23,782)
Cash and cash equivalents - beginning		48,802
Cash and cash equivalents - ending	$	25,020
Reconciliation of operating loss to net cash used in operating activities:		
Operating loss	**$**	(11,227)
Adjustments to reconcile operating loss loss to net cash used in operating activities:		
Other nonoperating revenues		100
Decrease (increase) in:		
Accounts receivable		9,948
Prepaid expenses, advances and deposits		(9,475)
Increase (decrease) in:		
Accrued cost of electricity		30,982
Accounts payable		(40,976)
Accrued salaries, wages, and payroll taxes		64
Accrued vacation, sick leave and compensatory time		84
CPUC penalty liability		(7,907)
Net pension liability, deferred outflows/inflows of resources related to pension - GASB 68		85
Net OPEB liability, deferred outflows/inflows of resources related to OPEB - GASB 75		(600)
User taxes due to other governments		2,490
Advances and deposits payable		(858)
Total adjustments		(16,063)
Net cash used in operating activities	$	(27,290)
Reconciliation of cash and cash equivalents to the balance sheet:		
Equity in pooled cash and investments held in City Treasury		
Unrestricted	$	5,020
Restricted		20,000
	$	25,020

The Notes to Financial Statements are an integral part of this statement.

NOTE 1 – DESCRIPTION OF OPERATIONS

Overview

On May 16, 2017, the City of San José ("City") Council approved the establishment of San José Clean Energy ("SJCE"), a Community Choice Aggregation program with the goals of providing City residents and businesses with a choice of electricity providers while progressing towards meeting greenhouse gas emissions reduction goals.[1] Under State law, the City may establish a Community Choice Aggregation ("CCA") program to purchase electricity on behalf of its residents and businesses. If a local government chooses to form a CCA or join an existing CCA, all residents and businesses within the local government's jurisdiction are automatically enrolled in the program. Electric service customers may elect to remain with the incumbent utility, or to later leave CCA service ("opt-out"). CCAs determine the source of electricity offered, set customer rates for energy, retain revenue, and determine spending priorities locally. The Incumbent Investor Owned Utility ("IOU") in the City, which is Pacific Gas and Electric ("PG&E"), continues to charge customers to maintain the transmission and distribution infrastructure and deliver the energy. For these continued services, PG&E charges CCA customers the same delivery rates as its remaining PG&E customers. PG&E also acts as the billing agent for SJCE, including SJCE charges as part of a single monthly customer bill. Customers make payments to PG&E and PG&E remits the SJCE portion of payments to SJCE every business day.

CCAs provide many community benefits, including significant environmental and economic benefits. CCAs provide choice in electricity options with a higher mix of renewable energy in their base power products than is available from the incumbent utility, at competitive rates. CCAs also allow local governmental entities to have more direct control over rates. As part of its approval to establish SJCE, the City Council directed staff to develop SJCE as a stand-alone enterprise fund to be operated as a new department and reliant on utility customer revenues to minimize the financial risk to the City's General Fund.

Governance

The City Council provides policy oversight and approves rates. At its August 15, 2017 meeting, the City Council adopted an ordinance amending Title 2 of the San José Municipal Code to establish the Community Energy Department.[2] The City Manager and the Director of Community Energy have overall responsibility for managing the program including day-to-day operations of SJCE.

On October 24, 2017, the City Council adopted an ordinance to establish the Clean Energy Community Advisory Commission ("CECAC"). The CECAC is a public advisory committee that provides input on SJCE operations including policies and programs, rate setting, and community outreach efforts.[3] The CECAC provides policy guidance to the Mayor and City Council, City Manager, and Director of Community Energy. Comprised of community members with a wide range of professional and technical disciplines, the CECAC is a liaison to the community for advocacy and outreach. The CECAC reflects a CCA best practice, as effective public oversight helps to ensure the program is responsive to community needs, which in turn helps to minimize customer opt-outs. The CECAC convenes monthly and meetings are open to the public.

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[1] May 16, 2017 San Jose City Council Agenda, Item 7.1
[2] August 15, 2017 San Jose City Council Agenda, Item 2.2
[3] October 24, 2017 San Jose City Council Agenda, item 2.2

NOTE 1 – DESCRIPTION OF OPERATIONS (Continued)

On May 1, 2018, the City Council adopted the Energy Risk Management Policy and created the Risk Oversight Committee ("ROC").[4] The ROC is a staff committee that serves as the highest level of organizational risk management and is responsible for overseeing compliance with risk management policies within SJCE. The ROC consists of seven voting members: The City Manager or his or her designee, the Director of Community Energy, the Director of Finance, the City Risk Manager, the Budget Director, the Community Energy Department Deputy Director of Power Resources, and the Community Energy Department Division Manager of Risk Management, Contracts and Administrative Services. The City Attorney provides legal advice to the ROC. The ROC convenes at least quarterly, or more frequently as needed, and is charged with managing and controlling risks associated with SJCE operations.

The Energy Risk Management Policy addresses risks faced by SJCE arising from SJCE's procurement activities on behalf of its customers in energy and related markets. SJCE developed the Energy Risk Management Regulations (RMR) to guide procurement decisions, which include analysis of net open position and mark-to-market position. The purpose of the Energy RMR is to utilize the philosophies and objectives specified in the Energy Risk Management Policy, and document and describe the roles, strategies, controls, and authorities that will govern SJCE's comprehensive energy risk management program. The Energy RMR are approved annually by the ROC and are subject to annual review by an independent third-party audit firm to ensure SJCE adheres to the specific risk management practices outlined in the RMR, with the first review being performed for FY2020.

Operations

SJCE began providing electric generation service to City facilities in September 2018 in Phase I (City of San José accounts), the first of three phases. The Phase II launch including residential and large commercial accounts began in February 2019; and Phase III launch for small commercial customers began in June 2019. As of June 30, 2021, SJCE serves approximately 350,000 customer accounts in San José with three electricity rate plans that best serve customer's financial needs while also providing programs with a range of renewable energy content. An opt-out rate reflects the percent of customer accounts that choose to decline CCA service. As of June 30, 2021, SJCE maintains an opt-out rate below 3%. As the default energy provider for residents and businesses, SJCE provides the City with the ability to choose its sources of energy and to set power generation rates in the City.

To meet SJCE customer demands for renewable energy and balance the City's supply with real-time demand, SJCE procures energy from power generators and electric service providers, and purchases and sells power on the California Independent System Operator ("CAISO") day-ahead and spot markets. PG&E still provides the transmission and distribution of electricity to SJCE customers, sets rates for those services, and performs the monthly billing.

In January 2021 SJCE became a member of California Community Power ("CC Power"), a newly formed Joint Powers Authority ("JPA") consisting of ten CCAs. Membership in CC Power allows SJCE the option of participating in larger projects that are necessary to meet CPUC regulatory requirements while benefitting from economies of scale in purchasing.

[4] Actions Related to the San Jose Clean Energy Risk Management Policy

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of Presentation and Accounting

The financial statements are prepared in accordance with generally accepted accounting principles ("GAAP"). The Governmental Accounting Standards Board ("GASB") is responsible for establishing GAAP for state and local governments through its pronouncements. SJCE operations are accounted for as an enterprise fund and are reported using the economic resources measurement focus and the accrual basis of accounting – similar to business enterprises. Accordingly, revenues are recognized when they are earned, and expenses are recognized when liabilities are incurred. Enterprise fund-type operating statements present increases (revenues) and decreases (expenses) in total net position.

(b) Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

(c) Equity in Pooled Cash and Investments Held in City Treasury

Most cash balances of the City's funds and some of its component units are pooled and invested by the City Treasurer (i.e. Director of Finance) unless otherwise dictated by legal or contractual requirements. Income and losses arising from the investment activity of pooled cash are allocated to the participating funds and component units on a monthly basis, based on their proportionate shares of the average weekly cash balance.

Pooled cash and investments in the City Treasury are considered to be cash and cash equivalents for purposes of the accompanying statement of cash flows. Pooled cash and investments represent deposits and investments held in the City's cash management pool. This cash management pool possesses the characteristics of a demand deposit account; therefore, investments in this pool are considered to be cash equivalents. The SJCE also considers all highly liquid investments with a maturity of three months or less when purchased to be cash equivalents.

(d) Accounts Receivable

Accounts receivable reflects invoices issued by PG&E on behalf of SJCE to SJCE customers during the reporting period but not yet paid, and electricity estimated to have been delivered but not yet billed net of an allowance for uncollectible accounts. As the billing agent for SJCE, PG&E collects payments from SJCE customers and remits the electricity generation portion of those payments to the City. PG&E undertakes activities to collect on delinquent SJCE balances until fifty-one (51) days after the final bill is sent to customer (i.e., after customer account is closed), at which time any outstanding SJCE balance is transferred to SJCE.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

(e) Defined Benefit Plans

1. Pension

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pension and pension expense, information about the fiduciary net position of the SJCE's participation in the Federated City Employees' Retirement System ("FCERS"), and additions to/deductions from the FCERS' fiduciary net position have been determined on the same basis as they are reported by the FCERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when currently due and payable in accordance with the benefit terms. FCERS' investments are reported at fair value. While the City reports its pension plan managed by FCERS as a single employer defined benefit pension plan, SJCE recognizes a proportionate share of its participation in FCERS based on the SJCE pension contributions relative to the total City pension contributions to FCERS. For more information regarding SJCE retirement benefits, please refer to Note 9 and the Required Supplementary Information (RSI) section.

2. Other Postemployment Benefits

For purpose of measuring the net Other Postemployment Benefits ("OPEB") liability, deferred outflows of resources and deferred inflows of resources related to OPEB and OPEB expense, information about the fiduciary net position of the SJCE's participation in the FCERS, and additions to/deductions from the FCERS' fiduciary net position have been determined on the same basis as they are reported by the FCERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when currently due and payable in accordance with the benefit terms. FCERS investments are reported at fair value. While the City reports its OPEB plan managed by FCERS as a single employer defined benefit OPEB plan, SJCE recognizes a proportionate share of its participation in the FCERS OPEB plan based on the SJCE OPEB contributions relative to the total City OPEB contributions to FCERS. For more information regarding SJCE OPEB benefits, please refer to Note 10 and the RSI section.

(f) Net Position

Net position is classified in the following three components:

Net Investment in Capital Assets groups all capital assets into one component of net position. Accumulated depreciation reduces the balance in this category. SJCE did not have any capital assets or capital-related borrowings as of June 30, 2021.

Restricted Net Position consists of the constraints placed on net asset use by external creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or constraints imposed by law through constitutional provisions or enabling legislation.

Unrestricted Net Position consists of the remaining balance of net position not subject to the aforementioned categorizations.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

When both restricted and unrestricted resources are available for use, it is SJCE's policy to use unrestricted resources first and then restricted resources, as needed.

(g) Operating Revenues and Expenses

Enterprise funds distinguish operating revenues and expenses from nonoperating items. SJCE defines its operating revenues as charges for electric sales, which are earned when electricity is provided to customers. Operating expenses are mainly incurred through the purchase of energy and other power resources and also include the cost of services and administrative expenses. All revenues and expenses not meeting these definitions are reported as nonoperating revenues and expenses.

(h) Revenue Recognition

SJCE recognizes revenue on the accrual basis of accounting. This includes invoices issued by PG&E to customers on behalf of SJCE during the reporting period, and electricity estimated to have been delivered but not yet invoiced. Management estimates that a portion of the billed amounts will be uncollectible. An allowance for doubtful accounts has been assumed to reflect the amount of SJCE receivables that SJCE estimates will be uncollectible. This allowance ensures SJCE receivables are not overstated and that outstanding balances deemed uncollectible are accurately recorded in the correct period for financial reporting purposes. Efforts are made to pursue the timely collection of delinquent accounts.

(i) Significant Agreements with Outside Parties

SJCE maintains several significant professional services agreements with the following outside parties:

- *Calpine Energy Solutions, LLC ("Calpine")*: Provides data management and security, reporting functions, management of a customer information system and call center, billing administration, and coordination with PG&E on behalf of SJCE. On February 27, 2018, City Council approved the original Professional Services Agreement for Data Management and Customer Call Center Services with Calpine for a period of two years from the date of execution in an amount not to exceed $5,783,800, and up to two (2) one-year agreement extension options, each for an additional $4,950,000 for a total contract amount not to exceed $15,683,800. On February 11, 2020, the Professional Services Agreement with Calpine was amended, reducing rates and modifying service terms and increasing the maximum compensation to $22,000,000 through February 28, 2025.

- *Northern California Power Authority ("NCPA")*: Provides energy Scheduling Coordination services to support SJCE operations. These services include power supply scheduling, portfolio management, and optimization services. On March 27, 2018, City Council approved the original Professional Services Agreement for Services with NCPA for a period of two years and five months from the date of execution in an amount not to exceed $1,400,000 and up to two (2) one-year agreement extension options, for a total contract amount not to exceed $2,725,000. The second extension for this contract was signed in August 2021.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

- PG&E: The services that PG&E provides to SJCE, including customer switching, meter reading, and billing services, are delineated in PG&E Electric Schedule E-CCA. The recurring monthly charges are $0.35 per customer meter per month, or approximately $1,470,000 for SJCE with 350,000 customer accounts.

NOTE 3 – EQUITY IN POOLED CASH AND INVESTMENTS HELD IN CITY TREASURY

SJCE's cash as of June 30, 2021 is classified in the financial statements as follows (in thousands):

Unrestricted Equity in pooled cash and investments held in City Treasury:	$	5,020
Restricted Equity in pooled cash and investments held in City Treasury:		20,000
Total:	$	25,020

(a) Nature of Cash Account

SJCE maintains all of its funds as cash deposits in the City pooled cash and investments held in the City Treasury. The pool is managed by the City Treasurer, and SJCE has an equity share in the pool as reflected in the enterprise fund's accounting records. Funds from the operating account are used to disburse funds for operations and capital outlays, under the direction of SJCE. The receipts account is in the name of the City and is under the custodianship of the City. All revenues collected by SJCE are deposited into the operating account as received.

A restricted cash account with a balance of $20,000,000 is maintained to comply with the terms of a financial services agreement entered into with Barclays Bank PLC (refer to Note 8).

(b) Pooled Cash and Investments

The City Council adopted an investment policy ("Investment Policy") on April 2, 1985 related to the City cash and investment pool, which is subject to annual review and was reviewed and amended on March 9, 2021. The Investment Policy specifically prohibits trading securities for the sole purpose of speculating or taking an un-hedged position on the future direction of interest rates. Per the Investment Policy, the investments conform to Sections 53600 et seq. of the California Government Code and the applicable limitations contained within the Investment Policy.

SJCE invests funds subject to the Investment Policy. According to the Investment Policy, SJCE is permitted to invest in the City cash and investment pool, the State of California Local Agency Investment Fund ("LAIF"), obligations of the U.S. Treasury or U.S. Government Agencies, time deposits, investment agreements, money market mutual funds invested in U.S. Government securities, along with various other permitted investments.

SJCE maintains all of its cash in the City's cash and investment pool. As of June 30, 2021, SJCE's share of the City cash and investment pool totaled $25,020,000. It is not possible to disclose relevant information about SJCE's separate portion of the cash and investment pool, as there are no specific investments belonging to SJCE itself. Information regarding the characteristics of the entire investment pool can be found in the City's June 30, 2021 Annual Comprehensive Financial Report ("ACFR").

NOTE 3 – EQUITY IN POOLED CASH AND INVESTMENTS HELD IN CITY TREASURY (Continued)

A copy of that report may be obtained by visiting the City's website at www.sanjoseca.gov or by contacting the City's Finance Department, 200 East Santa Clara Street, 13th Floor, San José, CA, 95113.

Interest Rate Risk – Interest rate risk is the risk that changes in market rates will adversely affect the fair value of an investment. Generally, debt investments with fixed coupons for longer periods are subject to more variability in their value as a result of changing interest rates. The City manages its exposure to interest rate risk by capping the average weighted maturity of the investment portfolio at two years. Also, the City sets the maximum maturity for every investment at the time of purchase by asset class, with the longest maturity not to exceed five years.

In practice, the City purchases a combination of shorter-term and longer-term investments and times the cash flows to meet liquidity needs for operations. The weighted average days to maturity of the City's pooled cash and investments at June 30, 2021, was approximately 565 days.

Credit Risk – Credit risk is the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. When investing, the City applies the Prudent Investor Standard and acts with care, prudence and diligence to safeguard the principal, maintain liquidity, and seek reasonable yields. The Investment Policy has strict rating requirements. The City manages credit risk by selecting high quality securities, diversifying the portfolio, and establishing monitoring procedures.

Concentration of Credit Risk – It is not possible to disclose relevant information about SJCE's separate portion of the cash and investment pool, as there are no specific investments in the City's cash and investment pool belonging to SJCE itself. The Investment Policy sets forth the policies regarding concentration of credit risk.

As of June 30, 2021, the City's pooled investments in the City Treasury have investments that represent 5% or more of the total pooled investments in the following:

Federal Home Loan Mortgage Corporation	9.22%
International Bank for Reconstruction & Development	8.39%
Federal National Mortgage Association	8.26%

Foreign Currency Risk – The risk that changes in exchange rates will adversely affect the fair value of an investment. As of June 30, 2021, the City's Policy does not permit investments in the pool to hold foreign currency; as such the investments in the City's investment pool were not subject to foreign currency risk.

NOTE 4 – CAPITAL ASSETS

There are no capital assets in SJCE as of June 30, 2021.

NOTE 5 – ACCOUNTS RECEIVABLE

The accounts receivable balance at June 30, 2021 was $40.7 million and is net of an allowance for estimated uncollectible amounts. Management estimated the uncollectible amounts to be $11.7 million at June 30, 2021, using its allowance calculation methodology based on historical experience and current energy market conditions.

NOTE 6 – ACCRUED COST OF ELECTRICITY

Accrued cost of electricity represents the amount due for electrical power delivered to SJCE during the fiscal year that has not yet been invoiced by June 30, 2021. The SJCE accrual of $30.98 million is primarily due to regular electrical power contracts, as well as an accrued portion of the entirety of Renewable Energy Credits which are attributed to calendar year 2021 as a whole, but not billed uniformly throughout the year.

NOTE 7 – NOTES PAYABLE TO THE CITY OF SAN JOSÉ FINANCING AUTHORITY

In August 2017, the City of San José Financing Authority ("CSJFA"), through its commercial paper ("CP") program, provided a $10.0 million advance of funds to SJCE to fund start-up costs, which was subsequently paid off by SJCE in December 2020. SJCE does not rely on contributions from other City funds to support ongoing operations. Funds for ongoing operations are provided by the sale of electricity to SJCE customers. On June 22, 2021, the City Council adopted a resolution authorizing the issuance of CSJFA Lease Revenue CP Notes to finance the purchase of power and other operating costs of SJCE in an amount not to exceed $95.0 million, subject to the satisfaction of certain conditions.[5] On June 28, 2021, the CSJFA issued its first CP Notes draw under this authorization to SJCE in the amount of $15.0 million. The Barclay's Revolving Credit agreement contractually stipulates the repayment terms for SJCE's CP issuance cannot occur until (i) the amount held in the Operating Reserve Account, together with the unrestricted cash of SJCE, as of the last day for the month immediately preceding the date of such payment and as of the last day of the month for at least 3 of the 4 months immediately preceding such month, has been, and after such payment will remain, equal to or in excess of $50 million (inclusive of the $20 million required to be on deposit in the Operating Reserve Account), and (ii) the Debt Service Coverage Ratio is not less than 1.25 to 1.00 as of the last day of the fiscal quarter most recently ended.

NOTE 8 – CLEAN ENERGY REVOLVING CREDIT AGREEMENT (Long-term Direct Borrowings)

On September 25, 2018, the City Council authorized the City Manager, the Director of Finance, the Assistant Director of Finance or their authorized designees to negotiate, execute, and deliver a Revolving Credit Agreement ("Credit Agreement") by and between the City and Barclays Bank PLC (the "Bank"), and a promissory note (the "Note"), evidencing the City's obligations thereunder in the aggregate principal amount not to exceed $50.0 million for the purpose of the financing start-up costs of the SJCE program, purchase power and, in the case of standby letters of credit, secure payments under power purchase agreements and other costs associated with the Community Energy Implementation Plan. There are no amounts outstanding under this Credit Agreement as of June 30, 2021. The Note qualifies as a "Direct Borrowing" under GASB Statement No. 88.

[5] Issuance of City of San José Financing Authority (CSJFA) Commercial Paper Notes for San Jose Clean Energy Operations and Related Budget Actions

NOTE 8 – CLEAN ENERGY REVOLVING CREDIT AGREEMENT (Long-term Direct Borrowings) (Continued)

Effective on November 27, 2018, the Bank and the City entered into the Credit Agreement providing a credit facility in the form of a commitment by the Bank to (i) issue revolving loans to the City under the Revolving Line of Credit Facility in an aggregate principal amount not to exceed $20.0 million ("Revolving Line of Credit Facility Sublimit") for the period commencing November 27, 2018 and ending no later than November 26, 2021, with all outstanding revolving loans thereunder due and payable to the Bank on November 27, 2021, and (ii) issue standby letters of credit for the account of the City under the Standby Letter of Credit Facility in an aggregate principal amount not to exceed $35.0 million ("Standby Letter of Credit Facility Sublimit") for the period commencing November 27, 2018 and ending no later than October 28, 2023, with all unrepaid draws under such letters of credit due and payable to the Bank on November 27, 2023; provided, however, that the aggregate principal amount outstanding under the Revolving Line of Credit Facility and the Standby Letter of Credit Facility shall not to exceed $50.0 million at any one time ("Aggregate Commitment"). The City's obligations under the Credit Agreement are secured solely by a pledge and lien on revenues of SJCE, including revenues deposited in an operating reserve account held by the City pursuant to the Credit Agreement (the "Operating Reserve Account").

On April 30, 2019, the City Council authorized the City Manager, the Director of Finance, the Assistant Director of Finance or their authorized designees to negotiate, execute and deliver the First Amendment to the Revolving Credit Agreement with the Bank to increase the sublimit for the Revolving Line of Credit Facility thereunder from an aggregate principal amount not to exceed $20.0 million to $30.0 million, increase the sublimit for the Standby Letter of Credit Facility thereunder from an aggregate principal amount not to exceed $35.0 million to $65.0 million, increase the Aggregate Commitment to issue revolving loans and standby letters of credit from an aggregate principal amount not to exceed $50.0 million to $80.0 million outstanding at any one time, and increase certain fees payable by the City to the Bank in connection with the credit facilities under the Credit Agreement and to clarify that the City is allowed to draw on the revolving line of credit to fund the operating reserve account as discussed herein. Effective May 10, 2019, the Bank and the City entered into the First Amendment to the Revolving Credit Agreement to issue revolving loans and standby letters of credit for the purposes and within the limits mentioned above. The City's obligations under the First Amendment to the Revolving Credit Agreement continue to be secured solely by a pledge and lien on revenues of SJCE, including revenues deposited in an operating reserve account held by the City pursuant to the Credit Agreement.

NOTE 8 – CLEAN ENERGY REVOLVING CREDIT AGREEMENT (Long-term Direct Borrowings) (Continued)

As of June 30, 2021, the remaining balances for the Revolving Line of Credit Facility and Standby Letter of Credit Facility were as follows:

Credit Facility	Available Credit Sublimit	Less: Drawdown of Line[1] or Letters of Credit Commitments[2]	Remaining Available Credit as of 6/30/2021
Revolving Line of Credit Facility	$ 30,000,000	$ -	$ 30,000,000
Standby Letter of Credit Facility	$ 65,000,000	$ (24,644,520)	$ 40,355,480
Subtotal	***$ 95,000,000***	***$ (24,644,520)***	***$ 70,355,480***
Less: Adjustment to Reflect Aggregate Credit Limit			*$ (15,000,000)*
Remaining Aggregate Credit as of 6/30/2021[3]			**$ 55,355,480**

[1]Drawdowns against the Line of Credit are cash draws that SJCE can use to cover operating expenses.
[2]Letters of Credit are issued by Barclays as a commitment to pay collateral calls in the event of an SJCE default. The commitment does not become a liability of SJCE unless and until a collateral call is paid by Barclays on behalf of SJCE, which has not yet occurred.
[3]Aggregate Principal Commitment for the Revolving Line of Credit Facility and Standby Letter of Credit Facility cannot exceed $80,000,000 at any one time.

On June 22, 2021, the City Council authorized the City Manager and the Director of Finance, or their authorized designees to negotiate, execute and deliver the Second Amendment to the Revolving Credit Agreement with the Bank to amend certain terms and provisions of the Revolving Credit Agreement in connection with the issuance of CP notes secured by General Fund lease payments to finance the purchase of power and other operating costs of SJCE. The Second Amendment to the Revolving Credit Agreement was entered into on June 24, 2021.

Under the Credit Agreement, as amended by the First Amendment to the Revolving Credit Agreement and the Second Amendment to the Revolving Credit Agreement, the City agreed, among other things, that, so long as the Bank has any commitment thereunder or any amount payable thereunder remains unpaid from and including: (a) August 31, 2019, to but excluding November 15, 2019, to maintain not less than $10.0 million the Operating Reserve Account at all times during such period; (b) November 15, 2019, to but excluding June 24, 2021 , to maintain not less than $15.0 million in the Operating Reserve Account at all times during such period; and (c) from and after June 24, 2021 , to maintain at all times $20.0 million in the Operating Reserve Account (collectively, "Operating Reserve Requirement"). The City has complied with the Operating Reserve Requirement and maintained note less than $20.0 million in the Operating Reserve commencing December 31, 2019.

In addition, the Credit Agreement, as amended, permits the City to make loans from any fund, including the General Fund, to SJCE, including from proceeds of CP issued by the CSJFA in an amount not to exceed $100 million (previously limited to $10 million solely for the payment of start-up costs of SJCE). The City acknowledges and agrees that any such loans are subordinated to the City's obligations to Barclays under the Credit Agreement, as amended. Loans from the CSJFA to SJCE are not permitted unless the City first delivers to Barclays evidence that the CSJFA has agreed that such loans are subordinate to the City's obligations to Barclays under the Credit Agreement.

NOTE 8 – CLEAN ENERGY REVOLVING CREDIT AGREEMENT (Long-term Direct Borrowings) (Continued)

The Credit Agreement, as amended, prohibits repayment of loans and other debt payable from Revenues or Net Revenues of SJCE to the City or the CSJFA, if any, unless, among other things,: (i) the amount held in the Operating Reserve Account, together with the unrestricted cash of SJCE, as of the last day for the month immediately preceding the date of such payment and as of the last day of the month for at least three of the four months immediately preceding such month, has been, and after such payment will remain, equal to or in excess of $50 million (inclusive of the $20 million required to be on deposit in the Operating Reserve Account); and (ii) the Debt Service Coverage Ratio is not less than 1.25 to 1.00 as of the last day of the fiscal quarter most recently ended.

Under the Credit Agreement, as amended, the City is required to maintain a Debt Service Coverage Ratio of not less than 1.25 to 1 as follows: (i) commencing on September 30, 2021, for the period of one fiscal quarter ending September 30, 2021; (ii) as of December 31, 2021, for the period of two consecutive fiscal quarters ending December 31, 2021; (iii) as of March 31, 2022, for the period of three consecutive fiscal quarters ending March 31, 2022; and (iv) as of the last day of each fiscal quarter thereafter for the period of four consecutive fiscal quarters ended on such day.

Events of default under the Credit Agreement include, among others: (i) default under any of the underlying Financing Documents (as defined in the Credit Agreement), (ii) non-payment, (iii) breach of various covenants, (iv) bankruptcy, (v) breach of representations and warranties (vi) failure to maintain the required debt service coverage ratio, (vii) failure to maintain the required amounts in the Operating Reserve Account, as discussed above, (viii) the long-term, unenhanced ratings by any of the Rating Agencies on any general-obligation bonded indebtedness of the City is withdrawn or suspended (but excluding withdrawals or suspensions if the Rating Agency stipulates in writing that the rating action is being taken for non-credit related reasons) or reduced below “A1” (or its equivalent) by Moody’s, “A+” (or its equivalent) by S&P, or “A+” (or its equivalent) by Fitch, (ix) the dissolution or termination of SJCE, (x) one or more final, unappealable judgments or orders for the payment of money in excess of certain threshold amounts (i.e., $2.0 million through December 30, 2019, and $5.0 million thereafter) where such judgment or order remains unsatisfied and unstayed for a period of 60 days and which is payable from revenues of SJCE, (xi) PG&E defaults in the performance of its agreement with the City for billing services related to charges for the cost of energy provided by SJCE, (xii) any event of default under any Other Credit Agreement (as defined in the Credit Agreement) secured by revenues of SJCE, (xiii) a Material Adverse Effect (as defined in the Credit Agreement) occurs with respect to SJCE or the City’s ability to repay its obligations under the Credit Agreement, (xiv) failure to pay when due any principal of or interest on any Debt (as defined in the Credit Agreement) secured by revenues of SJCE, (xv) failure to pay when due any amount owing under any power purchase agreement, unless the City disputes payment in good faith, or (xvi) if Debt secured by revenues of SJCE has been accelerated or required to be prepaid prior to its maturity.

When an event of default occurs, the Bank may exercise all of its rights and remedies available to it under the Credit Agreement and as otherwise permitted by law. The Bank’s rights and remedies include, among others, taking one or more of the following actions: (i) declare the commitment and the obligation of the Bank to make Credit Extensions to be terminated, (ii) by written notice to City, declare the outstanding amount of the obligations of the City under the Credit Agreement to be immediately due and payable, (iii) require the City to cash collateralize 105% of the letter of credit obligations (broadly defined to include the amounts available to be drawn under any letters of credit plus any amounts drawn by beneficiaries under such letters of credit but which are not reimbursed by the City as required under the Credit Agreement (“Unreimbursed Amounts”) as applicable, (iv) and at the

NOTE 8 – CLEAN ENERGY REVOLVING CREDIT AGREEMENT (Long-term Direct Borrowings) (Continued)

expense of the City, cure any event of default; provided, however that the Bank shall have no obligation to effect such a cure. Upon the occurrence and during the continuance of an event of default under the Credit Agreement, any outstanding loan amounts or Unreimbursed Amounts will accrue interest at the Default Rate as defined in the Credit Agreement. Certain other per annum rates payable by the City under the Credit Agreement also increase upon the occurrence and during the continuance of an event of default.

In the case of bankruptcy where the City obtains an entry of order for relief under the Bankruptcy Code, the obligation of the Bank to make Credit Extensions shall automatically terminate and all unpaid principal amounts of all outstanding loans and Unreimbursed Amounts and all interest and other amounts payable to the Bank by the City shall automatically become due and payable, and City shall be required to cash collateralize 105% of the aggregate amount available to be drawn under all outstanding Letters of Credit plus the aggregate of all Unreimbursed Amounts, without further action by the Bank.

NOTE 9 – DEFINED BENEFIT RETIREMENT PLAN

(a) General Information

The City sponsors and administers a single employer defined benefit retirement system, FCERS, which with the exception of certain unrepresented employees covers all full-time and certain part-time employees of the City. The FCERS provides general retirement benefits under a single employer Defined Benefit Pension Plan, as well as the Postemployment Healthcare Plan. All full-time and certain part-time employees in the Community Energy Department participate in the FCERS.

The FCERS is administered by the Chief Executive Officer of the Office of Retirement Services, an employee of the City, who serves at the pleasure of the Board of Administration for the FCERS. The separately issued annual report of FCERS, together with various chapters in Title 3 of the City Municipal Code, provides more detailed information about the FCERS, and may be obtained from the City of San José Office of Retirement Services, 1737 North First Street, Suite 600, San José, California 95112 or at http://www.sjretirement.com. The SCJE presents the related defined benefit disclosures of FCERS as a participant in a cost-sharing arrangement with the City.

(b) Benefits Provided

FCERS provides general retirement benefits including pension, death, and disability benefits to members. FCERS benefits are based on average final compensation, years of service, and cost of living increases as specified by the City Municipal Code. The contribution and benefit provisions and all other requirements are established by the City Charter and the City Municipal Code. Information regarding disability and death benefits can be found in the annual reports of the FCERS and on the Office of Retirement Services website.

NOTE 9 – DEFINED BENEFIT RETIREMENT PLAN (Continued)

Effective June 18, 2017, the FCERS has several Tiers as follows:

FCERS Membership Tiers

Tier	Hire Date	Pension	Defined Benefit Retiree Healthcare (Medical/Dental)
Tier 1	• On or before September 29, 2012 • Former Tier 1 rehired on or after June 18, 2017 who did not take a return of contributions	Tier 1	Medical/Dental(2)(4)
Tier 1 Rehire	• Former Tier 1 rehired on or after September 30, 2012 through June 17, 2017	Tier 1(1)	Medical/Dental(2)(4)(5)
Tier 1 Classic	• "Classic" membership with California Public Employees' Retirement System ("CalPERS")/reciprocal agency hired on or after September 30, 2012, but before September 27, 2013	Tier 1(6)	Medical/Dental
	• "Classic" membership with CalPERS/reciprocal agency hired on or after September 27, 2013	Tier 1(6)	Not Eligible(3)(4)
Tier 2 (or Tier 2A)	• Hired/rehired/reinstated on or after September 30, 2012, but before September 27, 2013	Tier 2	Medical/Dental(2)(4)
Tier 2B	• Hired/rehired/reinstated after September 27, 2013 and have not met City's eligibility for retiree healthcare	Tier 2	Not Eligible(3)(4)

(1) Employees in these tiers are responsible for 50% of the amortization costs for having any prior years of service in Tier 2 changed to Tier 1.

(2) Employees in these tiers were provided a one-time irrevocable election to remain in the Federated Healthcare Plan or opt into the Federated VEBA. Employees that opted into the Federated VEBA are not eligible for Federated Healthcare Plan. The Federated VEBA was implemented on March 25, 2018.

(3) Employees in these tiers were mandatorily placed into the Federated VEBA.

(4) Unrepresented employees were eligible to opt into the Federated VEBA but are not eligible to make ongoing contributions to the Federated VEBA.

(5) All Tier 1 rehires formerly in Tier 2B and Tier 2C who opted to remain in the Federated Healthcare Plan began contributing to the Federated Healthcare Plan on March 25, 2018.

(6) Employees in these tiers are responsible for 50% of the amortization costs for any prior years of service in Tier 2 changed to Tier 1 for all employees in the "Classic" tier regardless of start date.

NOTE 9 – DEFINED BENEFIT RETIREMENT PLAN (Continued)

The following tables summarize the pension benefits for the members:

	FCERS			
	Tier 1 (1)	**Tier 1 Classic (2)**	**Tier 2A (3)**	**Tier 2B (4)**
Pension				
Service required to leave contributions in retirement system	5 years		5 years Federated City Service (Year of Service = 2080 hours worked in the applicable 12-month period)	
Service Retirement:				
Age/Years of Service	55 with 5 years service 30 years service at any age		62 years with 5 years Federated City Service May retire on or after 55 years with 5 years Federated City Service. A reduction factor of 5% per year for each year between age 55 and the Tier 2 member's age at retirement before age 62, prorated to the closest month.	
"Deferred Vested" retirement	55 with 5 years service (This applies to members who separate from City service before retirement and leave their contributions in the retirement system.)		May commence on or after 55 years with 5 years Federated City Service with actuarial equivalent reduction (This applies to members who separate from City service before retirement and leave their contributions in the retirement system.) Can begin at age 55 with reduction factor of 5% per year for each year between age 55 and the Tier 2 member's age at retirement before age 62, prorated to the closest month.	
Allowance	2.5% x Years of Service x Final Compensation (75.0% max) Final Compensation is the highest average monthly earnable pensionable salary during 12 consecutive months, capped at 108% of the second highest 12 comsecutive months. If separation takes place prior to July 1, 2001, Final Compensation is highest average monthly salary during 36 consecutive months If separation takes place on or after July 1, 2001, Final Compensation is highest average monthly salary during 12 consecutive months		2.0% x Years of Federated City Service x Final Compensation (70.0% max) "Final Compensation" is the average monthly (or biweekly) base pay for the highest 3 consecutive Years of Federated City Service Excludes premium pay or any other forms of additional compensation	
Disability Retirement (Service Connected)				
Minimum Service	None		None	
Allowance	40% of Final Compensation plus 2.5% x Years of Service in excess of 16 years x Final Compensation (Maximum 75% of Final Compensation)		2% x Years of Federated City Service x Final Compensation (Minimum of 40.0% and maximum of 70.0% of Final Compensation)	

	FCERS (continued)			
	Tier 1 (1)	Tier 1 Classic (2)	Tier 2A (3)	Tier 2B (4)
Disability Retirement (Non-Service Connected)				
Minimum Service	5 years		5 years	
Allowance	20% of Final Compensation for up to 6 years of service. Add 2% for each year of service in excess of 6 years but less than 16 years. Add 2.5% for each year of service in excess of 16 years of services. (Maximum 75% of Final Compensation) For those who entered the Retirement System on 8/31/98 or before, the calculation is as follows: 40% of Final Compensation plus 2.5% x Years of Service in excess of 16 years x Final Compensation (Maximum 75% of Final Compensation) If under 55 years old, subtract 0.5% for every year under age 55		2% x Years of Federated City Service x Final Compensation. (Minimum of 20% and maximum of 70.0% of Final Compensation)	
Reciprocity				
Reciprocity	As of December 9, 1994, the City of San José Federated City Employees' Retirement System adopted a reciprocal agreement with CalPERS. This may result in improved benefits for members who transfer between this retirement system and CalPERS or certain other public agency retirement systems that also have reciprocal agreements with CalPERS. Final eligibility for reciprocity is determined at the time of retirement.			
Cost-of-Living Adjustments (COLA)				
Cost-of-Living adjustments	Retirees are eligible for a 3% annual cost-of-living adjustment (COLA). Regular COLAs are compounded and paid each April. There is no prorating of COLA.		Retirees are eligible for annual cost-of-living adjustment (COLA) limited to the lesser of the increase in the Consumer Price Index (San José-San Francisco-Oakland, U.S. Bureau of Labor Statistics index, CPI-U, December to December), or a back loaded 2.0% COLA per fiscal year. The back loaded COLA shall be calculated as follows: i. Service at retirement of 1-10 years: 1.25% per year ii. Service at retirement of 1-10 years and hired before June 16, 2017: 1.5% iii. Service at retirement of 11-20 years: 1.5% per year iv. Service at retirement of 21-25 years: 1.75% per year v. Service at retirement of 26 years and above: 2.0% per year The first COLA will be prorated based on the number of months retired.	

(1) *Federated Tier 1 applies to employees hired on or before September 29, 2012.*
(2) *Employees with "Classic" membership from a CalPERS or reciprocal agency hired by the City of San José, on or after June 18, 2017. A CalPERS "Classic" member is a member who previously worked for a CalPERS or other reciprocal agency and meets the following criteria: 1. First established CalPERS membership or membership in a CalPERS reciprocal agency prior to January 1, 2013, 2. AND is hired by the City of San José after a break in service of less than six months 3. AND did not have concurrent (overlapping) service with the other agency. City of San José Reciprocity Election Form must be submitted within thirty (30) days of the first day of employment with the City. Employees in Tier 1 Classic are not eligible for the defined benefit retiree healthcare plan.*
(3) *Tier 2A applies to Employees hired between September 30, 2012 and September 27, 2013.*
(4) *Tier 2B are employees who were newly hired after September 27, 2013.*

NOTE 9 – DEFINED BENEFIT RETIREMENT PLAN (Continued)

Contributions

This subsection provides information related to contributions paid by SJCE for pension benefits provided by FCERS.

Under GASB Statement No. 68, the City's and the participating employees' contributions to the Defined Benefit Pension Plan are based upon an actuarially determined percentage of each employee's pensionable and earnable salary to arrive at an actuarially determined contribution ("ADC") sufficient to provide adequate assets to pay benefits when due. The contribution requirements are established by City Charter Articles XV and XV-A, and Title 3 of the San Jose Municipal Code.

The contribution rates for the Defined Benefit Pension Plan for the City and the participating employees for the year ended June 30, 2021 were based on the actuarial valuation performed as of June 30, 2019. SJCE's contributions paid during the year ended June 30, 2021 were $1,770,000. The contribution rates in effect and the amounts contributed to the pension plan for the year ended June 30, 2021 are as follows:

	FCERS			
	City (1)		Participants (2)	
Defined Benefit Pension Plan	**Tier 1**	**Tier 2**	**Tier 1**	**Tier 2**
Actuarial Rate:				
06/27/21-06/30/21	20.25%	8.17%	7.39%	8.17%
07/01/20-06/26/21	19.82% (3)	7.92%	7.22%	7.92%

(1) *Under Measure F, certain Tier 2 members who had previous Tier 1 service with a reciprocal employer were reclassified to Tier 1. Ordinance No. 30145, which became effective October 12, 2018, amended the Municipal Code to reflect these changes. Effective 3/24/2019, reclassified Tier 1 members paid an additional 1.96% in contributions, members with prior Federated Service reclassified to Tier 1 paid an additional 0.87% in contributions, and Classic Tier 1 members paid an additional 0.47% in contributions.*

(2) *Under Measure F, certain Tier 2 members who had previous Tier 1 service or prior service with a reciprocal employer were reclassified to Tier 1. Ordinance No. 30183, which became effective January 4, 2019, amended the Municipal Code to reflect these changes. Effective 3/24/19, reclassified Tier 1 members paid an additional 3.00% in contributions. Classic Tier 1 members paid an additional 1.46% effective 8/12/18.*

(3) *Contributions are structured as a normal cost, plus a payment on the Unfunded Actuarial Liability (UAL). City contributions are administered as a contribution rate plus a minimum dollar amount based on actuarial payroll.*

(c) Net Pension Liability

The City's net pension liability for FCERS Plan is measured as the total pension liability, less the pension plan fiduciary net position as of the measurement date of June 30, 2020. The City's net pension liability as of June 30, 2021 is measured as of June 30, 2020, using an annual actuarial valuation as of June 30, 2019 and rolled forward to June 30, 2020 using update procedures by the actuary. In summary, the SJCE proportionate share of the City's net pension liability at June 30, 2021 is $1,660,000 based on SJCE's share of 0.79%, which changed from 0.47% in FY2020.

NOTE 9 – DEFINED BENEFIT RETIREMENT PLAN (Continued)

The discount rate used to measure the total pension liability was 6.75% for the valuation dated June 30, 2019. It is assumed that FCERS members' contributions and City's contributions will be made based on the actuarially determined rates based on the funding policy of the FCERS Board. Based on those assumptions, the FCERS' fiduciary net position is expected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the Proportionate Share of the Net Pension Liability to Changes in Discount Rates

The following presents the SJCE proportionate share of the net pension liability, calculated using the discount rate of 6.75% in effect as of the measurement date, as well as what the proportionate share of the net pension liability would be if it was calculated using discount rates that are one percentage point lower (5.75%) or one percentage point higher (7.75%) than the rate used for the FCERS plan (in thousands):

FCERS sensitivity analysis	1% Decrease (5.75%)	Measurement Date Discount Rate (6.75%)	1% Increase (7.75%)
Proportionate share of net pension liability	$ 2,127	$ 1,660	$ 1,279

Pension Fiduciary Net Position

The FCERS issues a publicly available financial report that may be obtained from the Office of Retirement Services, 1737 North First Street, Suite 600, San José, CA 95112-4505 or at https://www.sjretirement.com. The SCJE presents the related defined benefit disclosures of FCERS as a participant in a cost-sharing arrangement with the City.

Pension Expense and Deferrals – For the year ended June 30, 2021, SJCE recognized a pension expense of $85,000 in FCERS. As of June 30, 2021, SJCE reported its proportionate share of the City's deferred outflows and inflows of resources related to pension from the following sources (in thousands):

	Deferred Outflows of Resources	Deferred Inflows of Resources
Contributions subsequent to measurement date	$ 1,770	$ -
Differences between expected and actual experience	34	210
Changes in assumptions	214	48
Net difference between projected and actual earnings on pension plan investments	651	-
Total	**$ 2,669**	**$ 258**

NOTE 9 – DEFINED BENEFIT RETIREMENT PLAN (Continued)

Amounts reported as deferred outflows and deferred inflows of resources will be recognized in pension expense as follows (in thousands):

Fiscal Year Ending June 30:	Deferred Outflows/(Inflows) of Resources
2022	$ 205
2023	232
2024	121
2025	83
	$ 641

As of June 30, 2021, $1,770,000 reported as deferred outflows of resources related to contributions subsequent to the measurement date for the FCERS will be recognized as a reduction of the net pension liability in the year ending June 30, 2022. Other amounts reported as deferred outflows of resources related to pensions will be recognized as pension expense shown in the tables above.

Recognition of Deferred Outflows and Deferred Inflows of Resources for FCERS

Gains and losses related to changes in total pension liability and fiduciary net position are recognized in pension expense systematically over time.

One fifth of the net earnings is recognized in the first year when the gain or loss occurred for the difference between projected and actual earnings on pension plan investments. The other deferred amounts are amortized over the expected average remaining service lifetime. The remaining amounts are categorized as deferred outflows and deferred inflows of resources related to pension and are to be recognized in future pension expense.

The recognition period differs depending on the source of the gain or loss:

Net difference between projected and actual earnings on pension plan investments	5 years
All other amounts	Expected average remaining service lifetime (EARSL) (5.0 years at June 30, 2020 measurement date)

Long-term Expected Rate of Return on Plan Investments – The assumption for the long-term expected rates of return on FCERS investments of 6.75% for the valuation dated June 30, 2019 was selected by estimating the median nominal rates of return based on long-term capital market assumptions adopted by the FCERS Board, including nominal expected rates of return for each of the asset classes, and reducing the estimated median by a margin so that there is estimated to be a greater than 50 percent probability of achieving the returns.

Best estimates of geometric real rates of return for each major asset class included in the FCERS target asset allocation are summarized in the following tables:

	FCERS	
	Target Asset Allocation	**Long-Term Expected Real Rate of Return**
Public equity	49%	5.4%
Private equity	8%	6.8%
Investment grade bonds	8%	-0.1%
Core real estate	5%	3.5%
Immunized cash flows	5%	-0.9%
Venture / growth capital	4%	6.6%
Growth real estate	3%	6.1%
Emerging market bonds	3%	2.0%
Private debt	3%	4.4%
Market neutral strategies	3%	2.1%
Private real assets	3%	5.0%
Long-term government bonds	2%	0.2%
Treasury inflation-protected securities	2%	-0.1%
High yield bonds	2%	2.6%
Cash and cash equivalents	N/A	N/A

The separately issued annual report of FCERS provides more information about the most recent long-term expected rates of return on plan investments.

Actuarial Methods and Assumptions

The significant actuarial methods and assumptions used to compute the total pension liability as of June 30, 2021 are from the actuarial valuation report with a valuation date of June 30, 2019.

	FCERS
Description	**Method/Assumption**
Measurement date	June 30, 2020
Valuation date	June 30, 2019
Inflation rate	2.50%
Discount rate	6.75% The Board expects a long-term rate of return of 7.6% based on Meketa's 2019 20-year capital market assumptions and the Retirement System's current investment policy. A margin for adverse deviation was used to improve the probability of achieving the discount rate
Post-retirement mortality	
Healthy retirees:	0.995 for males and 0.960 for females, times the 2010 Public General Mortality Table (PubG-2010)
Disabled retirees:	1.051 for males and 0.991 for females, times the CalPERS 2009 Ordinary Disability Mortality Table
Rates of service retirement, withdrawal, death, disability retirements	Mortality is projected on a generational basis using the MP-2019 scale
Salary increases	
Wage Inflation	The base wage inflation assumption of 3.00%
Merit Increase	Merit/longevity increase based on years of service ranging from 3.75% at hire to 0.10% for members with 15 or more years of service
Cost-of-Living Adjustment	Tier 1 – 3% per year Tier 2 – 1.25% to 2.0% depending on years of service

NOTE 10 – OTHER POSTEMPLOYMENT BENEFITS (OPEB)

(a) General Information

In addition to the FCERS Defined Benefit Pension Plan, the City also sponsors and administers a single employer FCERS Postemployment Healthcare Plan, which includes an Internal Revenue Code (IRC[6]) 115 Trust. The Postemployment Healthcare Plan covers eligible full-time and certain part-time employees of the City, and are accounted for in the Pension Trust Funds of the City.

Generally, the defined benefit Postemployment Healthcare Plan provides medical and dental benefits to eligible retirees and their beneficiaries. Benefits are 100% of the premium cost for the lowest priced medical insurance plan available to an active City employee, and 100% of the premium cost for a dental insurance plan available to an active City employee.

Per the terms of the Framework discussed in Note 9, the City established a VEBA for retiree healthcare for the members of the FCERS in FY 2018. The City does not make contributions into the VEBA and the VEBA is not subject to the jurisdiction of the FCERS Board.

In November 2017, the Internal Revenue Service and City entered into a Closing Agreement whereby FCERS Tier 1 and some FCERS Tier 2 members were eligible for an irrevocable opt-out of the applicable Postemployment Healthcare Plan into a VEBA. The transfer of their retiree healthcare contributions (medical and dental) from the applicable Postemployment Healthcare Plan to their individual VEBA accounts remained subject to Internal Revenue Service approval. The VEBA opt-in election period was October 18, 2017 through December 15, 2017. In February 2018, the Internal Revenue Service issued favorable private letter rulings with respect to the transfer of retiree healthcare contributions from the Postemployment Healthcare Plan for those employees opting into a VEBA and in March 2018, the retiree healthcare contributions of members who opted into a VEBA were transferred from the applicable Postemployment Healthcare Plan into their individual VEBA accounts. The Internal Revenue Service also approved allowing eligible employees who are rehired by the City during calendar years 2018 through 2022 to opt into the applicable VEBA and transfer the retiree healthcare contributions from the applicable Postemployment Healthcare Plan to their individual VEBA accounts.

(b) Contributions

Contribution amounts to the Postemployment Healthcare Plan for both the City and the participating members are based upon agreements between the City and the bargaining units. With the implementation of Measure F, ADC was calculated beginning with the year ended June 30, 2019. The FCERS transitioned into annual valuations beginning June 30, 2010, from biennial actuarial valuations.

On June 24, 2008, the City Council adopted Ordinance No. 28332 amending Title 3 of the San José Municipal Code to provide the City with the option to make lump sum prepayments of City required contributions for postemployment healthcare benefits to FCERS.

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[6] The Internal Revenue Code (IRD) refers to Title 26 of the U.S. Code, the official “consolidation and codification of the general and permanent laws of the United States,” as the Code’s preface explains. Commonly referred to as the IRS code or IRS tax code, the laws in Title 26 are enforced by the Internal Revenue Service (IRS).

NOTE 10 – OTHER POSTEMPLOYMENT BENEFITS (OPEB) (Continued)

Subsequently, in October 2014, the Board of Administration of FCERS approved implementing an incremental reduction approach to determining the "actuarial equivalence" for the City's prefunding of its contribution when the economic expansion has exceeded 58 months in duration and/or the S&P 500 has returns in excess of 130%. This approach was undertaken to ensure that as business expansions and/or market valuations mature and exceed historic norms, FCERS reduces the City's incentive to prefund its contributions when market valuations and/or economic expansions are beyond historic norms. The incremental reduction is 15% per year, up to a maximum of 45%, which was the reduction to the discount rate that was applied to calculate the actuarially determined prepayment amount for the participating members to be paid by the City at the beginning of year ended June 30, 2020. However, the City elected to not prefund its actuarially determined contribution for Tier 1 members for the year ended June 30, 2020. Then, the City resumed to prefund for the year ended June 30, 2021.

The FCERS Board on February 15, 2018 approved a contribution policy for the respective Postemployment Healthcare Plan that sets the City's contribution as a flat dollar amount.

(c) Funding Policy

Historically, member and City contributions to the Postemployment Healthcare Plan were negotiated through collective bargaining and was not actuarially determined. Until the City entered into agreements with various bargaining groups in 2009 and prior to implementation of Measure F, contributions for the health and dental benefits for both the City and the participating employees of the Postemployment Healthcare Plan were based upon an actuarially determined percentage of employees' base salary sufficient to provide adequate assets to pay benefits when due over the next 15 years for FCERS. From 2009 until the implementation of Measure F, the City had been in the process of phasing in payment of the annual required contribution (ARC) for the retiree health and dental benefits provided by Postemployment Healthcare Plan as calculated pursuant to GASB Statement No. 43 and GASB Statement No. 45 then in effect. However, the contribution rates for the City and members of the Postemployment Healthcare Plan were capped before the full ARC was reached.

The annual contribution costs for the Postemployment Healthcare Plan benefits are allocated to both the City and the active employee members. Contributions to the Postemployment Healthcare Plan for both the City and the participating members are based upon agreements between the City and the bargaining units. With the implementation of Measure F, member contributions are fixed as a percentage of pay and the City's contribution toward the explicit subsidy (premium subsidy) is an ADC determined by the Postemployment Healthcare Plan. The ADC for the Postemployment Healthcare Plan is the normal cost plus the amortization payment on the unfunded actuarial liability, less expected member contributions. The City has an option to limit its ADC for the Postemployment Healthcare Plan to a fixed percentage of the payroll of all active members of the pension plan. The ADC for the Postemployment Healthcare Plan is calculated beginning with FY 2019.

NOTE 10 – OTHER POSTEMPLOYMENT BENEFITS (OPEB) (Continued)

The City will pay the implicit subsidy on a pay-as-you go basis as part of active health premiums. An implicit subsidy for retiree health benefits exists because the medical experience for retirees under age 65 are pooled with the experience for active employees, thereby resulting in a lowering of the premium paid for retirees under age 65. The implicit subsidy is included in the actuarial valuation of the Postemployment Healthcare Plan. The implicit subsidy is shown as both a contribution and payment from the Postemployment Healthcare Plan. However, the implicit subsidy is not actually contributed to or paid from the Postemployment Healthcare Plan. Rather, it is paid directly by the City on a pay-as-you-go basis as a part of active member health plan premiums. The actuary for the Postemployment Healthcare Plan separately calculates the total unfunded actuarial liability being the aggregate unfunded actuarial liability for both implicit and explicit subsidies, and the unfunded actuarial liability for only the explicit subsidy.

The unfunded actuarial liability for the explicit subsidy is used to calculate the City ADC to the Postemployment Healthcare Plan.

As of March 25, 2018, members remaining in the FCERS Postemployment Healthcare Plan contribute 7.5% of pay. The City continued to pay the phased-in contribution rate until the beginning of FY 2019, when it commenced paying the ADC as determined by the FCERS Board subject to a cap of 14% of payroll of all active members of FCERS.

The contributions to the FCERS Postemployment Healthcare Plan for the SJCE and the participating employees for the year ended June 30, 2021 are shown below:

	City - Board Adopted		Member with Healthcare
	Tier 1	Tier 2	Tier 1 and Tier 2
Actuarial Rate:			
Postemployment Healthcare Plan:	*	*	
07/01/2020 - 06/30/2021			7.50%

** In February 2018, the Board approved the contribution policy that sets the City healthcare contributions as a flat dollar amount, beginning with fiscal year 2019. The City's contribution for the Postemployment Health Plan during the fiscal year ended June 30, 2021 was $26,236,000, $20,930,000 in regular contributions and $5,287,000 in implicit subsidy.*

(d) Net OPEB Liability / (Asset)

The City's net OPEB liability for the Postemployment Healthcare Plan is measured as the total OPEB liability, less the plan fiduciary net position as of the June 30, 2020 measurement date. The City's net OPEB liability as of June 30, 2021 for FCERS Postemployment Healthcare Plan is measured as of June 30, 2020, using an annual actuarial valuation as of June 30, 2019 and rolled forward to June 30, 2020 using standard update procedures by the actuary for the plan. In summary, the SJCE proportionate share of the City's net OPEB liability is a net OPEB asset at June 30, 2021 of $1,062,000 based on SJCE's share of 1.12%, which was changed from 0.73% in FY 2020.

NOTE 10 – OTHER POSTEMPLOYMENT BENEFITS (OPEB) (Continued)

Actuarial Methods and Assumptions

Description	FCERS Method/Assumption
Measurement date	June 30, 2020
Valuation date	June 30, 2019
Actuarial cost method:	Entry age normal, level of percentage of pay
Actuarial assumptions:	
Discount rate	6.75% per year. The Board expects a long-term rate of return of 7.6% based on Meketa's 2019 20-year capital market assumptions and the System's current investment policy.
Inflation rate	2.50%
Merit Increase	Merit component added based on an individual's years of service ranging from 3.75% at hire to 0.10% for members with 15 or more years of service
Wage Inflation Rate	3.00%
Rate of Mortality*	Mortality is projected on a generational basis using the MP-2019 scale
Pre-Retirement Turnover**	Please see below table
Healthcare Trend Rate – Medical	The valuation assumes that future medical inflation will be at a rate of 7.66% to 3.94% per annum graded down over a 55-year period for medical pre-age 65 and 4.11% to 3.94% per annum for medical post-age 65.
Healthcare Trend Rate – Dental	Dental inflation is assumed to be 3.5%

* Actuarial Methods and Assumptions – FCERS Mortality Rates

Category	Male	Female
Healthy Annuitant	0.995 times the 2010 Public General Mortality Table (PubG-2010) for Healthy Retirees	0.960 times the 2010 Public General Mortality Table (PubG-2010) for Healthy Retirees
Healthy Non-Annuitant	0.992 times the 2010 Public General Mortality Table (PubG-2010) for Healthy Retirees	1.084 times the 2010 Public General Mortality Table (PubG-2010) for Healthy Retirees
Disabled Annuitant	1.051 times the CalPERS 2009 Ordinary Disability Mortality Table	0.991 times the CalPERS 2009 Ordinary Disability Mortality Table

The assumption for the long-term expected rate of return on OPEB plan investments of 6.75% for the valuation year ended June 30, 2019, was selected by estimating the median nominal rate of return based on long-term capital market assumptions adopted by the FCERS Board, including nominal expected rates of return for each asset class, and reducing the estimated median by a margin so that there is estimated to be a greater than 50 percent probability of achieving the return.

NOTE 10 – OTHER POSTEMPLOYMENT BENEFITS (OPEB) (Continued)

Best estimates of geometric real rates of return for each major asset class included in FCERS's target asset allocation as of June 30, 2020 measurement date are summarized in the following table.

Asset Class	Target Asset Allocation	Long-Term Expected Real Rate of Return
Public equity	56.0%	5.40%
Short-term investment grade bonds	29.0%	-0.50%
Core real estate	10.0%	4.70%
Commodities	5.0%	1.70%
Cash	0.0%	-0.90%

Discount Rate for FCERS

The discount rate used to measure the total OPEB liability was 6.75% for the measurement year ended June 30, 2020 and is based on the long-term expected rate of return on investments. It is assumed that FCERS member contributions remain fixed at 7.5% of pay for employees eligible to participate in the Postemployment Healthcare Plan and the City contributes the actuarially determined contribution toward the explicit subsidy up to a maximum of 14% of the total payroll. In addition, the City pays the implicit subsidy on a pay-as-you-go basis. Based on those assumptions, the FCERS' fiduciary net position is expected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on OPEB plan investments for FCERS was applied to all periods of projected benefit payments to determine the total OPEB liability.

Sensitivity of the Net OPEB Asset to Changes in Discount Rates

The following presents the SJCE's proportionate share of the City's net OPEB liability for FCERS, as well as what the SJCE's proportionate share of the net OPEB liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the measurement date rate.

As of June 30, 2021, the SJCE's share of the City's net OPEB liability was based on 1.12% of the SJCE's proportion of the City's net OPEB liability for FCERS at the measurement date, June 30, 2020:

	1% Decrease (5.75%)	Measurment Date Discount Rate (6.75%)	1% Increase (7.75%)
Net OPEB Asset	$ (835)	$ (1,062)	$ (1,342)

Sensitivity of the Net OPEB Asset to Changes in the Health Care Cost Trend Rates

The following presents the SJCE proportionate share of the City's net OPEB liability for FCERS, as well as what the SJCE proportionate share of the net OPEB liability would be if it were calculated using a health care cost trend rate that is one percentage point lower or one percentage point higher than the measurement date rate.

NOTE 10 – OTHER POSTEMPLOYMENT BENEFITS (OPEB) (Continued)

As of June 30, 2021, the SJCE share of the City's net OPEB liability was based on 1.12% of the SJCE proportion of the City's net OPEB liability for FCERS at the measurement date, June 30, 2020:

	1% Decrease	Measurement Date Health Care Cost Trend Rates	1% Increase
Net OPEB Asset	$ (1,375)	$ (1,062)	$ (809)

OPEB Fiduciary Net Position

The FCERS issues a publicly available financial report that may be obtained from the Office of Retirement Services, 1737 North First Street, Suite 600, San José, CA 95112-4505 or at https://www.sjretirement.com. The SCJE presents the related defined benefit disclosures of FCERS as a participant in a cost-sharing arrangement with the City.

Recognition of Deferred Outflows and Deferred Inflows of Resources for FCERS

Gains and losses related to changes in total OPEB liability and fiduciary net position are recognized in OPEB expense systematically over time. One fifth of the net earnings is recognized in the first year when the gain or loss occurred for the difference between projected and actual earnings on OPEB plan investments. The other deferred amounts are amortized over the expected average remaining service lifetime. The remaining amounts are categorized as deferred outflows and deferred inflows of resources related to OPEB and are to be recognized in future OPEB expense.

The recognition period differs depending on the source of the gain or loss:

Net difference between projected and actual earnings on OPEB plan investments	5 Years
All other amounts	Expected average remaining service lifetime (EARSL) (5.0 Years at June 30, 2020 measurement date)

For the year ended June 30, 2021, the SJCE recognized a negative OPEB expense of $602,000. As of June 30, 2021, the SJCE reported deferred outflows and inflows of resources related to OPEB from the following sources (dollar amounts in thousands):

FCERS	Deferred Outflows of Resources	Deferred Inflows of Resources
OPEB contributions subsequent to measurement date	$ 349	$ -
Difference between expected and actual experience	-	82
Changes in assumptions	13	40
Net difference between projected and actual earnings on OPEB plan investments	92	-
Total	$ 454	$ 122

NOTE 10 – OTHER POSTEMPLOYMENT BENEFITS (OPEB) (Continued)

The $349,000 reported as deferred outflows of resources related to contributions subsequent to the June 30, 2020 measurement date will be recognized as an addition to the net OPEB asset during the year ending June 30, 2022.

Other amounts reported as deferred outflows/(inflows) of resources related to OPEB will be recognized as expense as follows (dollar amounts in thousands):

Fiscal Year Ending June 30:	Deferred Outflows/(Inflows) of Resources	
2022	$	(22)
2023		(20)
2024		15
2025		10
	$	(17)

NOTE 11– PURCHASE COMMITMENTS

In the ordinary course of business, SJCE enters into various power purchase agreements of different duration (i.e., short-, medium-, and long-term) to acquire renewable and other power supply products. The price and volume of purchased power may be fixed or variable. Variable pricing is generally based on the market price of either natural gas or electricity on the date of delivery. Variable volume is generally associated with contracts to purchase energy from as-available resources such as solar, wind, and hydro-electric facilities.

SJCE has four long-term renewable energy purchase agreements currently in construction phases. The first is a 20-year power purchase agreement with EDP Renewables and, when construction finishes in December 2022, City residents will receive renewable energy from Sonrisa Solar Park in Fresno County. SJCE also has a 12-year and a 15-year agreement with Terra-Gen; customers will receive energy from projects built in Kern County that will be operational in December 2021 and December 2022, respectively. A 15-year power purchase agreement with Pattern Energy will be operational in December 2021 and will provide wind-energy to City residents from a wind farm in Clines Corner New Mexico. These long-term agreements will supply SJCE customers with approximately 1.9 million MWh of energy annually, which is projected to meet over 45% of SJCE's energy consumption needs. Prices for these long-term agreements are lower than short-term agreements, so it is expected that SJCE's operational costs will decrease over time.

NOTE 12 – CONTINGENCIES

Claims and Litigation

SJCE is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; contractual delays and defaults by energy suppliers; and natural disasters. SJCE funds the costs of salaries and benefits, including the cost of workers' compensation coverage, for employees in the Community Energy Department.

NOTE 12 – CONTINGENCIES (Continued)

The estimated workers' compensation liabilities at year-end are determined using actuarial methods or other estimating techniques. The claims payment and liability include an estimate of allocated loss adjustment expense and claims that have been incurred but not yet reported.

COVID-19 Impacts

As a result of the negative economic impacts to many of SJCE residential and commercial customers due to COVID-19, SJCE increased its allowance for doubtful accounts by $8.5 million for the year ended June 30, 2021. In response to COVID-19, SJCE has collaborated with PG&E to offer flexible payment plan options and suspend service disconnections for non-payment to provide customers with financial relief as they grapple with the economic challenges that resulted from COVID-19. The disconnection moratorium ended on September 30, 2021, with all residential customers being automatically moved onto 24-month repayment plans for overdue balances. Small commercial customers have also been automatically moved onto extended repayment plans under which monthly payments are tied to monthly revenues of the business.

The California 2021-2022 State Budget directed approximately $1 billion of the federal American Rescue Plan Act funding towards the California Arrearage Payment Program (CAPP) to offer financial assistance for California energy utility customers to help reduce past due energy bill balances accrued during the COVID-19 pandemic. Preference in this program is given to residential past due customers and SJCE has a potential aggregate arrearage balance of $6.9 million for qualifying customers in that group. SJCE will apply for an allocation of the assistance on behalf of its qualified customers, however it is currently unknown how much of the arrearage balances would qualify.

Regulatory Matters

The California Public Utilities Commission ("CPUC") adopted a Resource Adequacy ("RA") policy framework in 2004 in an effort to ensure the reliability of electric service in the State. In particular, the RA policy framework is designed to ensure that CPUC jurisdictional Load Serving Entities, such as SJCE, have sufficient capacity to meet their peak load with a 15% reserve margin. The City has paid two CPUC citations assessed against the City for failing to procure RA in amounts sufficient to satisfy the 2019 ($6.8 million) and 2020 ($1.1 million) RA Requirements. See Subsequent Events section for more information on a third citation issued in October 2021. Other than the third citation issued in October 2021, the City cannot predict if the CPUC will issue future citations.

Power Charge Indifference Adjustment

The CPUC and SJCE, along with other CCAs, are participating in proceedings before the CPUC to determine the Power Charge Indifference Adjustment ("PCIA"), which is a fee PG&E charges CCA customers to cover the above-market costs associated with PG&E's power generation portfolio. CCAs factor the PCIA into their rate setting. While the outcome of the CPUC's decision-making process is uncertain, an increase or decrease in the rate may change the total amount paid by SJCE customers. In addition, SJCE actively monitors proposed legislation introduced at the California State Legislature that may potentially affect the methodology used in determining the PCIA and assess the potential impacts these proposed changes may have on the amounts paid by SJCE customers.

NOTE 12 – CONTINGENCIES (Continued)

Time of Use rate plan and Bill Protection

In June 2021, approximately 1/3 of SJCE's residential customers were transitioned to a Time of Use (TOU) rate plan, aligning with PG&E implementing TOU for their customers, as required by the CPUC. Bill Protection is offered by both PG&E and SJCE for customers that accepted transition to TOU rates in June 2021: at the end of the first 12 months on the TOU rates, if customers would have paid less on their old rate plan during those 12 months than they did on the TOU rate plan, they will be credited the difference between rate plans. The TOU transition was first approved by Council in 2019, but its implementation was delayed due to Wildfires and COVID. The transition occurred in June 2021 with related billing/reserve entries occurring in July 2021.

NOTE 13 – SUBSEQUENT EVENTS

(a) San José Clean Energy ("SJCE") Commercial Paper Notes

SJCE's financial condition and cash balances have been adversely impacted by recent market conditions. Such conditions include (i) delays in increases of electricity rates by PG&E (on which SJCE bases its rates), (ii) an increase of 41% in fees assessed by PG&E on SJCE's customers to cover above-market generation costs for legacy energy resources, (iii) an increase in bad debt expense (of three to five times compared to pre-March 2020) due to customer nonpayment as a result of the COVID-19 pandemic, and (iv) regulatory changes. The market price of electricity has been adversely impacted as demand for power has outpaced supply as a result of volatility in weather conditions, operational issues experienced by certain nuclear plants that serve the State, and regional drought conditions. As a result of such conditions, as of June 22, 2021, SJCE projected an ending cash shortfall of approximately $14.7 million for 2020-2021 (excluding $20.0 million cash on deposit in a restricted reserve account pledged as security for the City's obligations under the Credit Agreement described in Note 8). To ensure cash reserves were not fully depleted, the City Council approved in June 2021, SJCE's participation in the City of San Jose Financing Authority's Commercial Paper program wherein SJCE borrowed $15.0 million. Participation in the program assisted SJCE to maintain a positive cash balance at the end of a very challenging fiscal year.

On June 22, 2021, the City Council and the Board of Directors of the City of San José Financing Authority ("CSJFA") approved the issuance of the CSJFA's Lease Revenue Commercial Paper Notes ("CP Notes") in an amount not to exceed $95 million, subject to the satisfaction of certain conditions. The proceeds of the Lease Revenue Commercial Paper Notes are authorized to finance the costs of purchasing power and other operating costs of SJCE. On June 28, 2021, CP Notes were issued in the amount of $15.0 million to cover the SJCE shortfall. In July, September, and October CP Notes were issued for $15.0 million, $6.2 million, and $5.0 million. As of October 31, 2021, the total amount CSJFA issued in Lease Revenue Commercial Paper Notes for SJCE is $41.2 million. The City anticipates requesting the CSJFA to issue an additional $33.8 million in CP Notes potentially totaling $60.0 million in FY 2022 and $75.0 million overall.

NOTE 13 – SUBSEQUENT EVENTS (Continued)

It is important to note that the projected need for issuances of CP Notes are based on projections that include assumptions regarding market energy prices, regional weather, anticipated changes in PG&E's electricity rates and PCIA. Potential relief from the state CAPP program (see Note 12 – Contingencies) could have a beneficial impact on SJCE cash balances and reduce the amount of CP Notes issued by the CSJFA.

(b) Tier 1 Pension Employee Contributions

On June 29, 2021, the City Council adopted an ordinance amending the Municipal Code to cease the normal cost contribution of Tier 1 members of the Federated Pension Plan with 30 or more years of service credit as of the effective date of the ordinance. The change is intended by the City to incentivize such members to continue working for the City by increasing their take-home pay. Such members will not be eligible for any return of the amount of normal cost contributions made between obtaining 30 years of service credit and the effective date of the ordinance. The ordinance was approved on August 3, 2021 and became effective on September 2, 2021.

(c) COVID-19 Public Health Update

On August 2, 2021, the County of Santa Clara (County) issued a new public health order encouraging mandatory vaccination requirements for all personnel in the County. Pursuant to a City policy, all City employees are required to provide evidence of vaccination absent an approved medical or religious exemption. Failure to comply with the policy may result in disciplinary action, including termination.

As of September 21, 2021, there were over 140,223 confirmed cases of COVID-19 in the County, and health officials expect the number of confirmed cases to continue to grow. The County reports that, as of September 21, 2021, more than 83% of the County's residents age 12 and older are fully vaccinated, and more than 88% of the County's residents age 12 and older have received their first dose. The State reports that, as of September 20, 2021, the average doses per day administered in the State totaled approximately 70,892, and doses equating to 87 days of inventory were on hand statewide. With the number of COVID-19 cases surging in the County and nationally, partially attributable to the spread of the Delta variant of COVID-19, the County reinstated a mask mandate for all persons indoors, effective August 3, 2021. At its meeting on August 24, 2021, the City Council voted unanimously to require proof of COVID-19 vaccinations for attendees at events of 50 or more people in City-owned buildings, excepting those not yet eligible for vaccination.

(d) CPUC Citation

On October 13, 2021, SJCE received a citation from the CPUC for failure in satisfying certain State of California month-ahead resource adequacy obligations in the month of September 2021due to unfavorable market conditions. The City complied and paid the fine in the amount of $758,000 on November 5, 2021.

Schedule of the Proportionate Share of the Net Pension Liability

(Dollar Amounts in Thousands)

	2021	2020	2019
Proportion of the collective net pension liability	0.79%	0.47%	0.47%
Proportionate share of the collective net pension liability	$ 1,660	$ 1,156	$ -
Covered payroll	$ 2,336	$ 2,181	$ 1,627
Proportionate share of the collective net pension liability as percentage of covered payroll	71.06%	53.00%	0.00%
Plan fiduciary net position as a percentage of the total pension liability	63.72%	51.07%	50.41%

Schedule of Employer Contributions – Defined Benefit Pension Plan

(Dollar Amounts in Thousands)

	2021	2020	2019
Actuarially determined contribution	$ 1,770	$ 1,429	$ 804
Contribution in relation to the actuarially determined contributions	1,770	1,429	804
Covered payroll	$ 2,650	$ 2,336	$ 2,181
Contributions as a percentage of covered payroll	66.79%	61.18%	36.86%

Fiscal year	**June 30, 2021**	**June 30, 2020**	**June 30, 2019**
Valuation date	**June 30, 2019**	**June 30, 2018**	**June 30, 2017**
Actuarial cost method	Entry age	Entry age	Entry age
Asset valuation method	5-year smoothed market	5-year smoothed market	5-year smoothed market
Discount rate	6.75%	6.75%	6.875%
Salary increases	3.00% plus merit component based on years of service	3.25% plus merit component based on years of service	3.25% plus merit component based on years of service
Amortization growth rate	2.75%	3.00%	3.00%
Amortization method	Unfunded actuarial liability as of June 30, 2009 was amortized over a closed 30-year period commencing June 30, 2009. Gains, losses and plan changes are amortized over 20-year periods, and assumption changes are amortized over 25-year periods. Tier 2's Unfunded Actuarial Liability as of June 30, 2017 is amortized over a 10-year period.	Unfunded actuarial liability as of June 30, 2009 was amortized over a closed 30-year period commencing June 30, 2009. Gains, losses and plan changes are amortized over 20-year periods, and assumption changes are amortized over 25-year periods. Tier 2's Unfunded Actuarial Liability as of June 30, 2017 is amortized over a 10-year period.	Unfunded actuarial liability as of June 30, 2009 was amortized over a closed 30-year period commencing June 30, 2009. Gains, losses and plan changes are amortized over 20-year periods, and assumption changes are amortized over 25-year periods. Tier 2's Unfunded Actuarial Liability as of June 30, 2017 is amortized over a 10-year period.
Mortality	Adjusted 2010 Public General (healthy) and 2009 CalPERS (disabled) mortality tables projected on a generational basis with the SOA MP-2019 projection scale	Adjusted 2009 CalPERS mortality tables projected on a generational basis with the SOA MP-2018 projection scale	Adjusted 2009 CalPERS mortality tables projected on a generational basis with the SOA MP-2017 projection scale

Note to Schedules

As a cost-sharing enterprise fund of the City, SJCE is required to recognize a liability for its proportionate share of the City's collective net pension liability. SJCE recognizes pension expense and reports deferred outflows of resources and deferred inflows of resources related to pension for its proportionate shares of collective pension expense and collective deferred outflows of resources and deferred inflows of resources related to pensions.

The schedules present information to illustrate changes in SJCE's proportionate share of the net pension liability and contributions over a 10-year period when the information is available. SJCE commenced operations in fiscal year 2018.

SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)
Required Supplementary Information (Unaudited)
For the Year Ended June 30, 2021

Schedule of the Proportionate Share of the Net OPEB Asset

(Dollar Amounts in Thousands)

	2021	2020	2019
Proportion of the collective net OPEB asset	1.12%	0.73%	0.73%
Proportionate share of the collective net OPEB asset	$ 1,062	$ 715	$ 742
Covered payroll	$ 2,336	$ 2,181	$ 1,627
Proportionate share of the collective net OPEB asset as percentage of covered payroll	45.46%	32.78%	45.61%
Plan fiduciary net position as a percentage of the total OPEB asset	57.80%	46.67%	43.81%

Schedule of Employer Contributions – Postemployment Healthcare Plan

(Dollar Amounts in Thousands)

	2021	2020	2019
Actuarially determined contribution	$ 349	$ 115	$ 148
Contribution in relation to the actuarially determined contributions	349	115	148
Covered payroll	$ 3,757	$ 2,336	$ 2,181
Contributions as a percentage of covered payroll	9.29%	4.92%	6.79%

Fiscal Year	**6/30/2021**	**6/30/2020**	**6/30/2019**
Valuation Date	**6/30/2019**	**6/30/2018**	**6/30/2017**
Timing	Actuarially determined contribution rates are calculated based on the actuarial valuation one year prior to the beginning of the fiscal year	Actuarially determined contribution rates are calculated based on the actuarial valuation one year prior to the beginning of the fiscal year	Actuarially determined contribution rates are calculated based on the actuarial valuation one year prior to the beginning of the fiscal year
Actuarial Cost Method	Individual entry age	Individual entry age	Individual entry age
Amortization Method/Period	20-year layered amortization as a level dollar amount with 3-year phase-in and phase-out	20-year layered amortization as a level dollar amount with 3-year phase-in and phase-out	25-year layered amortization as a level dollar amount with 3-year phase-in and phase-out
Asset Valuation Method	Fair value of assets	Fair value of assets	Fair value of assets
Amortization growth rate	0.00%	3.00%	0.00%
Discount rate	6.750%	6.750%	6.875%
Ultimate rate of medical inflation	3.940%	4.250%	4.250%
Salary increases	3.00% based on years of service	3.25% based on years of service	3.25% based on years of service
Mortality	Adjusted 2010 Public General Mortality tables for healthy members and adjusted 2009 CalPERS mortality tables for disabled members projected on a generational basis with the SOA MP-2019 projection scale	Adjusted 2009 CalPERS mortality tables projected on a generational basis with the SOA MP-2018 projection scale	Adjusted 2009 CalPERS mortality tables projected on a generational basis with the SOA MP-2018 projection scale

A complete description of the methods and assumptions used to determine contributions for the year ended June 30, 2021 can be found in the June 30, 2019 actuarial valuation report.

Changes in assumptions. The discount rate was 6.75% for FCERS for the measurement period ended June 30, 2020, Plan enrollment assumptions were updated based on recent experience and the expected impact of added and dropped plans. The per person cost trends were moved forward one year. Historical information is required only for measurement periods for which GASB 75 is applicable. Future years' information will be displayed up to 10 years as information become available.

Note to Schedules

As a cost-sharing enterprise fund of the City, SJCE is required to recognize a liability/(asset) for its proportionate share of the City's collective net Other Postemployment Benefits (OPEB) liability. SJCE recognizes OPEB expense and reports deferred outflows of resources and deferred inflows of resources related to OPEB for its proportionate shares of collective OPEB expense and collective deferred outflows of resources and deferred inflows of resources related to OPEB.

The schedules present information to illustrate changes in the SJCE's proportionate share of the net OPEB liability (asset) and contributions over a 10-year period when the information is available. SJCE commenced operations in fiscal year 2018.

Attachment B

SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)

Independent Accountant’s Report on
Applying Agreed-Upon Procedures

For the Year Ended June 30, 2020

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SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)
For the Year Ended June 30, 2020

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Independent Accountant's Report

Honorable City Council and
Risk Oversight Committee
San José, California

We have performed the procedures enumerated below on the City of San Jose's (City) compliance with the Clean Energy Risk Management Regulations effective October 3, 2019 for the year ended June 30, 2020. The City's management is responsible for the City's compliance with those requirements.

The City's Finance Department, Community Energy Department (CED), City Attorney's Office, and the Office of the City Auditor have agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of assisting specified parties in evaluating whether the City complied with the Clean Energy Risk Management Regulations effective October 3, 2019 for the year ended June 30, 2020. This report may not be suitable for any other purpose. The procedures performed may not address all items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and the associated findings are as follows:

1. We obtained the Northern California Power Agency (NCPA) and Weekly Management Reports for the last full week of each quarter for the year ended June 30, 2020 and reviewed the reports for regular update of load and resources forecasts as evidence of monitoring and measuring the supply portfolio against estimated demand.

   Finding: No deviations were found as a result of applying the procedure.

2. We obtained the Risk Management Regulations (RMR) Concentration Report as of December 31st and June 30th and reviewed energy confirmation for counterparties that have a 10% or higher concentration rate to ensure that the City has complied with the concentration limits identified in Section 15.2 of the RMR.

   Finding: No deviations were found as a result of applying the procedure. We reviewed the Risk Management Regulations (RMR) Concentration Report as of December 11, 2019 and June 24, 2020, as these reports were the closest dates available for the December 31st and June 30th dates requested in the procedure, respectively. There were no reports available for the quarter ending December 31, 2019 and June 30, 2020.

3. We obtained the Approved Counterparty logs for counterparties SJCE has entered into agreements with for the year ended June 30, 2020 and reviewed supporting documents to show that the City has managed counterparty liquidity risk by:

   a) Regular, up-to-date credit evaluations
   b) Requiring collateral in accordance with the RMR.

   Finding: No deviations were found as a result of applying the procedure.

4. We obtained the Banking Services Agreement with Wells Fargo Bank and the bank statement balance as of June 30, 2020 and determined that the City has managed custodial credit risk by keeping deposits at FDIC insured institutions below insurance thresholds, or maintaining minimum 100% collateral, and actively monitoring the creditworthiness of the custodian.

   Finding: No deviations were found as a result of applying the procedure.

5. We obtained the Approved Counterparty Log and the Finance Counterparty Credit Analysis Procedures (Procedures) as of June 30, 2020 and reviewed to determine if counterparty credit assessment and monitoring were performed by reviewing evidence of counterparty diversification, credit risk premium, covenants, posting collateral.

   Finding: No deviations were found as a result of applying the procedure.

6. We judgmentally selected ten individual Transmittal Sheets from each quarter of the year ended June 30, 2020 and determined whether the executed transactions are within transaction term limits and transaction volume limits authorized in Appendix 4 of the RMR.

   Finding: No deviations were found as a result of applying the procedure. However, there was no complete population of transmittal sheets with date of executed transactions, thus, we selected from Awarded Contract List with term start dates. Based on the term start date listed on the Awarded Contract list, only two transmittal sheets were selected for the quarter ended September 30, 2019 and none for the quarter ended December 31, 2019, as only two transmittal sheets had term start dates that began within the quarter ended September 30, 2019 and none had start dates within the quarter ended December 31, 2019. Therefore, we selected a total of 22 items for this procedure.

7. We obtained the Revolving Credit Agreement with Barclays Bank and the City's bank statements for the year ended June 30, 2020 and determined whether the City funded an operating reserve, and ensured the department has a credit facility to support cash flow needs.

   Finding: No deviations were found as a result of applying the procedure.

8. We obtained and reviewed agreements with and invoices for power purchase and sale agreements for the months of December 2019 and June 2020 ensuring (a) counterparty representatives are authorized by the counterparty and (b) long-term power purchase and sale agreements are approved as to form by the City Attorney and reviewed by appropriate legal and market experts.

   Finding: We are unable to verify for seven out of eight short-term power purchase agreements whether the City Attorney's Office reviewed and approved the power purchase agreements, as there is no documentation indicating reviews or approvals kept on file. There are no agreements related to sale transactions. There are no long-term power purchase and sale agreements entered into for the months of December 2019 and June 2020. No other deviations were found as a result of applying the procedure.

9. We obtained a copy of the Load Resource Balance for the months of December 2019 and June 2020 and recalculated the coverage ratios reported by the City for the purposes of complying with the Recommended Coverage per Appendix 9 (see attached Schedule A) of the RMR.

   Finding: We noted during our review of the Load Resource Balance for the Months of December 2019 and June 2020 that there are no reported Year 3 and Year 4 coverage ratios.

In addition, the City did not meet the minimum coverage per Appendix 9 of the RMR for the following:

December 2019	Period	Actual Coverage	Minimum Coverage	Maximum Coverage
Prompt Quarter	January 2020	82%	90%	115%
	February 2020	87%		
Next Quarter	June 2020	72%	85%	115%
Prompt Year	July 2020	72%	80%	110%
	August 2020	74%		
	November 2020	78%		
	December 2020	76%		
	January 2021	49%		
	February 2021	48%		
	March 2021	54%		
	April 2021	49%		
	May 2021	48%		
	June 2021	40%		
Year 2	July 2021	39%	50%	90%
	August 2021	40%		
	September 2021	43%		
	October 2021	46%		
	November 2021	44%		
	December 2021	43%		
	January – June 2022	Not Reported		
Year 3	July 1, 2022 – June	Not Reported	30%	75%
Year 4	July 2023 – June 30,	Not Reported	0%	50%

June 2020	Period	Actual Coverage	Minimum Coverage	Maximum Coverage
Prompt Year	January – December 2021	63% - 78%	80%	110%
Year 2	January – December 2022, except for May 2022	39% - 47%	50%	90%
Year 3	July 1, 2022 – June 30,	Not Reported	30%	75%
Year 4	July 2023 – June 30, 2024	Not Reported	0%	50%

10. We compared the description of the types of Energy products listed in the Expected Power Cost Workbook for the months of December 2019 and June 2020 with the list of Energy products that are listed as authorized and consistent with the Appendix 6 of the RMR.

    Finding: No deviations were found as a result of applying the procedure.

11. We obtained Expected Power Cost Workbook, Power Contract Tracking Report, and Approved Counterparty Log Master Workbook for the months of December 2019 and June 2020;

judgmentally selected 10 transactions; and obtained additional documentation to determine whether the City meets the permitted transactions and approved product requirements of the RMR, as follows:

a) Transactions are duly authorized and within risk limits, and shall not cause individual counterparty credit limits to be exceeded.

b) Transactions shall utilize contract terms intended to minimize the risk of loss if a counterparty fails to deliver, take delivery or pay for transactions provided.

c) Transactions are executed and documented following standardized procedures.

d) Transactions are approved as to form by the City Attorney's Office.

Finding: We are unable to verify for 13 out of 20 transactions whether the City Attorney's Office approved the transactions, as there is no documentation indicating approvals kept on file. No other deviations were found as a result of applying the procedure.

12. Based on the sample of transactions selected in procedure 11 above, if unauthorized transactions were observed, we reviewed the appropriate deviations report as required in Section 5.4 of the RMR as amended from time to time.

    Finding: No deviations were found as a result of applying the procedure.

13. We reviewed the Management Reports listed in Appendix 7 (See attached Schedule B) of the RMR, such as Standing RMR Reports, Bilateral RA Transaction Reports, and Procurement and Regulatory Update Reports for the last month of each quarter, to determine whether SJCE complied with the reporting requirements, report frequency, primary responsibility, approval and deadlines.

    Finding: We noted during our review of the Management Reports listed in Appendix 7 of the RMR, there were a total of 10 separate reports to be completed. The following reports were not completed and approved for the periods selected below:

Report	**Frequency**	**Period not completed**
Portfolio Performance Report	Weekly	Weekly report for the month of September 2019
		Weekly report for the month of December 2019
		First week report for the month of June 2020
Portfolio Risk Exposure (Open) Position/ Scenario Planning	Quarterly	No report was submitted during the fiscal year ending June 30, 2020

Report	Frequency	Period not completed
Credit Limit Status by Counterparty and Master Agreement Report	Weekly	1st – 3rd weeks of September 2019
		2nd – 4th weeks of December 2019
		1st and 3rd weeks of March 2020
		All weeks for the month of June 2020
Credit Exposure to LOC Issuers	Quarterly	Quarter ending September 2019

For the following reports listed, we are unable to verify whether it was reviewed and approved by the City, as there is no documentation indicating reviews or approvals kept on file:

Report	Frequency	Period not approved
Load and Resource and Concentration Balance	Quarterly	All quarters for the fiscal year June 30, 2020
Coverage Ratio – Procurement Report	Monthly	All last month of each quarter for the fiscal year June 30, 2020
Credit Exposure to LOC Issuers	Quarterly	All quarters for the fiscal year June 30, 2020

14. We reviewed an individual transaction from each quarter of the year ended June 30, 2020 and determined whether the transaction includes formal and official documentation by the City as follows:

a) Competitive bidding or ROC approved variance authorizing bilateral negotiations.
i. SJCE front office manages a Request for Offers (RFO) inbox for the purposes of capturing bid solicitations.

b) Written commitment to the transaction
i. SCJE front office manages an RFO inbox for the purposes of capturing bid solicitations.

c) Confirmation the transaction with the counterparty with a written and executed confirmation
i. All transactions with the counterparty are memorialized with a written and executed confirmation.

d) Authorization/Approval

i. Each confirmation includes a cover sheet to ensure appropriate authorization/approvals are in place.

e) Actual product delivery

i. Both the Northern California Power Agency (NCPA) and the Middle Office review expected power costs and confirm the quantities match information included on confirmation. NCPA confirms the actual delivery of energy products prior to SJCE submitting invoices for payment.

f) Billing and settlement

i. Both NCPA and the Middle Office review expected power costs and confirm the quantities match information included on confirmation. NCPA confirms the actual delivery of energy products prior to SJCE submitting invoices for payment.

Finding: We are unable to observe whether competitive bidding was approved for two out of four selections, as the two deviations did not have documentation indicating competitive bidding approvals kept on file. No other deviations were found as a result of applying the procedure.

15. We obtained listing of employees who are engaged in approved product transactions and consultants performing services for SJCE as of June 30, 2020 and reviewed completed Form 700 – Community Energy Classifications annual conflict of interest filings.

    Finding: No deviations were found as a result of applying the procedure.

We were engaged by the City to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the City's compliance with the Clean Energy Risk Management Regulations effective October 3, 2019 for the year ended June 30, 2020. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

The City's response to the deviations identified as a result of our procedures is described in the management response starting page 10. The City's response was not subjected to the procedures applied in this agreed-upon procedures engagement and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of the City Council, Risk Oversight Committee, the City Auditor, and Finance Department and is not intended to be and should not be used by anyone other than these specified parties.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 17, 2021

SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)
Schedule A
For the Year Ended June 30, 2020

ENERGY RISK MANAGEMENT REGULATION APPENDIX 9 RECOMMENDED COVERAGE

SJCE will manage risks associated with its Load Obligation through procurement of energy up to four years ahead consistent with Table 1 below, and through medium and long term contracts up to 25 years in length that are consistent with SJCE's Integrated Resource Plan (IRP). To access the market at different times, SJCE will hedge its load obligation by soliciting energy supply offers at regular intervals during favorable buying periods during the year (focusing on Spring and Fall). The Director of Community Energy, or designee, will review each solicitation; solicitation reviews shall cover pre-solicitation portfolio positions, expected coverage, procurement limits and market analysis. Supply offers will be selected with respect to the risks outlined in this document (i.e. price risk, counter party credit worthiness, concentration risk, etc.).

SJCE will seek to achieve coverage ratios consistent with Table 1 Coverage Thresholds. SJCE will apply coverage ratios within the ranges set forth in Table 1 taking into account market and system conditions during particular time periods, such as higher risks of price spikes during the Summer and early Fall, and opportunities to take advantage of low prices from favorable hydro conditions during the Spring, and schedules for natural gas storage reports.

Table 1 Coverage Thresholds

	Minimum Coverage	Maximum Coverage
Prompt Quarter	90%	115%
Next Quarter	85%	115%
Prompt Year	80%	110%
Year 2	50%	90%
Year 3	30%	75%
Year 4	0%	50%

From time to time, the Front Office staff may recommend procurement strategies outside of these Coverage Thresholds for ROC review and approval.

The Front Office shall prepare an Integrated Resource Plan (IRP) every two years in accordance with State law requirements and City policy. The IRP shall be presented to City Council for approval and filed with the California Public Utilities Commission. The Front Office shall propose long term transactions for approval by City Council and the ROC as appropriate and consistent with the requirements of the approved IRP.

APPENDIX 7
MANAGEMENT REPORTS

1.Management Reports

The following energy risk management reports shall be developed and presented as further described in the following table:

		Primary Responsibility			**Report Frequency**						**Approval**
	Management Report	**Front**	**Middle**	**Back**	**Weekly**	**Monthly**	**Quarterly**	**Annual**	**Bi- Annual**	**As Needed**	
a.	Load and Resource & Concentration Balance	X					X				CED Deputy Director of Power Resources
b.	Portfolio Performance (MTM)		X		X						CED Division Manager of Risk Management, Contracts and Administration
c.	Portfolio Risk Exposure (Open Position)/Scenario Planning		X				X				CED Division Manager of Risk Management, Contracts and Administration
d.	Exceptions Report		X							X	CED Division Manager of Risk Management, Contracts and Administration
e.	Master Agreements	X						X			CED Deputy Director of Power Resources
f.	Annual Regulations Update		X					X			CED Division Manager of Risk Management, Contracts and Administration
g.	Credit Limit Status by Counterparty and Master Agreements	X			X						CED Division Manager of Risk Management, Contracts and Administration
h.	Coverage Ratio – Procurement Report	X				X					CED Deputy Director of Power Resources
i.	Integrated Resource Portfolio	X							X		CED Deputy Director of Power Resources
j.	Credit Exposure to LOC Issuers		X				X				CED Division Manager of Risk Management, Contracts and Administration

SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)
Schedule B
For the Year Ended June 30, 2020

1.1. Description of Management Reports

a. Load and Resource Concentration Balance: The Front Office produces the Load and Resource Balance report detailing total resources by source as compared to total actual load. This report shows supply surpluses and shortages. The Load Resource and Balance report is updated weekly and presented to the ROC quarterly.

b. Portfolio Performance (MTM): A Middle Office report comparing the cost of the portfolio of contracts, to the current market value of the portfolio (tracking what SJCE paid for the contract to what it is worth now). This is also known as MTM. The Portfolio Performance report is updated weekly and presented to the ROC quarterly. The Middle Office staff will also share this report with SJCE management on a weekly basis to monitor collateral needs.

c. Exceptions Report: A Middle Office report summarizing current exception and violation reports. The Exception Report is developed and presented to the ROC quarterly.

d. Annual Policies Update: A Middle Office report providing an annual review of risk management policies and procedures and recommendations for needed updates. The Annual Policies Update report is presented to the ROC annually.

e. Credit Limit Status by Counterparty and Master Agreements: A Middle Office report showing counterparty credit limits, credit used, credit remaining, as well as current set of approved master agreements. Special flagging of counterparties nearing their credit limits should also be included. The Credit Limit Status by Counterparty report is presented to the Front Office and Back Office staff, as well as to SJCE's management on a weekly basis.

f. Coverage Ratio – Procurement Report: A Front Office report detailing the coverage ratio and trading strategies for the next 3 years. The Procurement report is presented to the ROC monthly.

g. Integrated Resource Plan: This is a plan prepared every 2 years by the Front Office that shows long-term supply and resources plan.

h. Credit Exposure to LOC Issuers: This report is prepared and presented to the ROC on a quarterly basis by the Middle Office in order to track Credit Exposure to LOC issuers at the portfolio level.

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: MACIAS GINI & O'CONNELL, LLP **FROM:** Lori Mitchell

SUBJECT: SEE BELOW **DATE:** November 17, 2021

Approved Date

SUBJECT: RESPONSE TO INDEPENDENT ACCOUNTANT'S REPORT ON THE CITY OF SAN JOSE'S COMPLIANCE WITH CLEAN ENERGY RISK MANAGEMENT REGULATIONS FOR THE YEAR ENDED JUNE 30, 2020

BACKGROUND

The Administration has reviewed the Independent Accountant's report on the City of San José's compliance with Clean Energy Risk Management Regulations *(Effective: October 3, 2019)* for the year ended June 30, 2020. This memorandum details the Administration's response to the findings related to several procedures detailed in the report, along with a discussion of the process improvements currently underway. The Administration greatly appreciates the work of the City Auditor and the team at Macias Gini & O'Connell, LLP (MGO) for this report.

PROCEDURES AND PROCESS IMPROVEMENTS

Procedure 2: The Administration provided MGO with Concentration Reports as of December 11, 2019 and June 24, 2020 which had been presented in the Risk Oversight Committee (ROC) meetings as these were the closest dates available for the December 31, 2019 and June 30, 2020 dates requested in the procedure, respectively. Beginning in fiscal year 2021-2022, the Administration will ensure Concentration Reports as of December 31st and June 30th will be made available as part of procedure reviews for future fiscal years.

Procedure 6: For this procedure, the Administration provided MGO with an Award of Contract List with term start dates for the year ended June 30, 2020. Beginning with the procedure review for fiscal year 2020-2021, the Administration began providing a complete population of transmittal sheets with date of executed transactions and will continue to do so as part of procedure reviews for future fiscal years.

Procedure 8: For the short-term power purchase agreements noted in the finding for this procedure, the Administration did not provide documentation of City Attorney's Office review and approval for many of these agreements as obtaining City Attorney's Office signature approval on short-term power purchase agreements was not included as part of the contract execution process until December 2020. Since that time, the Administration is now requiring City Attorney's Office signature approval on all short-term power purchase agreements as part of the power purchase agreement execution process. It is important to note that the master enabling agreements that contain the majority of the required terms and conditions pertaining to the City's short-term transactions with energy suppliers are always reviewed and approved by the City Attorney's Office. While it has also been standard practice for the City Attorney's Office to review each short-term confirmation agreement containing the specific business terms (e.g., product type, price, quantity, etc.) of each transaction, the City Attorney's Office did not begin formally approving/signing these confirmation agreements until December 2020.

Procedure 9: The Administration has observed that the review requirements for this procedure do not align with the Recommended Coverage thresholds outlined in Appendix 9 of the Risk Management Regulations (RMR). The procedure requires the Load Resource Balance for the months of December 2019 and June 2020 be used to re-calculate the coverage ratios reported by the City for purposes of complying with the Recommended Coverage per Appendix 9.

As noted in the MGO finding for Procedure 9, the Load Resource Balance does not provide coverage ratios for Year 3 and Year 4. To fully support the accurate re-calculation of coverage ratios for this procedure, the Administration will amend Procedure 9 to note the use of the Power Contract Tracker (PCT) rather than the Load Resource Balance for this procedure. The PCT tracks all executed power purchase agreements and provides data for Year 3 and Year 4, thereby allowing for the accurate re-calculation of coverage ratios for all the years, as outlined in Appendix 9 of the RMR.

It is important to note that the re-calculation of coverage ratios should be performed based on the periods outlined in Appendix 9 (e.g., by quarter or by year) rather than by month as shown in the report. In addition, while the City strives to achieve the recommended coverage ratios outlined in Appendix 9, actual coverage ratios may vary from the recommended coverage ratios due to a variety of factors, including weather variations, changes in economic conditions, variations in energy price forecasts and changes in customer energy demands. For example, beginning in Spring 2020, the City adjusted its energy procurement strategy to account for the potential impact on energy demand due to the COVID-19 pandemic. This was done in order to avoid potential over-procurement in the face of the global pandemic and this change resulted in actual coverage ratios below the minimum coverage for a few periods as reported in June 2020. The potential impact of the pandemic on the expected load/energy demand of the City was presented to the ROC in Summer 2020. Also, as reported in the December 2019 ROC meeting, the actual coverage ratio was below the minimum coverage as recommended by the RMR for prompt quarter and Year 2 due to the market conditions at that time. Year 3 and Year 4 coverage ratios were not calculated since the energy demand forecasts for 2022 and 2023 were under development.

Procedure 11: As noted above for Procedure 8, the Administration did not provide documentation of City Attorney's Office review and approval for many short-term power purchase agreements for the year ended June 30, 2020 due to the fact that the City Attorney's Office signature approval was not included in the short-term power purchase agreement execution process until beginning December 2020. The Administration is now including City Attorney's Office signature approval on all short-term power purchase agreements as part of the execution process.

Procedure 13: The Community Energy Department is working to improve the process and procedures for developing and approving the energy risk management reports outlined in Appendix 7 of the RMR. As part of the annual process to amend the RMR for the fiscal year ending June 30, 2022, which is currently underway, a review of the management reports listed in Appendix 7 will be performed to ensure they align with operational needs and develop standard procedures to ensure the reports are provided to the appropriate audience and produced according to the frequency outlined in Appendix 7. An internal report approval process will also be developed to ensure reports are reviewed and approved per the requirements of Appendix 7.

Procedure 14: The Administration did not provide sufficient documentation indicating competitive bidding occurred on two out of four transactions selected for review. Although all four transactions did result from competitive bidding, the Community Energy Department will work to improve internal operating procedures for documenting the process for evaluating and selecting bids to ensure sufficient documentation will be available as part of procedure reviews for future fiscal years.

CONCLUSION

The Administration thanks the City Auditor's Office and the team at MGO for the comprehensive review of the City's compliance with Clean Energy Risk Management Regulations. We appreciate the hard work and professionalism in conducting this review. Serving as the administrator of San José Clean Energy, the Community Energy Department began operations in 2018 and continues to explore opportunities to build and strengthen its operating procedures. The findings contained in this report will help inform many of the process improvements the City will seek to implement in the coming months.

/s/
LORI MITCHELL
Director, Community Energy Department

For questions, please contact Zachary Struyk, Assistant Director of Community Energy, at (408) 535-4868.

Attachment C

SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)

Independent Accountant's Report on
Applying Agreed-Upon Procedures

For the Year Ended June 30, 2021

MGO Certified Public Accountants

SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)
For the Year Ended June 30, 2021

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Independent Accountant's Report

Honorable City Council and
Risk Oversight Committee
San José, California

We have performed the procedures enumerated below on the City of San Jose's (City) compliance with the Clean Energy Risk Management Regulations effective November 19, 2020 for the year ended June 30, 2021. The City's management is responsible for the City's compliance with those requirements.

The City's Finance Department, Community Energy Department (CED), City Attorney's Office, and the Office of the City Auditor have agreed to and acknowledged that the procedures performed are appropriate to meet the intended purpose of assisting specified parties in evaluating whether the City complied with the Clean Energy Risk Management Regulations effective October 3, 2019 and November 19, 2020, as applicable, for the year ended June 30, 2021. This report may not be suitable for any other purpose. The procedures performed may not address all items of interest to a user of this report and may not meet the needs of all users of this report and, as such, users are responsible for determining whether the procedures performed are appropriate for their purposes.

The procedures and the associated findings are as follows:

1. We obtained the Northern California Power Agency (NCPA) and Weekly Management Reports for the last full week of each quarter for the year ended June 30, 2021 and reviewed the reports for regular update of load and resources forecasts as evidence of monitoring and measuring the supply portfolio against estimated demand.

   Finding: No deviations were found as a result of obtaining the NCPA reports for the last full week of each quarter. However, we are unable to review load and resource balance reports that correspond to the same NCPA reporting period.

2. We obtained the Risk Management Regulations (RMR) Concentration Report as of December 31st and June 30th and reviewed energy confirmation for counterparties that have a 10% or higher concentration rate to ensure that the City has complied with the concentration limits identified in Section 15.2 of the RMR.

   Finding: We are unable to verify concentration limits, as there are no calculation of quantity MWh of the outstanding commitments to a counterparty divided by the expected wholesale load requirement MWh of the applicable period.

3. We obtained the Approved Counterparty logs for counterparties SJCE has entered into agreements with for the year ended June 30, 2021 and reviewed supporting documents to show that the City has managed counterparty liquidity risk by:

   a) Regular, up-to-date credit evaluations
   b) Requiring collateral in accordance with the RMR.

   Finding: No deviations were found as a result of applying the procedure.

4. We obtained the Banking Services Agreement with Wells Fargo Bank and the bank statement balance as of June 30, 2021 and determined that the City has managed custodial credit risk by keeping deposits at FDIC insured institutions below insurance thresholds, or maintaining minimum 100% collateral, and actively monitoring the creditworthiness of the custodian.

   Finding: No deviations were found as a result of applying the procedure.

5. We obtained the Approved Counterparty Log and the Finance Counterparty Credit Analysis Procedures (Procedures) as of June 30, 2021 and reviewed to determine if counterparty credit assessment and monitoring were performed by reviewing evidence of counterparty diversification, credit risk premium, covenants, posting collateral.

   Finding: No deviations were found as a result of applying the procedure.

6. We judgmentally selected ten individual Transmittal Sheets from each quarter of the year ended June 30, 2021 and determined whether the executed transactions are within transaction term limits and transaction volume limits authorized in Appendix 4 of the RMR.

   Finding: No deviations were found as a result of applying the procedure. Based on the contract executed date, only four transmittal sheets were selected for the quarter ended March 31, 2021, as only four transmittal sheets were executed within the quarter ended March 31, 2021. Therefore, we selected a total of 34 items for this procedure.

7. We obtained the Revolving Credit Agreement with Barclays Bank and the City's bank statements for the year ended June 30, 2021 and determined whether the City funded an operating reserve, and ensured the department has a credit facility to support cash flow needs.

   Finding: No deviations were found as a result of applying the procedure.

8. We obtained and reviewed agreements with and invoices for power purchase and sale agreements for the months of December 2020 and June 2021 ensuring (a) counterparty representatives are authorized by the counterparty and (b) long-term power purchase and sale agreements are approved as to form by the City Attorney and reviewed by appropriate legal and market experts.

   Finding: We are unable to verify for two out of fifteen short-term power purchase agreements whether the City Attorney's Office reviewed and approved the power purchase agreements, as there is no documentation indicating reviews or approvals kept on file. There are no long-term power purchase and sale agreements entered into for the months of December 2020 and June 2021. No other deviations were found as a result of applying the procedure.

9. We obtained a copy of the Load Resource Balance for the months of December 2020 and June 2021 and recalculated the coverage ratios reported by the City for the purposes of complying with the Recommended Coverage per Appendix 9 (see attached Schedule A) of the RMR.

   Finding: We reviewed the Load Resource Balance for the months of December 2020 and June 2021, dated December 23, 2020 and June 30, 2021, respectively. There are no reported Rolling four years forward and beyond coverage ratios.

In addition, the City did not meet the minimum coverage per Appendix 9 of the RMR for the following:

December 2020	**Period**	**Actual Coverage**	**Minimum Coverage**	**Maximum Coverage**
Rolling Six Months Forward	January 2021 – June 2021	60 - 71%	80%	115%
Rolling One Year Forward	April 2021 – December 2021	59 – 69%	70%	110%

June 2021	**Period**	**Actual Coverage**	**Minimum Coverage**	**Maximum Coverage**
Rolling Six Months Forward	December 2021	78%	80%	115%
Rolling One Year Forward	June 2022	63%	70%	110%

10. We compared the description of the types of Energy products listed in the Expected Power Cost Workbook for the months of December 2020 and June 2021 with the list of Energy products that are listed as authorized and consistent with the Appendix 6 of the RMR.

    Finding: No deviations were found as a result of applying the procedure.

11. We obtained Expected Power Cost Workbook, Power Contract Tracking Report, and Approved Counterparty Log Master Workbook for the months of December 2020 and June 2021; judgmentally selected 10 transactions; and obtained additional documentation to determine whether the City meets the permitted transactions and approved product requirements of the RMR, as follows:

    a) Transactions are duly authorized and within risk limits, and shall not cause individual counterparty credit limits to be exceeded.

    b) Transactions shall utilize contract terms intended to minimize the risk of loss if a counterparty fails to deliver, take delivery or pay for transactions provided.

    c) Transactions are executed and documented following standardized procedures.

    d) Transactions are approved as to form by the City Attorney's Office.

    Finding: We are unable to verify for nine out of twenty transactions whether the City Attorney's Office approved the transactions, as there is no documentation indicating approvals kept on file. No other deviations were found as a result of applying the procedure.

12. Based on the sample of transactions selected in procedure 11 above, if unauthorized transactions were observed, we reviewed the appropriate deviations report as required in Section 5.4 of the RMR as amended from time to time.

Finding: No deviations were found as a result of applying the procedure.

13. We reviewed the Management Reports listed in Appendix 7 (See attached Schedule B) of the RMR, such as Standing RMR Reports, Bilateral RA Transaction Reports, and Procurement and Regulatory Update Reports for the last month of each quarter, to determine whether SJCE complied with the reporting requirements, report frequency, primary responsibility, approval and deadlines.

    Finding: We noted during our review of the Management Reports listed in Appendix 7 of the RMR, there were a total of nine separate reports to be completed. The following reports were not completed and approved for the periods selected below:

Report	**Frequency**	**Period not completed**
Credit Exposure to LOC Issuers	Monthly	For the months of August 2020 and November 2020

For the following reports listed, we are unable to verify whether it was reviewed and approved by the City, as there is no documentation indicating reviews or approvals kept on file:

Report	**Frequency**	**Period not approved**
Load and Resource	Quarterly	All quarters for the fiscal year June 30, 2021
Concentration Balance	Monthly	All last month of each quarter for the fiscal year June 30, 2021
Portfolio Performance (MTM)	Monthly	All last month of each quarter for the fiscal year June 30, 2021
Credit Limit Status by counterparty and Master Agreements	Monthly	All last month of each quarter for the fiscal year June 30, 2021
Coverage Ratio – Procurement Report	Monthly	All last month of each quarter for the fiscal year June 30, 2021
Credit Exposure to LOC Issuers	Monthly	All last month of each quarter for the fiscal year June 30, 2021

14. We reviewed an individual transaction from each quarter of the year ended June 30, 2021 and determined whether the transaction includes formal and official documentation by the City as follows:

    a) Competitive bidding or ROC approved variance authorizing bilateral negotiations.
        i. SJCE front office manages a Request for Offers (RFO) inbox for the purposes of capturing bid solicitations.

    b) Written commitment to the transaction
        i. SCJE front office manages an RFO inbox for the purposes of capturing bid solicitations.

    c) Confirmation the transaction with the counterparty with a written and executed confirmation
        i. All transactions with the counterparty are memorialized with a written and executed confirmation.

    d) Authorization/Approval
        i. Each confirmation includes a cover sheet to ensure appropriate authorization/approvals are in place.

    e) Actual product delivery
        i. Both the Northern California Power Agency (NCPA) and the Middle Office review expected power costs and confirm the quantities match information included on confirmation. NCPA confirms the actual delivery of energy products prior to SJCE submitting invoices for payment.

    f) Billing and settlement
        i. Both NCPA and the Middle Office review expected power costs and confirm the quantities match information included on confirmation. NCPA confirms the actual delivery of energy products prior to SJCE submitting invoices for payment.

    Finding: We are unable to observe whether competitive bidding was approved for two out of four selections, as the two deviations did not have documentation indicating competitive bidding approvals kept on file. No other deviations were found as a result of applying the procedure.

15. We obtained listing of employees who are engaged in approved product transactions and consultants performing services for SJCE as of June 30, 2021 and reviewed completed Form 700 – Community Energy Classifications annual conflict of interest filings.

    Finding: No deviations were found as a result of applying the procedure.

We were engaged by the City to perform this agreed-upon procedures engagement and conducted our engagement in accordance with attestation standards established by the American Institute of Certified Public Accountants. We were not engaged to and did not conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the City's compliance with the Clean Energy Risk Management Regulations effective November 19, 2020 for the year ended June 30, 2021. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

We are required to be independent of the City and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements related to our agreed-upon procedures engagement.

The City's response to the deviations identified as a result of our procedures is described in the management response starting page 11. The City's response was not subjected to the procedures applied in this agreed-upon procedures engagement and, accordingly, we express no opinion on it.

This report is intended solely for the information and use of the City Council, Risk Oversight Committee, the City Auditor, and Finance Department and is not intended to be and should not be used by anyone other than these specified parties.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 17, 2021

ENERGY RISK MANAGEMENT REGULATION APPENDIX 9
RECOMMENDED COVERAGE

SJCE will manage risks associated with its Load Obligation through procurement of energy up to four years ahead consistent with Table 1 below, and through medium and long-term contracts up to 25 years in length that are consistent with SJCE's Integrated Resource Plan (IRP). To access the market at different times, SJCE will hedge its load obligation by soliciting energy supply offers at regular intervals during favorable buying periods during the year (focusing on Spring and Fall). The Director of Community Energy, or designee, will review each solicitation; solicitation reviews shall cover pre-solicitation portfolio positions, expected coverage, procurement limits and market analysis. Supply offers will be selected with respect to the risks outlined in this document (i.e. price risk, counter party credit worthiness, concentration risk, etc.).

SJCE will seek to achieve coverage ratios consistent with Table 1 Coverage Thresholds. SJCE will apply coverage ratios within the ranges set forth in Table 1 taking into account market and system conditions during particular time periods, such as higher risks of price spikes during the Summer and early Fall, and opportunities to take advantage of low prices from favorable hydro conditions during the Spring, and schedules for natural gas storage reports.

Table 1 Coverage Thresholds

	Minimum Coverage	Maximum Coverage
Rolling Six Months Forward	80%	115%
Rolling One Year Forward	70%	110%
Rolling Two and Three Years Forward	30%	90%
Rolling Four Years forward and Beyond	30%	50%

From time to time, the Front Office staff may recommend procurement strategies outside of these Coverage Thresholds for ROC review and approval.

The Front Office shall prepare an Integrated Resource Plan (IRP) every two years in accordance with State law requirements and City policy. The IRP shall be presented to City Council for approval and filed with the California Public Utilities Commission. The Front Office shall propose long term transactions for approval by City Council and the ROC as appropriate and consistent with the requirements of the approved IRP.

SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)
Schedule B
For the Year Ended June 30, 2021

APPENDIX 7
MANAGEMENT REPORTS

1. Management Reports

The following energy risk management reports shall be developed and presented as further described in the following table:

Report Audience: **ROC**

		Primary Responsibility			Report Frequency						Approval
	Management Report	**Front**	**Middle**	**Back**	**Weekly**	**Monthly**	**Quarterly**	**Annual**	**Bi- Annual**	**As Needed**	
a.	**Load and Resource**	X					X				CED Deputy Director of Power Resources
b.	**Concentration Balance**		X			X					CED Division Manager of Risk Management, Contracts and Administration
c.	**Portfolio Performance (MTM)**		X			X					CED Division Manager of Risk Management, Contracts and Administration
d.	**Exceptions Report**		X							X	CED Division Manager of Risk Management, Contracts and Administration
e.	**Annual Regulations Update**		X					X			CED Division Manager of Risk Management, Contracts and Administration
f.	**Credit Limit Status by Counterparty and Master Agreements**		X			X					CED Division Manager of Risk Management, Contracts and Administration
g.	**Coverage Ratio – Procurement**	X				X					CED Deputy Director of Power Resources
h.	**Integrated Resource Plan**	X	X	X						X	CED Deputy Director of Power Resources
i.	**Credit Exposure to LOC Issuers**		X			X					CED Division Manager of Risk Management, Contracts and Administration

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Report Audience: **SJCE Management**

		Primary Responsibility			Report Frequency						Approval
Management Report		**Front**	**Middle**	**Back**	**Weekly**	**Monthly**	**Quarterly**	**Annual**	**Bi- Annual**	**As Needed**	
a.	**Load and Resource**	X			X						CED Deputy Director of Power Resources
c.	**Portfolio Performance (MTM)**		X		X						CED Division Manager of Risk Management, Contracts and Administration
f.	**Credit Limit Status by Counterparty and Master Agreements**		X			X					CED Division Manager of Risk Management, Contracts and Administration

Report Audience: **Front & Back Office**

		Primary Responsibility			Report Frequency						Approval
Management Report		**Front**	**Middle**	**Back**	**Weekly**	**Monthly**	**Quarterly**	**Annual**	**Bi- Annual**	**As Needed**	
f.	**Credit Limit Status by Counterparty and Master Agreements**		X			X					CED Division Manager of Risk Management, Contracts and Administration

SAN JOSE CLEAN ENERGY
(An Enterprise Fund of the City of San José)
Schedule B
For the Year Ended June 30, 2021

1.1. Description of Management Reports

a. Load and Resource: The Front Office produces the Load and Resource Balance report detailing total resources by source as compared to total actual load. This report shows supply surpluses and shortages. The Load Resource report is updated weekly and reviewed with SJCE management. It is also included on ROC meeting agendas as a consent item on a quarterly basis.

b. Concentration Balance: The Middle Office reports concentration by counterparty in terms of total covered portfolio, budget and load concentration. The Concentration Reports are updated monthly and is included on ROC meeting agendas as a standing consent item.

c. Portfolio Performance (MTM): A Middle Office report comparing the cost of the portfolio of contracts to the current market value of the portfolio (tracking what SJCE paid for the contract to what it is worth now). This is also known as MTM and is used to monitor collateral needs. The Portfolio Performance report is updated weekly and reviewed with SJCE management. It is also included on ROC meeting agendas as a standing consent item.

d. Exceptions Report: A Middle Office report summarizing current exception and violation reports. The Exception Report is developed and presented to the ROC as needed.

e. Annual Regulations Update: A Middle Office report providing an annual review of policies and procedures of the Risk Management Regulations and recommendations for needed updates. The Annual Regulations Update report is developed annually. It is included on ROC meeting agendas as a consent item on an annual basis.

f. Credit Limit Status by Counterparty and Master Agreements: A Middle Office report showing counterparty credit limits, credit used, credit remaining, as well as current set of approved master agreements. Special flagging of counterparties nearing their credit limits should also be included. The Credit Limit Status by Counterparty report is presented to the Front Office and Back Office staff, as well as to SJCE's management on a monthly basis. It is also included on ROC meeting agendas as a standing consent item.

g. Coverage Ratio – Procurement Report: A Front Office report detailing the coverage ratio and trading strategies for the next 3 years. The Procurement report is developed monthly. It is included on ROC meeting agendas as a standing consent item.

h. Integrated Resource Plan: This is a plan prepared every few years that shows long-term supply and resources plan.

i. Credit Exposure and Credit Quality to LOC Issuers: A Middle Office report tracking credit exposure and credit quality to LOC issuers at the portfolio level. The LOC Issuers report is prepared monthly. It is included on ROC meeting agendas as a standing consent item.

CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: MACIAS GINI & O'CONNELL, LLP **FROM:** Lori Mitchell

SUBJECT: SEE BELOW **DATE:** November 17, 2021

Approved Date

SUBJECT: RESPONSE TO INDEPENDENT ACCOUNTANT'S REPORT ON THE CITY OF SAN JOSE'S COMPLIANCE WITH CLEAN ENERGY RISK MANAGEMENT REGULATIONS FOR THE YEAR ENDED JUNE 30, 2021

BACKGROUND

The Administration has reviewed the Independent Accountant's report on the City of San José's compliance with Clean Energy Risk Management Regulations *(Effective: October 3, 2019 and November 19, 2020, as applicable)* for the year ended June 30, 2021. This memorandum details the Administration's response to the findings related to several procedures detailed in the report, along with a discussion of the process improvements currently underway. As this review was conducted immediately following the review of the City's compliance with Clean Energy Risk Management Regulations *(Effective: October 3, 2019)* for the year ended June 30, 2020, there are findings outlined in this report that were also observed and detailed in the report for the year ended June 30, 2020. The Administration greatly appreciates the work of the City Auditor and the team at Macias Gini & O'Connell, LLP (MGO) for this report.

PROCEDURES AND PROCESS IMPROVEMENTS

Procedure 1: The Administration provided MGO with Northern California Power Agency Weekly Reports and Load Resource Balances for the last full week of each quarter for the year ended June 30, 2021. However, these reports did not correspond to the same date periods for each quarter of the year ended June 30, 2021. The Administration will seek to ensure the reports that are provided as part of this procedure represent the same reporting period for future fiscal years.

Procedure 2: The Concentration reports provided to MGO were on a cost basis (rather than on a quantity of energy (megawatt-hour, or MWh) basis) for December 2020 and on a quantity MWh basis for June 2021. The Administration will seek to ensure that the reports provided as part of this procedure represent the calculation methodology outlined in the Clean Energy Risk Management Regulations (RMR). The Administration will also generate additional reports for quantity MWh and expected wholesale load requirement as part of procedure reviews for future fiscal years to facilitate verification of concentration limits.

Procedure 8: For the short-term power purchase agreements noted in the finding for this procedure, the Administration did not provide documentation of City Attorney's Office review and approval for two of these agreements as obtaining City Attorney's Office signature approval on short-term power purchase agreements was not included as part of the contract execution process until December 2020. Since that time, the Administration is now requiring City Attorney's Office signature approval on all short-term power purchase agreements as part of the power purchase agreement execution process. It is important to note that the master enabling agreements that contain the majority of the required terms and conditions pertaining to the City's short-term transactions with energy suppliers are always reviewed and approved by the City Attorney's Office. While it has also been standard practice for the City Attorney's Office to review each short-term confirmation agreement containing the specific business terms (e.g., product type, price, quantity, etc.) of each transaction, the City Attorney's Office did not begin formally approving/signing these confirmation agreements until December 2020.

Procedure 9: The Administration has observed that the review requirements for this procedure do not align with the Recommended Coverage thresholds outlined in Appendix 9 of the RMR. The procedure requires the Load Resource Balance for the months of December 2020 and June 2021 be used to re-calculate the coverage ratios reported by the City for purposes of complying with the Recommended Coverage per Appendix 9.

As noted in the MGO finding for Procedure 9, the Load Resource Balance does not provide coverage ratio for 'Rolling four years forward and beyond'. To fully support the accurate re-calculation of coverage ratios for this procedure, the Administration will amend Procedure 9 to note the use of the Power Contract Tracker (PCT) rather than the Load Resource Balance. The PCT tracks all executed power purchase agreements and provides data for all the years, thereby allowing for the accurate re-calculation of coverage ratios, as outlined in Appendix 9 of the RMR.

It is important to note that while the City strives to achieve the recommended coverage ratios outlined in Appendix 9, actual coverage ratios may vary from the recommended coverage ratios due to a variety of factors, including weather variations, changes in economic conditions, variations in energy price forecasts and changes in customer energy demands. For example, beginning in Spring 2020, the City adjusted its energy procurement strategy to account for the potential impact on energy demand due to the COVID-19 pandemic. This was done in order to avoid potential over-procurement in the face of the global pandemic and this change resulted in actual coverage ratios below the minimum coverage for periods as reported in December 2020 and June 2021. The potential impact of the pandemic on the expected load/energy demand of the City was presented to the ROC in Summer 2020.

Procedure 11: As noted above for Procedure 8, the Administration did not provide documentation of City Attorney's Office review and approval for many short-term power purchase agreements for the year ended June 30, 2021 due to the fact that the City Attorney's Office signature approval was not included in the short-term power purchase agreement execution process until beginning December 2020. The Administration is now including City Attorney's Office signature approval on all short-term power purchase agreements as part of the execution process.

Procedure 13: The Community Energy Department is working to improve the process and procedures for developing and approving the energy risk management reports outlined in Appendix 7 of the RMR. As part of the annual process to amend the RMR for the fiscal year ending June 30, 2022, which is currently underway, a review of the management reports listed in Appendix 7 will be performed to ensure they align with operational needs and develop standard procedures to ensure the reports are provided to the appropriate audience and produced according to the frequency outlined in Appendix 7. An internal report approval process will also be developed to ensure reports are reviewed and approved per the requirements of Appendix 7.

Procedure 14: The Administration did not provide sufficient documentation indicating competitive bidding occurred on two out of four transactions selected for review. Although all four transactions did result from competitive bidding, the Community Energy Department will work to improve internal operating procedures for documenting the process for evaluating and selecting bids to ensure sufficient documentation will be available as part of procedure reviews for future fiscal years.

CONCLUSION

The Administration thanks the City Auditor's Office and the team at MGO for the comprehensive review of the City's compliance with Clean Energy Risk Management Regulations. We appreciate the hard work and professionalism in conducting this review. Serving as the administrator of San José Clean Energy, the Community Energy Department began operations in 2018 and continues to explore opportunities to build and strengthen its operating procedures. The findings contained in this report will help inform many of the process improvements the City will seek to implement in the coming months.

/s/
LORI MITCHELL
Director, Community Energy Department

For questions, please contact Zachary Struyk, Assistant Director of Community Energy, at (408) 535-4868.