Silicon Valley Clean Energy
Executive Committee Meeting
Friday, November 22, 2024
1:00 pm

Silicon Valley Clean Energy Office
333 W. El Camino Real, Suite 330
Sunnyvale, CA

Teleconference Meeting Information:
https://svcleanenergy-org.zoom.us/j/86326573595

Telephone (Audio only):
US: +1 669 219 2599
Webinar ID: 863 2657 3595

Members of the public may observe this meeting electronically by accessing the meeting via instructions above. Public Comments can be sent in advance of the meeting via email up to three hours before the meeting begins to Board Clerk Andrea Pizano at Andrea.Pizano@svcleanenergy.org and will be distributed to the Executive Committee. The public will also have an opportunity to provide comments during the meeting. Members of the public using Zoom may comment during public comment or the applicable agenda item by using the Raise Hand feature and you will be recognized by the Chair. Those using the telephone (audio only) feature should press star 9 on your phones to initiate the "Raise Hand" function in Zoom. You will then be announced, unmuted, and your time to speak will begin.

The public may provide comments on any matter listed on the Agenda. Speakers are customarily limited to 3 minutes each, however, the Committee Chair may increase or decrease the time allotted to each speaker based on the number of speakers, the length of the agenda and the complexity of the subject matter. Speaking time will not be decreased to less than one minute.

If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act ("ADA") please contact Board Clerk Andrea Pizano at Andrea.Pizano@svcleanenergy.org prior to the meeting for assistance.

AGENDA

Call to Order

Roll Call

Public Comment on Matters Not Listed on the Agenda

The public may provide comments on any matter not listed on the Agenda provided that it is within the subject matter jurisdiction of SVCE. Speakers are customarily

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limited to 3 minutes each, however, the Committee Chair may increase or decrease the time allotted to each speaker based on the number of speakers, the length of the agenda and the complexity of the subject matter. Speaking time will not be decreased to less than one minute.

Consent Calendar (Action)

1) Approve Minutes of the October 25, 2024, Executive Committee Meeting

Regular Calendar

2) CEO Update (Discussion)
3) CEO Transition Ad Hoc Committee Report (Discussion)
4) SVCE Information Update on 2025 SVCE Board Elections (Information Only)
5) Recommend Approval of the Fiscal Year 2024-25 Budget Update (Action)
6) Establish the Affordable Clean Community Fund (Discussion)
7) Request the SVCE Executive Committee Recommend the SVCE Board of Directors Approve SVCE's Policy Updates as Part of the Agency Policies Streamlining Project (Action)

Committee/Staff Remarks

Adjourn

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Silicon Valley Clean Energy
Executive Committee Meeting

Friday, October 25, 2024
10:00 a.m.

Silicon Valley Clean Energy Office
333 W El Camino Real, Suite 330
Sunnyvale, CA

Morgan Hill City Hall
17575 Peak Ave.
Morgan Hill, CA 95037

DRAFT MEETING MINUTES

Call to Order

Chair Klein called the meeting to order at 10:04 a.m.

Prior to Roll Call, Director Meadows announced she would be participating remotely pursuant to AB 2449 due to a physical disability qualifying under the Americans with Disabilities Act, and did not have anyone present in the room with her.

Chair Klein announced that due to a lack of physical quorum present, Director Meadows would participate as a member of the public until an additional committee member arrived in person to reach the four-person physical quorum needed for AB 2449.

Roll Call

Present:
Chair Larry Klein, City of Sunnyvale
Vice Chair Bryan Mekechuk, City of Monte Sereno (arrived at 10:26 a.m.)
Director Sally Meadows, City of Los Altos (participated remotely)
Director George Tyson, Town of Los Altos Hills
Director Yvonne Martinez Beltran, City of Morgan Hill (participated remotely)
Director Tina Walia, City of Saratoga

Absent:
None.

Public Comment on Matters Not Listed on the Agenda

Bruce Karney commented on his membership in the California Alliance for Community Energy (CACE), the leading statewide interest group for friends of CCAs and also friends of local energy, noting their stance on Net Energy Metering 3.0 rules.

Consent Calendar

Chair Klein opened public comment.
No speakers.
Chair Klein closed public comment.

MOTION: Director Tyson moved and Director Walia seconded the motion to approve the Consent Calendar.

The motion carried by verbal roll call vote with Vice Chair Mekechuk and Director Meadows absent.

1) **Approve Minutes of the August 23, 2024, Executive Committee Meeting**

Regular Calendar

2) CEO Update (Discussion)

Vice Chair Mekechuk arrived during Item 2, which completed the in-person quorum needed for Director Meadows' participation using AB 2449.

CEO Monica Padilla provided an update, which included the following announcements:

- Her participation in a tour of the SunZia Wind and Transmission Project on October 8-9, 2024, in New Mexico;
- Ribbon cutting event attendance on October 10, 2024, for the Victory Pass solar plus storage project;
- IEPA Conference attendance on September 23, 2024, CalCCA BOD Retreat participation on October 1-2, 2024, and the Berkeley Research Briefing on October 22, 2024;
- Planned attendance for upcoming events, which included: CC Power BOD/Member Forum on October 28, 2024, Cal/CCA/CMUA Joint Meeting on October 29, 2024, CAISO Symposium on October 29-30, 2024, and the CCCFA Board of Directors Meeting and Strategic Planning Session on November 14, 2024;
- An update from Zoe Elizabeth, Deputy Director of Decarbonization Programs and Policy, regarding the California 2025 Energy Code updates for new construction; and
- An update from Jessica Cornejo, Senior Programs Specialist, regarding Federal grant activities relating to the Bipartisan Infrastructure Law and the Inflation Reduction Act; and support services provided by SVCE to member agencies relating to Federal and State grant opportunities.

Staff responded to committee member questions and comments regarding grant application strategies. Chair Klein requested staff provide updates to board members relating to pending grant applications by jurisdiction.

Chair Klein opened public comment.
No speakers.
Chair Klein closed public comment.

Following Item 2, the Committee considered Item 5.

5) GreenPrime Product and Rate Methodology Approval (Action)

Taken out of order after Item No. 2.

Zak Liske, Deputy Director of Power Resources, and Don Bray, Director of Strategic Development, presented a request to the Executive Committee to recommend the SVCE Board of Directors consider approving the GreenPrime Product and Rate Methodology. The presentation included information on the following:

- 2025 product repricing of GreenPrime premium over GreenStart to be based on updated methodology, balancing portfolio renewable energy credit (REC) value with marginal REC cost; and
- Capping participation at 200 gigawatt hours per year and 20 GWh per customer per year

Staff responded to committee member questions and comments regarding customer demand for GreenPrime and the annual per customer allocation of 20 GWh.

Chair Klein opened public comment.

Bruce Karney requested information regarding non-C&I customer accommodation and percentage of resource supply from the current portfolio of energy providers.

Deputy Director of Power Resources Liske stated he would provide a written response to Mr. Karney's inquiry.

Chair Klein closed public comment.

MOTION: Vice Chair Mekechuk moved and Director Walia seconded the motion to recommend the SVCE Board of Directors Approve the GreenPrime Product and Rate Methodology on the Board of Directors November 2024 Meeting Consent Calendar.

The motion carried unanimously by verbal roll call vote.

6) Recommend the SVCE Board of Directors Approve a Delegation of Authority Allowing the Chief Executive Officer to Purchase Carbon-Free Nuclear Energy for 2025-2027 (Action)

CEO Padilla provided information regarding sourcing Carbon-Free nuclear energy for 2025-2027.

Kris Van Vactor, Director of Power Resources, presented a request to the Executive Committee to recommend to the SVCE Board of Directors to consider approving a delegation of authority to CEO Padilla to purchase Carbon-Free nuclear energy for 2025-2027 with the following conditions:

1. Delivery in calendar years 2025-2027;
2. Paid volume not to exceed 750,000 MWhs per year;
3. Executed with any counterparty via a WSPP agreement;
4. Expected dollar amount per year 10.8M

Staff responded to committee member questions and comments regarding CCA rate affordability, Fiscal Year 2024-2025 budget allocation for purchasing carbon-free nuclear energy and a potential budget amendment to procure nuclear energy from additional suppliers in 2025-2027.

Chair Klein opened public comment.
No speakers.
Chair Klein closed public comment.

MOTION: Vice Chair Mekechuk moved and Director Tyson seconded the motion to recommend the SVCE Board of Directors approve the Delegation of Authority Allowing the Chief Executive Officer to Purchase Carbon-Free Nuclear Energy for 2025-2027 as recommended by staff, and to add Item No.6 to the Board of Directors November Meeting Consent Calendar.

The motion carried unanimously by verbal roll call vote.

Following the vote on Item 6, the Committee considered Item 3.

3) Recommend the SVCE Board of Directors Adopt SVCE's Long-term Clean Targets (Action)

Taken out of order after Item No. 6.

CEO Padilla introduced the item and Maren Wenzel, Director of Regulatory, Policy and Planning, presented a request to the Executive Committee to recommend the SVCE Board of Directors consider adopting SVCE's Long-term clean targets, which included the following:

Establish the following clean targets for SVCE (as a % of retail sales):
- 2030-2034: 75% RPS/ 106% Clean measured annually
- 2035-2045: New Target 100% RPS/106% Clean measured annually
- Allow for 10% margin of error on targets to help manage risk. If expected short-fall exceeds 10% staff would return to the board for additional guidance.

Additionally:
- Direct staff to include GHG emissions impact as part of PPA evaluation process.
- Direct staff to report on an annual basis the number of clean hours each year.
- Define clean to align with state definition of clean under SB100 which as of now includes the following resources: RPS eligible resources*, nuclear and large hydro.

Staff responded to committee member questions and comments regarding the annual margin of error for reporting and clean target measurements and reporting timeframe.

Chair Klein opened public comment.
Bruce Karney requested staff consider including an additional metric to decarbonization reporting, and further recommended adding the GHG Emissions Impact to the SVCE Budget to highlight the social cost of carbon.
Chair Klein closed public comment.

MOTION: Vice Chair Mekechuk moved and Director Walia seconded the motion to recommend the SVCE Board of Directors approve the adoption of SVCE's long-term Clean targets.

The motion carried unanimously by verbal roll call vote.

4) Recommend the SVCE Board of Directors Approve SVCE's Participation in the California Public Utilities Commission Hourly Flex Pricing Pilots (Action)

Citlalli Sandoval, Senior Regulatory Advisor, and Beth Trenchard, Communications Consultant, presented a request to the Executive Committee to recommend the SVCE Board of Directors consider approving SVCE's participation in the California Public Utilities Commission Hourly Flex Pricing Pilot for eligible agricultural, residential, and commercial customers as aligned with PG&E's offers and with delegation to staff to affect implementation; and included the following:

- HFP pilot is CPUC-designed and PG&E-administered 3-year pilot
- Participation will benefit customers, help SVCE and regulators learn more about hourly rate implementation, and supports Load Management Standard (LMS) compliance
- Approval lets staff roll out HFP pilots, take any contracting/implementation actions needed
- If SVCE does not participate, then SVCE customers interested in enrolling in the CPUC pilot would need to opt-out of SVCE to participate

Staff responded to committee member questions and comments that included the following:

- customer rate plans and data privacy
- annual customer solar performance reconciliation
- outreach and targeted marketing to customers
- customer participation caps

Chair Klein opened public comment.
Bruce Karney requested information regarding the classes and enrollment in the pilot program, targeted marketing by customer segment, and incentives for enrollment.

Senior Regulatory Advisor Sandoval provided brief responses to Mr. Karney's questions.

Chair Klein closed public comment.

MOTION: Director Tyson moved and Vice Chair Mekechuk seconded the motion to recommend the SVCE Board of Directors approve SVCE's participation in the California Public Utilities Commission Hourly Flex Pricing Pilots.

The motion carried unanimously by verbal roll call vote.

7) Program Snapshot: Fleet Electrification Assistance Planning (Information Only)
This item was not heard. CEO Padilla noted materials were provided in the agenda packet and committee members could reach out with any questions.

Committee/Staff Remarks
Director Walia thanked staff for planning the Victory Pass + Solar ribbon-cutting event.

Adjournment
Chair Klein adjourned the meeting at 12:05 p.m.

ATTEST:

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Andrea Pizano, Board Secretary

SILICON VALLEY CLEAN ENERGY

Staff Report – Item 2

Item 2:	**CEO Update**
From:	Monica Padilla, CEO
Prepared by:	Andrea Pizano, Sr. Executive Assistant and Board Clerk
Date:	11/22/2024

This item will be addressed in the form of an oral report to the Executive Committee.

Staff Report – Item 3

Item 3:	**CEO Transition Ad Hoc Committee Report**
From:	SVCE Executive Committee
Prepared by:	George Tyson, SVCE Board Vice Chair
Date:	11/22/2024

With the CEO Transition Ad Hoc Subcommittee (Committee) set to expire in Mid-December, the Committee (Rob Rennie, George Tyson, and Tina Walia) met on 11/8/24 and came up with the following thoughts:

- We decided that a formal policy regarding Director's communications with and response to staff was beyond what is needed, and we encourage the CEO to communicate any issues with individual Directors directly.
- Regarding Director's attendance at Board meetings, we wish to remind Directors to communicate their expected absence, change in plans (e.g. in person vs. remote), and preparation of their Alternates as substitutes as early as possible.
- Regarding Director's role on subcommittees, we find it highly advisable that Directors wishing to serve as Chairs should expect to attend a high percentage of planned meetings in person. Those attending subcommittees as members should also be aware that, since Alternates are not permitted, meeting quorum requires a high degree of communication and response.
- More broadly, we see the value of staff scheduling recurring meetings early in the year and also for Directors providing to staff information on their vacation or other travel plans as soon as these are established (or even prior, if extensive).
- We also discussed the possibility of providing a stipend for meeting attendance, as is done in some other agencies to serve as an inducement for attendance. No decision was reached on a recommendation, and we recognize that this would require a change in the JPA.

Staff Report – Item 4

Item 4:	**SVCE Information Update on 2025 SVCE Board Elections**
From:	Monica Padilla, CEO
Prepared by:	Andrea Pizano, Sr. Executive Assistant and Board Clerk
Date:	11/22/2024

RECOMMENDATION

Staff recommends that the Executive Committee review the process and timeline for Silicon Valley Clean Energy's (SVCE) Board of Directors ("Board") Chair, Vice Chair, and Committee member appointments.

BACKGROUND

At the October 24, 2018 meeting, the Board approved a timeline to appoint SVCE's Board Chair, Vice Chair and Executive Committee members in January, with remaining committees assigned at the February Board of Directors meeting. SVCE's Operating Rules and Regulations were then amended in November 2018 to reflect the timing of selections.

SVCE has been using a selection process for the positions of Chair, Vice Chair, and committees which includes the Board Clerk requesting letters of interest for the positions of Chair and Vice Chair prior to the Board meeting to be included in the agenda packet and requesting Board members inform the Board Clerk of their interest in serving on one or more of SVCE's committees. The information is then compiled and presented at the respective Board and Committee meetings for approval.

The roles of Board Chair, Vice Chair, and the Executive Committee are scheduled to be selected at the January 8, 2025 Board meeting, with remaining committee assignments made at the February 12, 2025 meeting.

ANALYSIS & DISCUSSION

Using a similar process followed in previous years, the Board Clerk will send information to the Board following the December 11, 2024 board meeting with a call for letters of interest for the positions of Board Chair and Vice Chair; letters of interest received for these positions will be included in the January Board of Directors meeting agenda packet. Directors interested in serving on the Executive Committee will also be asked to notify the Board Clerk during this time and names will be included in the staff report for the January board meeting. Nominations will also be accepted from the floor for Board Chair, Vice Chair and Executive Committee membership.

Following the January board meeting, the Board Clerk will distribute information to board members to indicate interest in SVCE's other committees (Finance and Administration Committee, Audit Committee, and Ad Hoc Committees, if any). The information will be collected prior to the February board meeting, and staff will include the names of interested directors for each committee in the February board meeting staff report. Requests to join committees will also be considered from the floor at the meeting.

STRATEGIC PLAN

Appointing SVCE's representatives to the Board and Committees supports our mission and goals of the Strategic Plan.

ALTERNATIVE

Staff is open to suggestions from the committee on the process for Chair/Vice Chair and committee selections.

FISCAL IMPACT

There would be no fiscal impact as a result of making appointments.

ATTACHMENTS

1. 2025 Proposed SVCE Board Elections Timeline

SILICON VALLEY CLEAN ENERGY

2025 SVCE Board Elections Timeline

December 11, 2024: Staff presents information item at the Board meeting outlining process for 2025 elections

December 13, 2024: Board Clerk will send a request for letters/indications of interest for the Board Chair/Vice Chair positions as well as interest from members looking to serve on the Executive Committee for 2025

December 31, 2024: Letters of interest for Board Chair/Vice Chair and expression of interest for Executive Committee membership responses due to Board Clerk

January 8, 2025: Board Chair, Vice Chair, and Executive Committee selections made at the Board of Directors meeting

January 10, 2025: Board Clerk will distribute information to Directors with a request to indicate interest in serving/continuing to serve on remaining committees

January 31, 2025: Interests due to Board Clerk for remaining SVCE committees

February 12, 2025: Remaining SVCE Committee assignments made at the Board of Directors meeting

Staff Report – Item 5

Item 5:	**Recommend Approval of the Fiscal Year 2024-25 Budget Update**
From:	Monica Padilla, CEO
Prepared by:	Amrit Singh, CFO and Director of Administrative Services
Date:	11/22/2024

RECOMMENDATION

Staff recommends that the Executive Committee recommend that the SVCE Board of Directors (Board) approve the proposed operating budget update for fiscal year 2024-25 (FY 2025), which increases the net contribution to reserves from the adopted budget level of $14 million to $96.75 million.

FINANCE AND ADMINISTRATION COMMITTEE REVIEW

The Finance and Administration Committee will also review this item on November 25, 2024. Any updates based on feedback received will be discussed with the Finance and Administration Committee.

BACKGROUND

When the Board adopted the FY 2025 budget at the September 2024 meeting, staff explained that because of the uncertainty on CPUC's fall update of market price benchmarks (MPB) for Resource Adequacy (RA) and Renewable Portfolio Standards (RPS), staff used conservative assumptions in estimating revenues. Higher MPBs decrease the Power Charge Indifference Adjustment[1] (PCIA). Staff also explained that PG&E recommended that the CPUC cap the RA MPBs at last year's levels. Staff used the prior year's RA and RPS MPBs to develop the budget. The adopted budget showed a contribution to reserves of $14 million. Staff tried to forecast MPBs prices for RA and RPS and, based on this projection, estimated that revenues could increase by an additional $145 million if CPUC's fall MPBs were to align with staff's estimates.

In adopting the FY 2025 budget at the September 2024 meeting, the Board maintained the 4% customer discount rate and provided dollar bill credits for low-income customers equivalent to a 1% discount to all customers. The Board also agreed to revisit funding for additional expenditures when there would be more certainty on PCIA and PG&E generation rates.

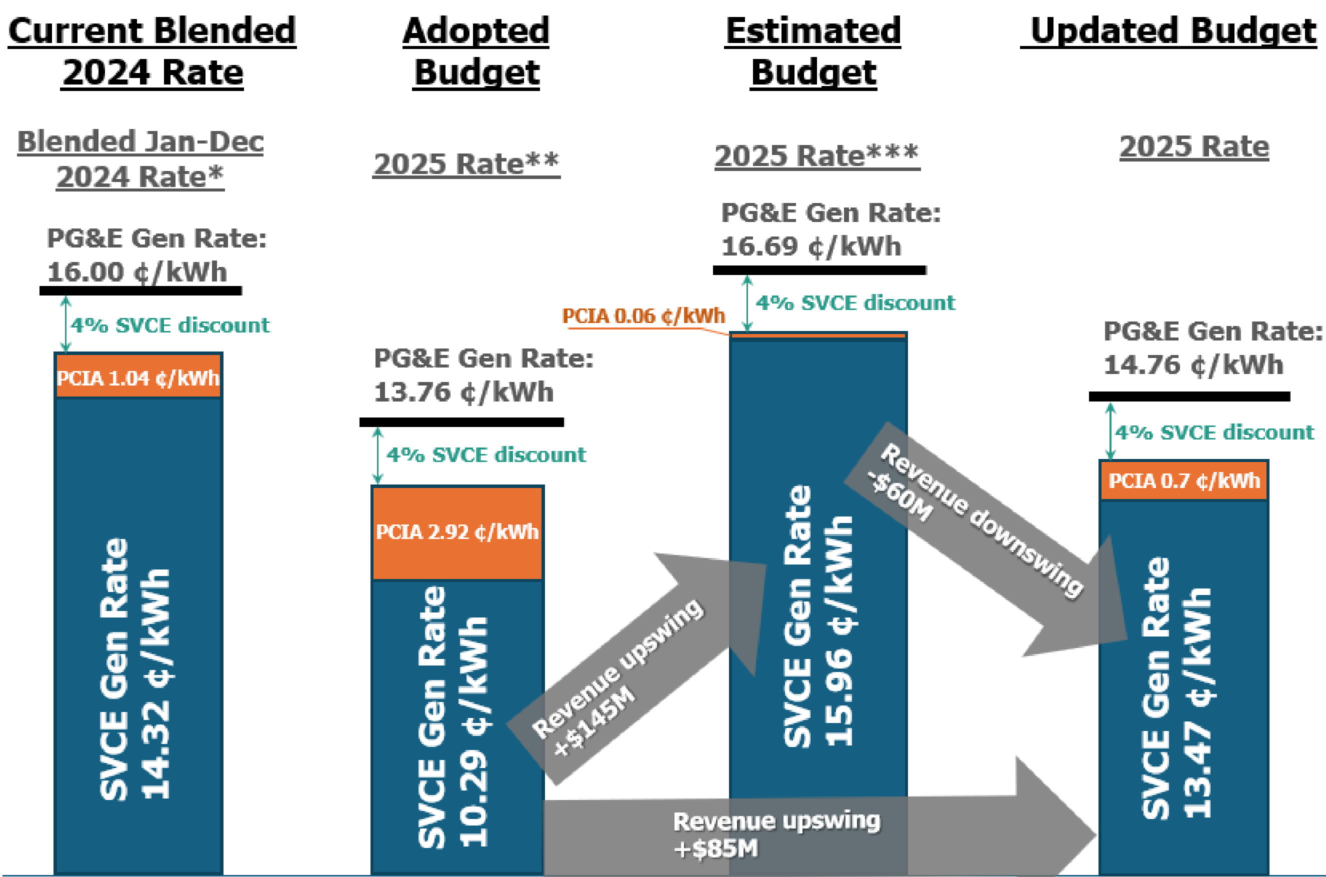
The recently issued CPUC MPBs reflect the higher RA and RPS prices, improving SVCE's financial projections. RA prices for 2024/2025 are up by 55%/179%, and RPS prices are up 72%/125%, respectively, compared to last year's levels. Using the updated MPBs, PG&E issued its initial revised Energy Resource Recovery Account (ERRA)[2] forecast in October. However, after the initial issuance of MPBs, the CPUC's Energy Division made two subsequent corrections, the latest on November 5th, 2024. Since these late corrections, PG&E has not issued an updated ERRA forecast. NewGen Consultant, whose rate models staff uses to forecast rates, has not issued

[1] Public Utility Code Sections 366.1 and 366.2 require the CPUC to make sure that customers leaving PG&E do not burden remaining PG&E customers with costs which were incurred to serve them. To ensure customer indifference, CCAs and Direct Access, or departing load customers are required to pay a power charge indifference adjustment (PCIA).

[2] ERRA, the Energy Resource Recovery Account, is a balancing account utilized by PG&E to record and recover power costs associated with PG&E's authorized procurement plan. ERRA proceedings are used to determine fuel and purchased power costs which can be recovered in rates.

an updated model in time for staff's use in updating this budget. As a result, staff used PG&E's initial ERRA update along with the non-updated NewGen model to estimate PG&E generation and PCIA rates. If staff receives material updates from any updated PG&E ERRA forecast and NewGen model in time before the December Board meeting, staff may further update this budget projection.

Using the above approach, staff estimates that PG&E generation rates in January 2025 will decrease on average by 8 percent from average 2024 rates[3] and PCIA, on average, to decrease from about 1.04 to 0.70 cents per kWh. Relative to the adopted budget, on average, SVCE's margins improve by about 31 percent, which increases revenue projections by $85 million. However, relative to SVCE's <u>estimated budget</u> margins, it decreases by 16%, which reduces revenues by $60 million. The <u>estimated budget</u> refers to the higher revenues of $145 million that staff had projected using its estimates for RA and RPS MPBs. The biggest driver of lower revenues is because of declines in wholesale energy prices, which significantly reduced the energy MPBs. These changes are depicted in the chart below.



Source: Blended PG&E Jan-Jun 2024 & Jul-Dec 2024 Average Rate (Weighted for SVCE Portfolio Load)
*** CalCCA NewGen Model analysis using market data as of 6/28/2024 and CPUC attribute benchmarks adopted for CY 2024 (Weighted for SVCE Portfolio Load)*
**** CalCCA NewGen Model analysis using market data as of 6/28/2024 and market RA and RPS prices (Weighted for SVCE Portfolio Load)*
The above margin analyses ignore minor reductions for franchise fees (0.09 ¢/kWh)

<u>ANALYSIS & DISCUSSION</u>

Based on the updated budget, the projected net contribution to reserves is anticipated to increase from the adopted budget forecast of $14 million to $96.75 million, as illustrated in the table below.

[3] PG&E's generation rate decreased in July 2024 on average by 11% from January 2024 levels.

SILICON VALLEY CLEAN ENERGY
FY 2024-25 OPERATING BUDGET
($ in thousands)

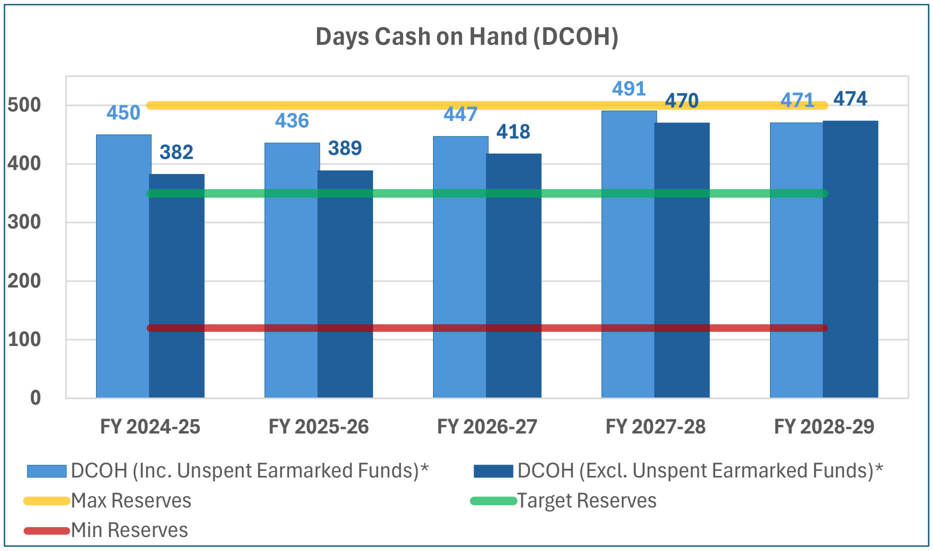
DESCRIPTION	FY 2024-25 ADOPTED BUDGET	FY 2024-25 ADJUSTED BUDGET	Change $	Change %
Energy Revenues	441,050	526,513	85,463	19.4%
Power Supply Expense	387,145	390,091	2,946	0.8%
Operating Margin	**53,905**	**136,422**	**82,516**	**153.1%**
Operating Expenses	36,433	36,433	0	0.0%
Non-Operating Revenue (Expense)	16,275	19,168	2,893	17.8%
Annual Transfers and Other Expenses				
Capital Outlay	1,002	1,002	0	0.0%
Building Fund	0	0	0	0.0%
Program Fund	8,821	10,530	1,709	19.4%
Nuclear Allocation	3,708	3,708	0	0.0%
Customer Bill Relief	4,411	5,370	959	21.7%
Hanford Emissions Mitigation Fund	1,800	1,800	0	0.0%
BALANCE AVAILABLE FOR RESERVES	**14,005**	**96,746**	**82,741**	**590.8%**

The primary driver for the improved financials is the improvement to SVCE's margins resulting from lower PCIA and higher PG&E generation rates than those used in creating the adopted budget. The above projections reflect the board-adopted 4 percent customer discount, and an additional 1% discount converted to dollar bill credits for low-income customers.

The forecast also updates power supply expenses. Despite decreases in energy prices, the power supply costs increase slightly due to portfolio updates, including those for additional clean resources and Power Purchase Agreement changes, as well as for higher RPS and RA costs.

Transfers to the Program Funds increase by $1.7 million to match the updated revenue forecast. The updated budget also increases low-income customers' "1%-dollar bill credit" for updated rates. The expected monthly bill credit is about $16.94.

The forecast ending reserves level for FY 25, excluding unspent program funds and funds set aside for an SVCE office purchase, is 382 days of cash on hand (DCOH), above the target threshold of 350 but below the maximum level of 500 DCOH. The 5-year reserve forecast shows reserves above target levels and approaching the maximum reserve levels.



The 5-year financial outlook enables SVCE to consider funding longer-term key SVCE mission-aligned strategic priorities. Staff recommends that when reserves exceed the target level, SVCE sets these funds aside to consider funding longer-term key SVCE mission-aligned strategic priorities. These strategic priorities are discussed in detail in the proposal for the fund, which will be presented to the Executive Committee for discussion. For FY 2024-25, the forecast amount above the reserve target level is about $40 million. Given uncertainties in preparing a budget forecast, staff proposes funding the strategic priority fund after reviewing the available financial information on the prior fiscal year's results and accounting for the uncertainty in the budget forecast. For FY 25, staff does not recommend any funding because of high uncertainty regarding PCIA and PG&E generation rates.

The final 2024 PCIA and PG&E generation rates are unknown until the end of December after PG&E updates ERRA account balances, the CPUC issues its decision, which is expected to occur at its December 15, 2024, meeting, and PG&E files its Annual Electric True-up advice letter. Usually, after CPUC's Energy Division issues the MPBs in October, PG&E updates the ERRA forecast, NewGen Consultants update their rate models, and staff updates the budget using PG&E ERRA update and the updated NewGen models. CPUC's Energy Division, after releasing the MPBs on October 4th, 2024, made two subsequent corrections, with the latest on November 5th, 2024. As a result of these delays, staff does not have the latest PG&E ERRA updates, and NewGen Consultants updated model.

There's additional uncertainty in the final rates the CPUC will adopt. PG&E, as it did in the May ERRA forecast, proposes capping RA MPBs at last year's much lower levels, which would significantly increase PCIA. CPUC's judge ruled earlier that PG&E's arguments were out of scope but could be considered in a new proceeding or a reopening of the PCIA proceeding. Nevertheless, PG&E continues to make the case and now argues that the high MPBs create a cost shift. They proposed three scenarios that, if adopted, could reduce SVCE's revenues from about $20 to $134 million. While staff believes it is unlikely these out-of-scope arguments will be adopted in the current proceeding, there's still uncertainty about how the CPUC will rule. CPUC may deny PG&E's request, accept it, or implement rates that moderate rate increases to bundled customers.

<u>Planned Timing and Approach for 2025 Rate Updates</u>
The SVCE rate tables will be updated during the first three weeks of the month PG&E's new rates become effective, which is expected to be January 2025. The exact timing will depend upon when PG&E's updated rates are received and the required time window for implementing new generation rates in SVCE's billing system.

100% Renewable Energy Option

The GreenPrime rate for 2025, SVCE's 100% renewable energy option, will reflect the January 2025 default GreenStart rates plus the premium of $0.017 per kWh adopted by the Board at the November 2024 Board meeting.

STRATEGIC PLAN

Rate setting is directly supported by SVCE Strategic Plan Goal 6 – "Maintain healthy financial position; avoid failures in the management of market risk, credit risk, liquidity risk, operational risks, and enterprise risks."

FISCAL IMPACT

The updated budget improves SVCE's financial performance, reflecting an increase in the net contribution to reserves from the adopted budget level of $14 million to $96.75 million.

SILICON VALLEY CLEAN ENERGY

Staff Report – Item 6

Item 6:	**Establish the Affordable Clean Community Fund**
From:	Monica Padilla, CEO
Prepared by:	Zoe Elizabeth, Deputy Director of Decarbonization Programs and Policy
Date:	11/22/2024

This item will present a proposal for discussion to establish an Affordable Clean Community Fund.

ATTACHMENT
The presentation for this item is posted to the SVCE website.

Staff Report – Item 7

Item 7:	**Request the SVCE Executive Committee Recommend the SVCE Board of Directors Approve SVCE's Policy Updates as Part of the Agency Policies Streamlining Project**
From:	Monica Padilla, CEO
Prepared by:	Michael Callahan, General Counsel
Date:	11/22/2024

RECOMMENDATION

Staff requests the SVCE Executive Committee ("ExCom") recommend the SVCE Board of Directors ("Board") adopt the revisions to policies proposed herein, and summarized in Attachment 1, including the following policies slated for adoption or retirement:

Policies for Adoption	Policies for Retirement
• HR Personnel and Reimbursement Policy • G&A Vehicle and Charger Use Policy • G&A California Public Records Act Policy • G&A CEO Absence Policy • G&A Hybrid Meetings Policy • G&A Files and Records Management Policy	• HR Smartphone Stipend Policy • HR Recruitment Incentive Policy • HR Volunteer Time Off Policy • HR Unpaid Leave Policy • HR Paid Time Off Cash Out • HR Tuition Assistance Policy • HR Cash in Lieu of Health Benefits Policy • HR Fitness Reimbursement Benefit Policy • G&A Travel and Meeting Expense Reimbursements Policy • G&A Vehicle Use Policy G&A Charging Station Policy

Upon Board-approval of the modifications to the various policies, staff will develop the corresponding standards or procedures to ensure proper implementation of the Board-approved policies.

BACKGROUND

Since the agency's inception, the Board has approved forty-eight (48) policies with varying levels of implementation details with many having extensive details. This set of policies has grown and evolved over time in response to several organizational needs without a blueprint for the right amount policies or level of details to include at the policy level. The current state of Board-approved policies have become unmanageable resulting in potential gaps in oversight and controls.

At the November 2023, Finance and Administration Committee (FAC) meeting[1], staff raised such concerns with the FAC and proposed an overhaul of the agency's policies. The FAC shared the concern about reviewing policies and supported staff's proposal to undertake a review of existing policies. Staff assessed the policies and identified several changes that allow for modernization, streamlining, and better protecting SVCE.

ANALYSIS & DISCUSSION

Currently, the large number of policies and level of detail within them both publicizes some of SVCE's more sensitive operational information and limits the flexibility of staff to evolve guidance as laws or approaches to work change. Staff recommends general updates and changes to ensure the right level of detail in Board-approved policies while moving operational details into staff-approved standards or procedures.
Staff proposes to update SVCE's policies to modernize, streamline, and protect sensitive information.

Modernization of Policies

Staff seeks to modernize all agency policies, ensuring they comply with changes in law and operational practices. Part of this modernization includes adopting a new structure for agency guidance that includes: (1) Board-approved policies; (2) Chief Executive Officer (CEO)-approved standards; and (3) CEO-approved procedures. This will allow the Board to maintain and set policy direction at an appropriately high level and empower the CEO to implement the policies through more detailed standards and procedures to ensure staff consistently and successfully implement the policies.

Streamlining of Policies

Staff proposes streamlining by consolidating some policies and moving a significant amount of operational-level detail into standards while keeping the most critical guidance in policies. For example, many of the Human Resources (HR) policies were moved into standards to allow for a simpler update process for changes in law and practice. However, the critical policy decisions, including staffing levels and benefits, are retained by the Board through the budgeting process. As a result of this streamlining, staff proposes to reduce the number of policies from forty-eight (48) to twenty-two (22).

Protecting Sensitive Information

Staff recommends protecting sensitive information related to Information Technology (IT) or data security by maintaining them in internal CEO-approved standards and procedures. This would allow staff to avoid posting this information publicly as part of a Board meeting or packet. This information includes SVCE approaches to physical and cyber security, password creation, and procedures for business continuity.

Establishing an Update and Training Cadence

Staff proposes to implement a comprehensive approach to maintaining and training on the policies and standards. To maintain the various documents, staff determined a regular cadence to revisit and consider updates to the policies and standards. This will ensure the policies remain current both with the law and with operational practices. Staff also identified the key individuals and teams that should be trained and a cadence for training those staff for each policy and standard. These details are provided in Attachment 1 to this staff report for informational purposes.

Overview of Policy Changes

Staff proposes to update most of SVCE policies, and provides descriptions and summaries of the proposed changes. Staff compiled the changes and presents them in: (1) high-level updates described in the body of

[1] Item 2: Recommend Approval of the Amendment to Financial Policy 7 – Purchasing Card Policy (Action), https://svcleanenergy.org/wp-content/uploads/2023-1130-Finance-and-Administration-Committee-Meeting-Packet-scrubbed.pdf.

this staff report; (2) summary and detailed descriptions of the changes to each policy and associated standard in the tables in Attachment 2 to this staff report; and (3) where feasible, provided both redline and clean versions of the recommended policies in Attachment 3 to this staff report.

Modernizing and Protecting Information Technology (IT) Policies
The IT policies were largely replaced by new model policies and standards. Staff undertook a review to ensure the key provisions in SVCE's existing policies were included in the new policies and standards. The content moved to standards is either operational-level detail or sensitive from an IT or data security perspective. Due to the complete replacement of the policies, staff does not include a set of redline changes for IT. However, Attachment A includes a description of the changes.

Moving Human Resources (HR) Policies into Standards
As mentioned above, the HR policies are largely moving into standards. Staff created a new HR policy that is derived from existing authority on personnel (Resolution 2021-22) and reimbursements for travel (General and Administrative Policy 1 – Travel and Reimbursements). The Board will continue to make key HR decisions including budget for staffing levels and benefits.

Finance Policies Updated to Reflect Operational Needs
In addition to adjusting the Finance policies to move operational-level details into standards, some of the policies were updated to allow for more efficient operations. This includes expanding the ability of executives to delegate authority to staff and increasing the CEO's delegated signing authority.

General and Administrative (G&A) Policies Updated
The General and Administrative Policies includes largely clean up and consolidation of existing policies. The record retention periods document was consolidated and updated to make it easier to follow.

Policy Development and Review Process
Prior to seeking Board approval, staff will seek support of the proposed policies changes from either the ExCom or the FAC. The FAC will review IT and Finance related policies, and the ExCom will review policies related to HR and G&A as follows:

<table>
<tr><th colspan="3">Policies for Review by the ExCom</th></tr>
<tr><td>• G&A Travel and Meeting Expense Reimbursements Policy
• G&A Vehicle Use Policy
• G&A Charging Station Policy
• G&A Vehicle and Charger Use Policy
• G&A California Public Records Act Policy</td><td>• G&A CEO Absence Policy
• G&A Files and Records Management Policy G&A Hybrid Meetings Policy
• HR Personnel and Reimbursement Policy
• HR Smartphone Stipend Policy
• HR Recruitment Incentive Policy</td><td>• HR Paid Time Off Cash Out
• HR Tuition Assistance Policy HR Cash in Lieu of Health Benefits Policy
• HR Fitness Reimbursement Benefit Policy
• HR Volunteer Time Off Policy
• HR Unpaid Leave Policy</td></tr>
<tr><th colspan="3">Policies for Review by the FAC</th></tr>
<tr><td>• Finance Accounting Policy
• Finance Budget Policy
• Finance Purchasing and Spending Policy
• Finance Investment Policy</td><td>• Finance Capital Projects Policy
• IT Information Technology Policy
• IT Information Systems Use Policy</td><td>• IT Malware Defense Policy
• IT Security Audit Policy
• IT Disaster Recovery Policy
• IT Threat-Risk Assessment Policy</td></tr>
</table>

• Finance Delinquent Accounts & Collections Policy • Finance Capitalization Policy • Finance Customer Generation Rates • G&A Files and Records Management Policy	• IT Email Use Policy • IT Asset Management Policy • IT Internet Usage Policy • IT Security Plan Policy • IT Access Control Policy • IT Password Protection Policy	• IT Satisfaction Policy • IT Data Breach Policy • IT Workstation Security for HIPPA Policy • IT Clean Desk Policy

Should the Board adopt the proposed changes to the policies, staff will then move expeditiously to adopt revised standards and procedures.

Through this process, staff is not proposing any substantive updates to the following policies, however staff may return to the Board at a later time with recommended updates:

- G&A Code of Ethics Policy
- G&A Chair and Vice Chair Vacancy Policy
- G&A Ticket and Pass Distribution Policy
- Finance Debt Limitations Policy
- Finance Reserves Policy
- Customer Confidentiality Policy
- Non-Standard Pricing Agreement Policy
- Energy Risk Management Policy

STRATEGIC PLAN

The staff recommendation supports Goal 9 of the SVCE Strategic Plan to enhance systems, standards and procedures to streamline business processes and improve operational effectiveness and reliability.

FISCAL IMPACT

While the changes to the policies are not expected to have a direct fiscal impact, they are expected to result in efficiencies in operations that should streamline some staff activities and have a positive fiscal impact.

ALTERNATIVE

Staff is open to suggestions and feedback from the Board on the proposed policies.

ATTACHMENT

1. Descriptions of Changes and a Summary of Controls
2. Cadence for Updates and Training for Policies and Standards
3. Redline and Clean Versions of Policies

Attachment 1:
Descriptions of Changes and Summary of Controls

NOTE: Policies (P) and Standards (S) are denoted below in the acronyms within each area of SVCE. For example, the IT Policies are referenced as ITP and IT Standards as ITS.

Attachment 1 Table 1: Revisions Snapshot

Human Resources			
Name	**2024 Status**	**Justification for Moving to Standards**	**Revisions Snapshot**
HRP-01 [Personnel & Reimbursement]	New	N/A	Created from existing personnel authority granted in SVCE Resolution 2021-22 and Budget Policy and added reimbursements
[Retired] HRP-01 [Smartphone Stipend Policy]	Retired	Operational-level details	Migrated to a standard HRS-01 - Technology Stipend
[Retired] HRP-02 [Recruitment Incentive]	Retired	Sensitive information and operational-level details	Migrated to a standard HRS-02 Recruitment Incentive
[Retired] HRP-03 [Volunteer Time Off]	Retired	Operational-level details	Migrated to a standard HRS-03 - Volunteer Time Off
[Retired] HRP-04 [Unpaid Leave]	Retired	Operational-level details	Migrated to a standard HRS-04 - Unpaid Leave
[Retired] HRP-05 [Paid Time Off Cash Out]	Retired	Operational-level details	Migrated to a standard - HRS-05 - Paid Time Off Cash Out
[Retired] HRP-06 [Tuition Assistance]	Retired	Operational-level details	Migrated to a standard HRS-06 - Tuition Assistance
[Retired] HRP-07 [Cash in Lieu of Health Benefits]	Retired	Operational-level details	Migrated to a standard HRS-07 - Cash in Lieu of Health Benefits

[Retired] HRP-08 [Fitness Reimbursement Benefit]	Retired	Operational-level details	Migrated to a standard HRS-08 - Fitness Reimbursement Benefit
HR Handbook	Revised	N/A	Updated for corrections, changes in law, and benefits
HRS-01 [Technology Stipend]	New	Operational-level details	Expanded to include all employees and increased stipend amount and scope
HRS-02 [Recruitment Incentive]	New	Sensitive information and operational-level details	No substantive changes except transitioning format to standard [Do not include in HR Handbook]
HRS-03 [Volunteer Time Off]	New	Operational-level details	No substantive changes except transitioning format to standard
HRS-04 [Unpaid Leave]	New	Operational-level details	Added CEO approval for unpaid leave longer than one week
HRS-05 [Paid Time Off Cash Out]	New	Operational-level details	Updated request of leave from form to HR information system
HRS-06 [Tuition Assistance]	New	Operational-level details	No substantive changes except transitioning format to standard
HRS-07 [Cash in Lieu of Health Benefits]	New	Operational-level details	No substantive changes except transitioning format to standard
HRS-08 [Fitness Reimbursement Benefit]	New	Operational-level details	Updated request from form to HR information system
HRS-09 [Flexible Work]	New	Operational-level details	Newly created standard to reflect expectations of flexible work

General & Administration			
Name	**2024 Status**	**Justification for Moving to Standards**	**Revisions Snapshot**
[Retired] GAP02 - Vehicle Use Policy	Retired	N/A	Migrated to a new Vehicle and Charger Use policy GAP-02 and standard GAS-01
[Retired] GAP03 - Charging Station Policy	Retired	N/A	Migrated to a new Vehicle and Charger Use policy GAP-02 and standard GAS-01
[Retired] GAP01 - Travel and Meeting Expense Reimbursements	Retired	N/A	Migrated detail to a standard GAS-3 - Travel and Meeting Expense Reimbursements
GAS03 - Travel and Meeting Expense Reimbursements	New	Operational-level details	From the original GAP01 - Travel and Meeting Expense Reimbursements Policy
GAP02 - Vehicle and Charger Use Policy	New	Operational-level details	Consolidating the original GAP 02 Vehicle and GAP 03 Charging Station Use policies
GAP04 - CA Public Records Act Policy	Revised	N/A	General clarifications and improvements consistent with existing law
GAP07 - CEO Absence Policy	Revised	N/A	Administrative clean up
GAP09 - Hybrid Meetings Policy	Revised	N/A	Administrative clean up
GAS01 - Vehicle and Charger Use	New	Operational-level details	From the original Vehicle Use and Charging Station Policies; struck personal vehicle requirements

GAP10 - Files and Records Management Policy	Revised	N/A	Migrated most detail to a standard GAS-02 - Files and Records Management
GAS02 - Files and Records Management	New	Operational-level details	From the original Files and Records Management Policy; added clarifying text and adjusted retention periods

Attachment 1 Table 2: Detailed Revisions

Human Resources	
Name	**Detailed Summary and Revisions**
HRP-01 [Personnel & Reimbursement]	Transition from Resolution 2012-22 to policy level and incorporated budget policy elements for over hires. Added ability to reimburse staff and Board members for expenses to attend meetings and conferences.
[Retired] HRP-01 [Smartphone Stipend Policy]	Employees who hold positions that include the need for a smartphone may receive a stipend of $50 to compensate for business related costs incurred when using their individually-owned smartphone. SVCE will not own smartphones for the use of individual employees. Those who opt for the stipend will configure Office 365 to work with either the Outlook App or the native email app. Employees whose job duties include the frequent need for a smartphone may receive extra compensation, in the form of a monthly stipend, to cover business related costs. Eligibility criteria requires at least one of the following: 1) considerable time outside of his/her assigned office or work area and it is important to SVCE that s/he is accessible during those times, 2) accessible outside of regularly scheduled or normal working hours where time sensitive decisions/notifications are required, and 3) job function requires wireless data and internet access.
[Retired] HRP-02 [Recruitment Incentive]	The purpose of the recruitment incentive is to entice the applicant to sign-on with the organization. The CEO is authorized to offer one-time incentives that do not exceed the greater of 10% of the salary referenced in the offer letter or $15,000 to prospective applicants. Employees who leave employment with the Agency within 12 months from the date from which the bonus is received shall reimburse the Agency in full unless terminated by the Agency.

[Retired] HRP-03 [Volunteer Time Off]	All regular full-time and part-time employees can volunteer up to 40 hours per calendar year with a 501(c)(3) nonprofit or its U.S. equivalent in accordance with SVCE's giving and volunteering guidelines. More than one organization may be chosen. If you are not sure of the status of your chosen organization, please contact the Director of Finance and Administration for guidelines. • Employees will be paid at their normal pay rate for the volunteer hours taken. • No more than 2 days per quarter. • Minimum of 2 hours per opportunity. • VTO is refreshed at the beginning of the each calendar year and cannot be accrued or carried-over into the following year – "use it or lose it" policy. • Usage of this time does not affect PTO or Management Leave usage.
[Retired] HRP-04 [Unpaid Leave]	All full time regular employees employed by SVCE for a minimum of 90 days are eligible to apply for an unpaid personal leave of absence. Job performance, absenteeism and departmental requirements all will be taken into consideration before a request is approved. Approvals of the immediate supervisor, department director and CEO are required. Requests for unpaid personal leave may be denied or granted by SVCE for any reason or no reason and are within the sole discretion of SVCE. SVCE reserves the right to terminate employment for any reason or no reason during the leave of absence. Finance and Administration is responsible for ensuring that any employee on an approved personal leave of absence is not paid. An employee is required to return from the unpaid personal leave on the originally scheduled return date. If the employee is unable to return, he or she must request an extension of the leave in writing. If SVCE declines to extend the leave, the employee must then return to work on the originally scheduled return date or be considered to have voluntarily resigned from his or her employment. Extensions of leave will be considered on a case-by-case basis.
[Retired] HRP-05 [Paid Time Off Cash Out]	SVCE offers a PTO Cash-Out Option for eligible employees. At the time of the cash-out, a minimum of 40 hours MUST be retained in the PTO bank, which is based on current base pay at the time of payout. PTO Cash-Out is subject to all applicable taxes and deductions taken on earnings, and is exempt from deferred compensations (401a, 457b) deductions. There is a limit of two PTO cash-outs and not to exceed 80 hours per calendar year. An irrevocable PTO election form is required and the cash-out pay date will be made on the Friday of the following pay period.
[Retired] HRP-06 [Tuition Assistance]	Employee may be reimbursed up to $5,000 per fiscal year (October 1-September 30) to offset the cost of coursework aligned with SVCE's core mission, the employee's current duties, or future opportunities within the agency. Employee must pay for any expense upfront and will receive reimbursement of approved and eligible expenses upon successful completion of coursework and submission of required documentation within 60 days of course completion. All coursework should be taken during non-work hours. For graded courses, an unofficial transcript with the employee's name is acceptable and must show a grade of "C" or better or "Pass." For non-graded courses, a signed certificate of completion by the institution is acceptable.

[Retired] HRP-07 [Cash in Lieu of Health Benefits]	SVCE offers the opportunity to decline health insurance through the agency and receive a monthly cash payment in-lieu of health insurance of $250. Employee participation will not impact their eligibility to participate in the Flexible Spending Account (FSA) or Health Reimbursement Account (HRA) programs by SVCE. The employee must fill out the Election of Cash In-Lieu Form. Once an employee receives cash in-lieu of health benefits, the employee may only enroll in the agency health plan if a qualifying Section 125 event occurs (e.g., marital status change, number of dependents change, loss of coverage).
[Retired] HRP-08 [Fitness Reimbursement Benefit]	Employees can participate in the voluntary Fitness Reimbursement Program to promote employee health and morale. Participating employees sign and return their Fitness Reimbursement Program Form to the Administrative Services Manager and understand the terms and requirements of the program. The program is not a requirement of their employment, injuries resulting from an employee's participation will not qualify for worker's compensation, and the employee's time spent in fitness activity is not compensable. SVCE will reimburse employees who meet the requirements for reimbursement twice a year, up to a maximum of $600 annually, and reimbursement will be included as an allowance on the employee's paycheck.

HR Handbook	Updates CEO information and includes up-front statements about employment contracts overriding the handbook in the event of a conflict, that nothing in the handbook should be applied to restrict rights under the Employee policies, standards and procedures are summarized in the HR Handbook. Corrected various title changes and descriptions throughout. Added religious and pregnancy accommodations. Added requirement to list salary in job postings and verify eligibility for employment. Added "one day rest in seven" for non-exempt employees. Clarified use of California overtime rules. Consolidated sections on management time off and management wellness time off. Added clarifying language to the professional conduct section. Clarifying that SVCE will report criminal conduct and may use criminal conduct as ground for discipline. Clarifying staff shall not accept gifts of $100 or in exchange for a particular business decision. Incorporated telephone services in telephone use restrictions. Added internet service to technology stipend consistent with the new standard. Added wage disclosure protection for compensation. Added HSA to list of benefits. Removed requirement to work for 90 days before being able to use paid time off (PTO). Added a description of the PTO cash out option. Added requirement to use PTO before unpaid leave. Clarifying sick leave will be reinstated for employees that depart and return to the agency within a year. Added Caesar Chavez Day and Juneteenth to the list of holidays and clarified full-time staff are granted eight (8) hours of pay for each holiday. Clarifications related to short-term disability benefits. Redrafted rights related to Family Medical Leave Act and California Family Rights Act into a single section. Redrafted to expand upon COBRA insurance section. Introducing flexible/remote work standards. Clarifying medical leaves of absence may be approved up to 12 weeks. Adding two (2) additional bereavement leave days for a total of five (5), also added a requirement to be employed for 30 days before getting bereavement leave and for leave to be used within 3 months of the death. Clarifying that PTO does not need to be used for jury duty or serving as a witness in court and that fees and travel costs will not be reimbursed. Added provision for unpaid time off for an adult literacy program. Redrafted section on reproductive loss leave, to include loss by a spouse or domestic partner. Revised pregnancy disability leave to be gender neutral. Redrafted the paid parental leave portion. Redrafted the tuition reimbursement section. Added clarifications and purposes to the volunteer time off program. Added employee acknowledgement about receiving Health Insurance Marketplace Coverage Options.
HRS-01 [Technology Stipend]	No longer limited to smartphone and now includes residential internet service. The technology stipend increases from $50 to $120. New policy expands eligibility to all employees since SVCE is a hybrid work environment. New policy requires smartphone registration to SVCE Mobile Asset Management (MAM) program, residential internet of at least 100 Mbps (download)/20 Mbps (upload), following security guidelines, and configuration of home router.
HRS-02 [Recruitment Incentive]	No changes. Transition from policy to standard level.

HRS-03 [Volunteer Time Off]	Removes reference to SVCE's giving and volunteering guidelines.
HRS-04 [Unpaid Leave]	Adds CEO approval requirement for unpaid leave longer than one week.
HRS-05 [Paid Time Off Cash Out]	Only substantive change is the request via the HR information system instead of Irrevocable PTO Cash-Out Form.
HRS-06 [Tuition Assistance]	Substantive changes are updating form processing from Administrative Services Manager to Human Resources. Additionally, updated verbiage from "Tuition Assistance" to "Tuition Reimbursement."
HRS-07 [Cash in Lieu of Health Benefits]	Updated language from "Eligibility for FSA/HRA Benefits" to "Eligibility for Other Benefits" section and replaced "FSA and HRA programs offered at SVCE" with "any other SVCE offered benefits."
HRS-08 [Fitness Reimbursement Benefit]	Only substantive changes are the request via HR information system instead of the Fitness Reimbursement Form and removing the reimbursement limit of twice per year.

HRS-09 [Flexible Work]	Supervisors should work with HR to solidify and make in-office expectations clear for each role. Company retreats, in-person department meetings and cross-functional collaboration opportunities should be defined at hire or annual goal setting (launch and relaunch). Hires should be considered locally first (San Francisco Bay Area), limited to California, with exceptions to be made by the CEO as needed. Circumstances that may result in an exception include (1) where recruitment efforts have not resulted in an adequate candidate living in California; (2) the role does not require in-person interaction with customers and/or stakeholders on a regular basis, and (3) other extenuating circumstances. Employees should be able to come into the office any time as their role requires. However, some roles may be defined (by HR and supervisor/leadership) as needing more or less local engagement. Should a role be required to have specific weekly, monthly, or quarterly in-office times, supervisors should make reasonable efforts to pre-plan those times and set expectations so that employees can arrange for time as needed. Supervisors should also set expectations for "online" time (typically M-F 8am-5pm PST) and reasonable response times.
General & Administration	
Name	**Detailed Summary and Revisions**
[Retired] GAP02 - Vehicle Use Policy	This policy was retired to remove direction for privately-owned vehicle (POV) use, focus on agency-owned vehicle (AOV) use, and include SVCE electric car charger station use. Was retired to consolidate into a new GAP-02: Vehicle and Charger Use Policy.
[Retired] GAP03 - Charging Station Policy	This policy was retired to consolidate into GAP 02 Vehicle and Charger Use Policy and transfer details to GAS-01 Vehicle and Charger Use Standard.
[Retired] GAP01 - Travel and Meeting Expense Reimbursements	Moved to a standard and retired this policy.

GAS03 - Travel and Meeting Expense Reimbursements	Updated incidental expense fee or tip definition to remove taxi cab drivers and replace with transportation. The definition of meetings was updated to exclude SVCE Board or Committee meetings. In-state travel approval was updated from CEO to appropriate department head if the following conditions apply: allowable overnight stay if training/travel is greater than 100 miles from residence, aligns with role or development, employee is in good standing, funds are appropriated as part of the current operating budget, cost of training does not exceed $3,000. If these conditions are not met, CEO approval is required for staff. For accommodations, hotel or motel language was removed and generically referenced to lodging, and fees were added to reimbursement. Reimbursement mileage calculation was added and based on the distance from the SVCE office to the conference or meeting location. If the calculation was greater than the actual distance traveled, the employee should apply the actual distance. Included a definition of coach airfare. Removed prohibition on in-flight meals. Authorized personnel to approve meals now includes relevant department heads rather than Department Director and CEO. Reimbursement claim submission deadline moved from 30 to 60 days, with a cap of 180 days. An approval process for reimbursement was added and any exceptions must be made by the CEO.
GAP02 - Vehicle and Charger Use Policy	Expanded original GAP 02 Vehicle to GAP 02 Vehicle and Charger Use Policy to include direction for charger use and remove direction for privately-owned vehicle (POV) use with focus on agency-owned vehicle (AOV) use. All details such as reporting of accidents, traffic violations, parking tickets, and forms were transferred to the GAS 02 Vehicle and Charger Use Standard. The updated policy objective is to maintain a standard to manage use of the AOV and the electric vehicle charging stations located at SVCE.
GAP04 - CA Public Records Act Policy	Added references to Government Code Sections 7922.525 and 7922.530 regarding the public's right to access public records as guaranteed by the Constitution and making the records promptly available upon payment of fees covering direct costs of duplication. Added references to exempt materials covered in Government Code Sections 7927.500 (preliminary drafts, notes or interagency memos), 7929.700 (records pertaining to litigation, personnel, medical, or anything considered an unwarranted invasion of personal privacy), 7928.300 (personal addresses or telephone numbers), 7928.705 (real estate appraisals, engineering or feasibility assessments, privileged documents including attorney-client privilege), and 7927.005 (archeological site information). Included the process of exemption claim discretion referenced in Government Code Section 7922.00 and waiving rights to invoke exemption in Government Code Section 7921.505.

GAP07 - CEO Absence Policy	Removed explicit call out of each Department Director and language of Board/CEO Authority limits in Energy Risk Management Policy Section 6.5 to limit administrative burden of updating this policy.
GAP09 - Hybrid Meetings Policy	Removed stale language of hybrid meeting following termination of the Covid-19 State of Emergency and added context to the Brown Act mandating open and transparent government meetings for local agencies.
GAS01 - Vehicle and Charger Use	Developed a new standard for AOV and on-site charging station as directed in the GAP-02 Vehicle and Charger Use Policy. Specific contacts were added for AOV driving insurance and registration. As SVCE has access to electric vehicle chargers at its primary office location, the standard defines the valid use of these charging stations by employees, visitors, and third parties. Vehicles must be actively charging when parked limited to four hours of use in the charging station stall. Charging cords must be neatly replaced and not left on the ground. Authorized personnel may disconnect the vehicle at any time and charging stations may be closed for maintenance. SVCE assumes no responsibility or liability for damage to vehicles using electrical charging stations, and the availability of a charging station should not be counted on as the primary justification for purchasing a plug-in electric vehicle.
GAP10 - Files and Records Management Policy	Updated language on SVCE subject to the CPRA and removed the methods for filing, retaining, and disposing of business records as this information is being transferred to the new GAS-02 Files and Records Management Standard. Additionally, information on digital files, paper files, filing system, record retention and long-term storage, record destruction, record disposal, and records retention periods were removed and transferred to the new GAS-02 Files and Records Management Standard.
GAS02 - Files and Records Management	GAS-02 Files and Records Management is a new standard that accompanies GAP-10 Files and Records Management Policy. The previously detailed sections from the GAP-10 Files and Records Management Policy were transferred to the GAS-02 Files and Records Management Standard: digital files, paper files, filing system, record retention and long-term storage, record destruction, record disposal, and records retention periods. Consolidated and revised retention periods to meet business and legal needs.

Attachment 1 Table 3: Controls

Human Resources	
Name	**Controls**
HRP-01 [Personnel & Reimbursement]	*CEO is designated as the Personnel Officer and is authorized and directed to administer the personnel system, and may delegate powers of the Personnel Officer as appropriate. *The Personnel Officer and General Counsel will act as appointing authorities for all employees of SVCE implementing an employee handbook, personnel rules and regulations necessary for personnel administration. *Board approval needed to add a position added or adjust salary that causes the total annual budget to be exceeded in total by fiscal year-end.
HR Handbook	*One source for employee-facing HR standards and policies. *Updates to any employee-facing HR Standard or Policy is summarized in the HR Handbook. *Generally provides limitations and requires various approvals by HR and Finance and Administration for the different types of leave and benefits including unpaid leave, accommodations, PTO cash out option, etc.
HRS-01 [Technology Stipend]	*Employee registers their smartphone to SVCE Mobile Asset Management (MAM) program *Residential internet service needs to be at least 100 Mbps (download)/ 20 Mbps (upload) *Stipend is neither permanent or guaranteed. SVCE reserves the right to modify or cancel this benefit. *SVCE does not accept liability for claims, charges, or disputes between service provider(s) and the employee.
HRS-02 [Recruitment Incentive]	*Threshold of 10% of salary or $15,000 incentive. *Employee must compensate SVCE if the employee terminates within 12 months from which the bonus is received.
HRS-03 [Volunteer Time Off]	*Threshold of 40 hours per year of Volunteer Time Off (VTO). *VTO must be longer than 2 hours. *VTO must be no more than 2 days per quarter. *VTO does not accrue and is refreshed at the beginning of each calendar year.
HRS-04 [Unpaid Leave]	*Approval of immediate supervisor, department director, and CEO is required for leave longer than one week. *F&A ensures any employee on an approved leave of absence is not paid.
HRS-05 [Paid Time Off Cash Out]	*Minimum of 40 hours must be retained in PTO bank, and confirmation of retention of 40 hrs in PTO bank is verified. *Limit of two PTO cash-outs and not to exceed 80 hours per calendar year.

HRS-06 [Tuition Assistance]	*There needs to be an availability of funding based on the annual budget process. * Two weeks prior to course start, an employee submits the Tuition Assistance Reimbursement form to their supervisor and department director. *Employee provides written justification of coursework that aligns with SVCE's core mission, employee's duties, or future opportunities within the agency. *Documentation (proof of payment, registration completion, and proof of completion) must be received within 60 days of course completion *If an employee voluntarily leaves, they must repay tuition reimbursements received within 12 months preceding the employee separation date or a deduction from employee compensation is due.
HRS-07 [Cash in Lieu of Health Benefits]	*Employee submits proof of other current health coverage. *Employee submits Election of Cash In-Lieu form declining all SVCE-offered coverage (medical, dental, and vision).
HRS-08 [Fitness Reimbursement Benefit]	*Injuries resulting from an employee’s participation in this Program will not qualify for worker’s compensation benefits. *Expense reimbursement submitted in HRIS demonstrates reimbursement meets requirements of the program along with receipts and inputs of approved health club, fitness program, equipment, or service.
HRS-09 [Flexible Work]	*Employees agree to ensure that they have a workspace that lends itself to remote work in that it is 1) free from distractions that would impede success; 2) safe and free from hazards that could lead to harm or injury; 3) compliant from a cyber security perspective; and 4) aligned with the required IT requirements outlined in the technology stipend. *Employees agree to ensure their work documents and devices are secured and confidential and that passwords are protected. *Employees who are approved to live outside the SVCE service territory do so at their own choosing and will not be reimbursed for regular travel. expenses associated with required in-office time. *Working outside of the United States is not permitted.
General & Administration	
Name	**Controls**

GAS03 - Travel and Meeting Expense Reimbursements	*Advanced CEO approval is required for incurring expenses for out-of-state travel by SVCE employees. *All in-state travel involving overnight accommodations is approved by the appropriate department head only under specified conditions. *Travel and meeting expenditures shall not exceed approved budget appropriations and associated fiscal policies. *Reimbursement claims should be submitted no later than 60 days, and in no event later than 180 days, after the event and include an itemization of expenses, a brief explanation, and original receipts.
GAP02 - Vehicle and Charger Use Policy	*Staff maintains standards for AOV management that include pre-driving and qualification requirements, reservation process, driving requirements, reported accidents; traffic violations, parking tickets; required documentation, and serving the AOV. *Staff maintains standards for electric vehicle charging stations located at the SVCE office, which include charging requirements and limitations, safety, and limitation of liability.
GAP04 - CA Public Records Act Policy	*SVCE must adhere to the California Public Records Act (CPRA) and SVCE affirms the public's right to access its public records. SVCE staff will cooperate fully with the Board Clerk in producing records in a timely manner typically within 10 calendar days starting the day after the request receipt date except in cases with unusual circumstance. *The requestor is responsible for any direct cost of producing a paper or electronic record if applicable. If a request requires compilation, extraction, or computer programming to produce the record, or requires the production of an electronic record that is otherwise produced only at regularly scheduled intervals, the requester shall bear the cost of producing the electronic copy, including the fully burdened hourly rate of staff members required to construct the record or the cost charged by an outside programmer or consultant. SVCE is not required to reconstruct electronic copies of records that are no longer maintained or available in an electronic format.
GAP07 - CEO Absence Policy	*When the CEO is absent from work and unavailable to perform the regular functions of the role, the CEO shall designate one Department Director to service as Acting CEO during their absence. In cases where the CEO is unable to designate an Acting CEO or should an absence extend beyond 30 days, a special meeting of the Executive Committee shall be called to appoint an Acting CEO.
GAP09 - Hybrid Meetings Policy	*At least a quorum of the members of the SVCE's Board of Directors/Committee members must participate in person at a singular physical location within the agency's jurisdiction where the public can attend.

GAS01 - Vehicle and Charger Use	*AOV drivers must be added to the insurance plan, sign off on the AOV driver code-of-conduct, submit a new driver checklist, and be approved by the Director of ESCR or his or her designee. *The SVCE charging station stalls are limited to 4 hours of use. Authorized SVCE personnel may disconnect the vehicle at any time.
GAP10 - Files and Records Management Policy	*SVCE is subject to the CPRA and must maintain records for public inspection. SVCE developed standards that outline methods for record maintenance to support public access and transparency.
GAS02 - Files and Records Management	*Files labeled with employee names are considered confidential personnel files only accessible to those who are in direct line of supervisory authority or those responsible for payroll or human resource duties on a need-to-know basis. *Staff shall determine whether files labeled with an energy counterparty name contain confidential information before public release. *Record Retention Periods is a guide for record maintenance. Three to six months after year-end, a CEO-designated SVCE employee will proceed with record destruction for files that have exceeded their holding period.

Attachment 2
Cadence for Updates and Training
for Policies and Standards

NOTE: Policies (P) and Standards (S) are denoted below in the acronyms within each area of SVCE. For example, the IT Policies are referenced as ITP and IT Standards as ITS.

Attachment 2 Table 1: Cadence for Updates and Training for Policies and Standards

Human Resources	Cadence for Updates	Cadence for Training	Staff to Train
HRP-01 [Personnel & Reimbursement]	5 Years	As updated	CEO, CFO, Director of HR
HR Handbook	1 Year	As updated	All Staff
HRS-01 [Technology Stipend]	5 Years	As updated	All Staff
HRS-02 [Recruitment Incentive]	5 Years	None	CEO, Director of HR
HRS-03 [Volunteer Time Off]	5 Years	As updated	All Staff
HRS-04 [Unpaid Leave]	5 Years	As updated	All Staff
HRS-05 [Paid Time Off Cash Out]	5 Years	As updated	All Staff
HRS-06 [Tuition Assistance]	5 Years	As updated	All Staff
HRS-07 [Cash in Lieu of Health Benefits]	5 Years	As updated	All Staff
HRS-08 [Fitness Reimbursement Benefit]	5 Years	As updated	All Staff
HRS-09 [Flexible Work]	5 Years	2 Years	All Staff
General & Administration	**Cadence for Updates**	**Cadence for Training**	**Staff to Train**
GAP01 - Vehicle and Charger Use Policy	5 Years	2 Years	Uses/manages SVCE vehicles
GAP04 - CA Public Records Act Policy	5 Years	1 Year	All & Board
GAP07 - CEO Absence Policy	5 Years	As updated	CEO, HR Director, Clerk
GAP09 - Hybrid Meetings Policy	5 Years	As updated	CEO, Clerk & Board
GAP10 - Files and Records Management Policy	5 Years	2 Years	All Staff
GAS01 - Vehicle and Charger Use	5 Years	2 Years	Uses/manages SVCE vehicles
GAS02 - Files and Records Management	5 Years	2 Years	All Staff
GAS03 - Travel and Meeting Expense Reimbursements	5 Years	2 Years	All

Attachment 3:
Redline and Clean Versions of Policies

SILICON VALLEY CLEAN ENERGY

GAP3

Category: GENERAL & ADMINISTRATIVE

General and Administrative Policy 01: Vehicle and Charger Use ~~WORKPLACE ELECTRIC VEHICLE CHARGING STANDARD~~

I. PURPOSE

The purpose of this policy is to establish direction for use of Agency-Owned Vehicle (AOV) and on-site charging stations ~~use~~.~~This standard defines the valid use of Silicon Valley Clean Energy's charging station(s) by employees and visitors.~~

II. POLICY

Staff shall maintain standards to manage use of the AOV which include, but are not limited to, the following:

- Pre-driving and Qualification Requirements
- Reservation Process
- Driving Requirements
- Reporting Accidents, Traffic Violations, and Parking Tickets
- Required Documentation
- Serving the AOV

Staff shall also maintain standards to manage the use of the electric vehicle charging stations located at the SVCE office which include, but are not limited to, the following:

- Charging requirements and limitations
- Safety
- Limitation of Liability

~~Vehicles must be actively charging when parked in the charging station stalls.~~

~~Vehicle is limited to four (4) hours parking in the charging station stall. When your charge is complete, move your vehicle so other employees and visitors can use the station. Authorized SVCE personnel may disconnect your vehicle at any time.~~

~~Neatly replace the charging cord when finished. Cords left on the ground are safety hazards.~~

~~SVCE assumes no responsibility or liability for damage to vehicles using the electrical charging station(s).~~

~~Electric vehicle charging station station(s) may be closed for maintenance.~~

~~Do not count on the availability of SVCE charging station(s) as a primary justification in your decision to purchase plug-in electric vehicles.~~

Policy Compliance

Violations

- Any known violations of this policy must be immediately reported to the Executive Committee, CEO, and General Counsel.

Cadence for Review

- This Policy will be reviewed at least every five (5) years.

General and Administrative Policy 1:
Vehicle and Charger Use

I. Purpose

The purpose of this policy is to establish direction for use of Agency-Owned Vehicle (AOV) and on-site charging stations.

II. Scope

All SVCE employees.

III. Policy

- Staff shall maintain standards to manage use of the AOV which include, but are not limited to, the following:
  - Pre-driving and Qualification Requirements
  - Reservation Process
  - Driving Requirements
  - Reporting Accidents, Traffic Violations, and Parking Tickets
  - Required Documentation
  - Serving the AOV
- Staff shall also maintain standards to manage the use of the electric vehicle charging stations located at the SVCE office which include, but are not limited to, the following:
  - Charging requirements and limitations
  - Safety
  - Limitation of Liability

IV. Policy Compliance

A. Violations

- Any known violations of this policy must be immediately reported to the Executive Committee, CEO, and General Counsel.

B. Cadence for Review

- This Policy will be reviewed at least every five (5) years.

SILICON VALLEY CLEAN ENERGY

GAP4

Category: General and Administrative

ACCESS TO PUBLIC RECORDS – REQUESTS AND FEES

I. PURPOSE

The purpose of this policy is to ~~establish~~ publish/identify guidelines and procedures for Silicon Valley Clean Energy's (SVCE) handling and response to California Public Records Act (CPRA) requests. ~~The Office of the Board Clerk~~ The Board Clerk is the contact~~has sole responsibility~~ for handling and preparing the Agency's response to requests made by members of the public under the CPRA. The Board Clerk shall advise the Chief Executive Officer and Director of Finance and Administration of any significant CPRA requests. SVCE departments will cooperate fully with the Board Clerk in producing records in a timely manner.

II. PERSONS AFFECTED

This policy applies to all SVCE employees and members of the Board of Directors. SVCE employees and members of the Board of Directors who receive requests for public records are required to contact the Board Clerk's Office to report the request.

~~III. DEFINITIONS~~

~~"Exempt Record" means a record that may be withheld from disclosure under California law.~~

~~"Electronic Record" means a record, document, or writing contained, transcribed or held in electronic format, such as computer records, databases, e-mails, and texts.~~

~~"Member of the Public" means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his/her membership, agency, office or~~

~~employment.~~

~~"Person" means any natural person, corporation, partnership, limited liability company, firm, or association.~~

~~"Public Records" include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by SVCE regardless of physical form or characteristics.~~

~~"Writing" means any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing.~~

~~"Communication" means any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.~~

~~IV.~~III. POLICY

The CPRA provides that the public has a right to inspect and obtain a copy of most of the records retained by public agencies in the course of doing business. The Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the state~~.~~ (Gov. Code §7922.525). The public's right to access public records is also guaranteed by the California Constitution.

SVCE affirms the public's right to access its public records, in compliance with the CPRA and the California Constitution. This policy shall be interpreted and enforced in a manner that is consistent with those laws.

Limitations

The CPRA's right of access is not unlimited. The CPRA does not require a public agency to create records that are not in existence at the time the request is made (e.g., a written summary of a document or a list of expenditures or events).

In addition, certain categories of records are exempt from disclosure and need not be provided for inspection or reproduction. Common exemptions include but are not limited to:

- personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- pending litigation records;
- closed session records;
- software or proprietary information;
- attorney-client privileged communications; and
- preliminary drafts or notes not kept in the ordinary course of business where the public's interest in non-disclosure clearly outweighs the public's interest in disclosure.

The ~~Office of the~~ Board Clerk shall consult with the SVCE General Counsel to determine whether records or portions of records are exempt from disclosure.

If SVCE determines that the requested records are to be withheld, in whole or in part, the ~~Office of the~~ Board Clerk shall ~~so~~ notify the requestor in the determination letter and shall cite the specific exemption(s). In those cases where portions of a record are public and other portions are exempt, the Board Clerk shall redact or remove the exempt information before disclosing the remainder of the record.

Complying with a Records Request

Any member of the public, including elected ~~offficials~~officials and the media, is entitled to request identifiable SVCE records reasonably described in a request that are not otherwise privileged or exempt under the CPRA upon payment of any duplication or statutory costs. (Gov Code, § 7922.530)

1. Requests for Public Records

a. Any member of the public may request to view or pay for a copy of a public record. SVCE may request, but shall not require that a requester give their name or other identifying information or put their request in writing. The requester does not have to explain why they want the record. A request may be made over the telephone, in person, in writing, ~~by facsimile~~ or electronic mail.
b. A requester must identify an actual public record; requests that are too vague cannot be fulfilled. If known, the requester should identify the name or title of the desired record or provide a written description. The Office of the Board Clerk shall assist the requester in identifying the desired public records.

2. Inspection of Public Records
   a. Public records are open to inspection at SVCE's Offices Monday through Friday, except holidays, during regular business hours (8:30 a.m. to 5:00 p.m.).
   b. If portions of the requested record are exempt from disclosure, any reasonable portion of the record that is public shall be made available for inspection after the exempt portions are redacted or deleted.
   c. It is requested that any person wishing to inspect public records contact the ~~Office of the~~ Board Clerk to schedule an appointment to minimize delays.
   d. Inspection of original SVCE files/records by a requester may be supervised by a SVCE employee. Under no circumstances shall any record be altered, destroyed, or removed from the premises.

3. SVCE Response Time
   a. Within ten (10) calendar days of receipt of a request for public records, the ~~Office of the~~ Board Clerk shall determine whether to grant or deny a request for public records and respond to the requestor in writing with the determination. The 10-day response period starts with

the first calendar day after the date of receipt.

b. When unusual circumstances exist, the ~~Office of the~~ Board Clerk may extend the 10-day response time by an additional fourteen (14) days. Written notice to the requestor shall set forth reasons for the extension and the date for determination. Unusual circumstances include the following: the need to search for, collect and examine a voluminous amount of records; the need to consult another agency that has an interest in the determination; the need to compile data or write programing language, a computer program or construct a computer report to extract data.

c. The 10-day response period is not the time period for complying with the request. Rather, it is the time period for responding to the requester with a written determination as to whether records responsive have been located~~ and what, if any, information in those records is exempt from disclosure~~.

4. Fees for Copies of Records
   a. The cost for copying the requested records is the direct cost of duplication or, where applicable, a statutory fee.
      i. Direct costs do not include the staff time for tasks associated with retrieval, inspection and handling of the file from which the copy is extracted, or the time to review and compile the records.
      ii. The ~~Office of the~~ Board Clerk may elect to waive the fees in certain cases in ~~his/her~~their sole discretion.
   b. In all cases, a requester must pay the applicable costs or fees before copies of disclosable records will be released.
   c. Photocopies:
      i. SVCE has determined that the direct cost of duplication for normal sized photocopies is ten cents ($0.10) per page.

ii. If an outside duplication firm is employed to make the requested copies, the cost charged to SVCE will be passed on to the requester.

d. Electronic Records:

i. If SVCE maintains a disclosable public record in an electronic format, it shall make the record available in the electronic format when requested. If an electronic copy is requested but no format is specified, it shall be assumed that the requester is seeking a portable document format (PDF).

ii. The requestor is responsible for the direct cost of producing the electronic record, if any. The direct cost includes the cost of the data storage device, such as a compact disk or flash drive, unless provided in advance in new and unopened original packaging.

iii. If a request requires compilation, extraction, or computer programming to produce the record, or requires the production of an electronic record that is otherwise produced only at regularly scheduled intervals, the requester shall bear the cost of producing the electronic copy, including the fully burdened hourly rate of staff members required to construct the record or the cost charged by an outside programmer or consultant.

iv. SVCE is not required to reconstruct electronic copies of records that are no longer maintained or available in an electronic format, or to release a record in electronic form if the release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

5. Special Rules for FPPC Filings

a. No later than the second business day following the day on which a request is received, reports and statements filed pursuant to the Political Reform Act (Gov't Code §81000 et seq.) must be made available for public inspection.

b. Pursuant to Government Code Section 81008, the fee for copies of reports and statements shall be ten cents ($0.10) per page.

6. Release Restrictions

In balancing the public's right to access public records, the statutory individual right of privacy and the need for the SVCE to be able to efficiently perform its duties, the Legislature has established certain categories of records that may be exempt from public disclosure. A complete list of statutory exemptions is found in the CPRA. Absent a valid court order or other statutory authority, the CPRA exempts certain records from disclosure in whole or part. Exemptions pertaining to SVCE include, but are not limited to, the following:

a) Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by SVCE in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure. ~~If a draft contains facts and recommendations, the facts must be disclosed, but the recommendations may be withheld under this exemption.~~ (Gov. Code, § 7927.500).
b) Records pertaining to pending litigation to which SVCE is a party or to claims made, but only until such litigation or claim has been finally adjudicated or otherwise settled. (Gov. Code, § 7927.200).
c) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Gov. Code, § 7927.700).
    i) Home addresses, home telephone numbers, personal cellular telephone numbers, and birth dates of members are exempt from disclosure except in certain circumstances as provided in Government Code Section 7928.300.
d) Except as it pertains to disclosures required by eminent domain law, contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by SVCE relative to the acquisition of property or to prospective public supply and construction contracts, until all of the property has been acquired or all contract agreements executed, after which the exemption does not apply. (Gov. Code, § 7928.705).
e) Records where disclosure is exempt or prohibited pursuant to provisions of federal or state law, including but not limited to provisions of the Evidence Code

relating to privilege, including attorney-client privilege. (Gov. Code, § 7927.705).

f) Records that relate to archeological site information. (Gov. Code, § 7927.005).

SVCE retains the discretion to claim an exemption from public disclosure for any record that does not otherwise fall under a specific exemption under the CPRA when SVCE determines that the public interest served by not making the record public clearly outweighs the public interest served by disclosure. (Gov. Code, § 7922.000).

Records subject to discretionary exemptions may nevertheless be made available for inspection if waiving the exemption will serve the public interest~~, as determined by the SVCE's Board of Directors on a case-by-case basis~~. However, SVCE's discretionary decision to disclose a record that may otherwise be exempt from disclosure, thus waiving the right to invoke the exemption under Government Code Section 7921.505, does not constitute a waiver with respect to subsequent requests for other information.

Policy Compliance

Violations

- Any known violations of this policy must be immediately reported to the Executive Committee, CEO, and General Counsel.

Cadence for Review

- This Policy will be reviewed at least every five (5) years.

Reference Documents

Definitions:

- "Exempt Record" means a record that may be withheld from
- disclosure under California law.
- "Electronic Record" means a record, document, or writing contained, transcribed or held in electronic format, such as computer records, databases, e-mails, and texts.
- "Member of the Public" means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his/her membership, agency, office or employment.
-
- "Person" means any person, corporation, partnership,
- limited liability company, firm, or association.
- "Public Records" include any writing containing information relating to the conduct of the public's business prepared, owned,

used, or retained by SVCE regardless of physical form or characteristics.

- "Writing" means any handwriting, typewriting, printing, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing.
- "Communication" means any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

General and Administrative Policy 4:
California Public Records Act

I. Purpose

The purpose of this policy is to publish/identify guidelines and procedures for Silicon Valley Clean Energy's (SVCE) handling and response to California Public Records Act (CPRA) requests. The Board Clerk is the contact for handling and preparing the Agency's response to requests made by members of the public under the CPRA. The Board Clerk shall advise the Chief Executive Officer and Director of Finance and Administration of any significant CPRA requests. SVCE departments will cooperate fully with the Board Clerk in producing records in a timely manner.

II. Scope

This policy applies to all SVCE employees and members of the Board of Directors. SVCE employees and members of the Board of Directors who receive requests for public records are required to contact the Board Clerk's Office to report the request.

III. Policy

- The CPRA provides that the public has a right to inspect and obtain a copy of most of the records retained by public agencies in the course of doing business. The Legislature has declared that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in the state (Gov. Code §7922.525). The public's right to access public records is also guaranteed by the California Constitution.
- SVCE affirms the public's right to access its public records, in compliance with the CPRA and the California Constitution. This policy shall be interpreted and enforced in a manner that is consistent with those laws.

A. Limitations

- The CPRA's right of access is not unlimited. The CPRA does not require a public agency to create records that are not in existence at the time the request is made (e.g., a written summary of a document or a list of expenditures or events).
- In addition, certain categories of records are exempt from disclosure and need not be provided for inspection or reproduction. Common exemptions include but are not limited to:
    - personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
    - pending litigation records;
    - closed session records;
    - software or proprietary information;
    - attorney-client privileged communications; and
    - preliminary drafts or notes not kept in the ordinary course of business where the public's interest in non-disclosure clearly outweighs the public's interest in disclosure.
- The Board Clerk shall consult with the SVCE General Counsel to determine whether records or portions of records are exempt from disclosure.
- If SVCE determines that the requested records are to be withheld, in whole or in part, the Board Clerk shall notify the requestor in the determination letter and shall cite the specific exemption(s). In those cases where portions of a record are public and other portions are exempt, the Board Clerk shall redact or remove the exempt information before disclosing the remainder of the record.

B. Complying with a Records Request

- Any member of the public, including elected officials and the media, is entitled to request identifiable SVCE records reasonably described in a request that are not otherwise privileged or exempt under the CPRA upon payment of any duplication or statutory costs (Gov Code, § 7922.530).

- Requests for Public Records
  - Any member of the public may request to view or pay for a copy of a public record. SVCE may request, but shall not require that a requester give their name or other identifying information or put their request in writing. The requester does not have to explain why they want the record. A request may be made over the telephone, in person, in writing, or electronic mail.
  - A requester must identify an actual public record; requests that are too vague cannot be fulfilled. If known, the requester should identify the name or title of the desired record or provide a written description. The Office of the Board Clerk shall assist the requester in identifying the desired public records.
- Inspection of Public Records
  - Public records are open to inspection at SVCE's Offices Monday through Friday, except holidays, during regular business hours (8:30 a.m. to 5:00 p.m.).
  - If portions of the requested record are exempt from disclosure, any reasonable portion of the record that is public shall be made available for inspection after the exempt portions are redacted or deleted.
  - It is requested that any person wishing to inspect public records contact the Board Clerk to schedule an appointment to minimize delays.
  - Inspection of original SVCE files/records by a requester may be supervised by a SVCE employee. Under no circumstances shall any record be altered, destroyed, or removed from the premises.
- SVCE Response Time
  - Within ten (10) calendar days of receipt of a request for public records, the Board Clerk shall determine whether to grant or deny a request for public records and respond to the requestor in writing with the determination. The 10-day response period starts with the first calendar day after the date of receipt.

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    - When unusual circumstances exist, the Board Clerk may extend the 10-day response time by an additional fourteen (14) days. Written notice to the requestor shall set forth reasons for the extension and the date for determination. Unusual circumstances include the following: the need to search for, collect and examine a voluminous amount of records; the need to consult another agency that has an interest in the determination; the need to compile data or write programing language, a computer program or construct a computer report to extract data.
    - The 10-day response period is not the time period for complying with the request. Rather, it is the time period for responding to the requester with a written determination as to whether records responsive have been located.
  - Fees for Copies of Records
    - The cost for copying the requested records is the direct cost of duplication or, where applicable, a statutory fee.
      - Direct costs do not include the staff time for tasks associated with retrieval, inspection and handling of the file from which the copy is extracted, or the time to review and compile the records.
      - The Board Clerk may elect to waive the fees in certain cases in their sole discretion.
    - In all cases, a requester must pay the applicable costs or fees before copies of disclosable records will be released.
    - Photocopies:
      - SVCE has determined that the direct cost of duplication for normal sized photocopies is ten cents ($0.10) per page.
      - If an outside duplication firm is employed to make the requested copies, the cost charged to SVCE will be passed on to the requester.
    - Electronic Records:
      - If SVCE maintains a disclosable public record in an electronic format, it shall make the record available in the electronic format when requested. If an electronic

copy is requested but no format is specified, it shall be assumed that the requester is seeking a portable document format (PDF).

- ❖ The requestor is responsible for the direct cost of producing the electronic record, if any. The direct cost includes the cost of the data storage device, such as a compact disk or flash drive, unless provided in advance in new and unopened original packaging.
- ❖ If a request requires compilation, extraction, or computer programming to produce the record, or requires the production of an electronic record that is otherwise produced only at regularly scheduled intervals, the requester shall bear the cost of producing the electronic copy, including the fully burdened hourly rate of staff members required to construct the record or the cost charged by an outside programmer or consultant.
- ❖ SVCE is not required to reconstruct electronic copies of records that are no longer maintained or available in an electronic format, or to release a record in electronic form if the release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

- o Special Rules for FPPC Filings
  - ▪ No later than the second business day following the day on which a request is received, reports and statements filed pursuant to the Political Reform Act (Gov't Code §81000 et seq.) must be made available for public inspection.
  - ▪ Pursuant to Government Code Section 81008, the fee for copies of reports and statements shall be ten cents ($0.10) per page.
- o Release Restrictions
  - ▪ In balancing the public's right to access public records, the statutory individual right of privacy and the need for the SVCE to be able to efficiently perform its duties, the Legislature has established certain categories of records that may be exempt from public disclosure. A complete list

of statutory exemptions is found in the CPRA. Absent a valid court order or other statutory authority, the CPRA exempts certain records from disclosure in whole or part. Exemptions pertaining to SVCE include, but are not limited to, the following:

- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by SVCE in the ordinary course of business, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure (Gov. Code, § 7927.500).
- Records pertaining to pending litigation to which SVCE is a party or to claims made, but only until such litigation or claim has been finally adjudicated or otherwise settled (Gov. Code, § 7927.200).
- Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy (Gov. Code, § 7927.700).
  - Home addresses, home telephone numbers, personal cellular telephone numbers, and birth dates of members are exempt from disclosure except in certain circumstances as provided in Government Code Section 7928.300.
- Except as it pertains to disclosures required by eminent domain law, contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by SVCE relative to the acquisition of property or to prospective public supply and construction contracts, until all of the property has been acquired or all contract agreements executed, after which the exemption does not apply (Gov. Code, § 7928.705).
- Records where disclosure is exempt or prohibited pursuant to provisions of federal or state law, including but not limited to provisions of the Evidence Code relating to privilege, including attorney-client privilege (Gov. Code, § 7927.705).

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- ❖ Records that relate to archeological site information (Gov. Code, § 7927.005).
- SVCE retains the discretion to claim an exemption from public disclosure for any record that does not otherwise fall under a specific exemption under the CPRA when SVCE determines that the public interest served by not making the record public clearly outweighs the public interest served by disclosure. (Gov. Code, § 7922.000).
- Records subject to discretionary exemptions may nevertheless be made available for inspection if waiving the exemption will serve the public interest. However, SVCE's discretionary decision to disclose a record that may otherwise be exempt from disclosure, thus waiving the right to invoke the exemption under Government Code Section 7921.505, does not constitute a waiver with respect to subsequent requests for other information.

IV. Policy Compliance

C. Violations

- Any known violations of this policy must be immediately reported to the Executive Committee, CEO, and General Counsel.

D. Cadence for Review

- This Policy will be reviewed at least every five (5) years.

V. Reference Documents

A. Definitions:

- "Exempt Record" means a record that may be withheld from
- disclosure under California law.
- "Electronic Record" means a record, document, or writing contained, transcribed or held in electronic format, such as computer records, databases, e-mails, and texts.

- "Member of the Public" means any person, except a member, agent, officer, or employee of a federal, state, or local agency acting within the scope of his/her membership, agency, office or employment.
- "Person" means any person, corporation, partnership, limited liability company, firm, or association.
- "Public Records" include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by SVCE regardless of physical form or characteristics.
- "Writing" means any handwriting, typewriting, printing, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing.
- "Communication" means any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

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GAP7

Category: GENERAL & ADMINISTRATIVE

CHIEF EXECUTIVE OFFICER ABSENCE POLICY

I. PURPOSE

To establish a procedure for conducting Silicon Valley Clean Energy (SVCE) business operations during a temporary absence of the Chief Executive Officer (CEO), lasting 30 days or less.

II. SCOPE

All SVCE functions regularly conducted by the Chief Executive Officer, including those delegated by the board.

~~**III. DEFINITIONS**~~

~~"Functions" shall mean any normal business function or decision requiring the input or/ authority of the SVCE Chief Executive Officer.~~

~~IV.~~III. POLICY

SVCE recognizes there will be times when the CEO is absent from work and unavailable to perform the regular functions of the role, whether due to planned or unplanned events. This policy establishes the method by which an Acting CEO is selected.

During any such absence of the CEO from regular work functions, whether planned (Management Leave, Paid-Time-Off, or other reason), or unplanned, the CEO shall designate one Department Director ~~(currently Power Policy, Planning, Procurement, Regulatory and Operations, Finance and Administration, Energy Services and Community Relations, or Decarbonization Programs and Policy, but subject to future change)~~ to serve as Acting CEO during ~~his / her~~their absence. The Acting CEO shall represent SVCE and perform the regular functions of the CEO role for the duration of any absence and shall return those functions to the CEO upon ~~his / her~~their return.

In cases where the CEO is unable to designate an Acting CEO, or should an absence extend beyond 30 days, a special meeting of the Executive Committee shall be called to appoint an Acting CEO.

The Acting CEO shall be subject to the same spending limits of authority as the CEO, as noted in ~~Section 6.5.4 and Table 4 of~~ SVCE's Energy Risk Management Policy~~, adopted November 10, 2021~~ and Purchasing and Spending Policy.

IV. Policy Compliance

Violations

- Any known violations of this policy must be immediately reported to the Executive Committee, CEO, and General Counsel.

Cadence for Review

- This Policy will be reviewed at least every five (5) years.

V. Reference Documents

A. Definitions:

- "Functions" shall mean any normal business function or decision requiring the input or authority of the SVCE Chief Executive Officer.

SILICON VALLEY CLEAN ENERGY

General and Administrative Policy 6: CEO Absence

I. Purpose

To establish a procedure for conducting Silicon Valley Clean Energy (SVCE) business operations during a temporary absence of the Chief Executive Officer (CEO), lasting 30 days or less.

II. Scope

All SVCE functions regularly conducted by the Chief Executive Officer, including those delegated by the board.

III. Policy

- SVCE recognizes there will be times when the CEO is absent from work and unavailable to perform the regular functions of the role, whether due to planned or unplanned events. This policy establishes the method by which an Acting CEO is selected.
- During any such absence of the CEO from regular work functions, whether planned (Management Leave, Paid-Time-Off, or other reason), or unplanned, the CEO shall designate one Department Director to serve as Acting CEO during their absence. The Acting CEO shall represent SVCE and perform the regular functions of the CEO role for the duration of any absence and shall return those functions to the CEO upon their return.
- In cases where the CEO is unable to designate an Acting CEO, or should an absence extend beyond 30 days, a special meeting of the Executive Committee shall be called to appoint an Acting CEO.
- The Acting CEO shall be subject to the same spending limits of authority as the CEO, as noted in SVCE's Energy Risk Management Policy and Purchasing and Spending Policy.

IV. Policy Compliance

A. Violations

- Any known violations of this policy must be immediately reported to the Executive Committee, CEO, and General Counsel.

B. Cadence for Review

- This Policy will be reviewed at least every five (5) years.

V. Reference Documents

A. Definitions:

- "Functions" shall mean any normal business function or decision requiring the input or authority of the SVCE Chief Executive Officer.

SILICON VALLEY CLEAN ENERGY

GAP9

Category: GENERAL & ADMINISTRATIVE

HYBRID MEETINGS POLICY

I. PURPOSE

To establish standard procedure for conducting public Silicon Valley Clean Energy (SVCE) hybrid meetings~~ following the termination of Governor Newsom's COVID-19 State of Emergency~~.

II. SCOPE

SVCE Board and Committee meetings subject to the Ralph M. Brown Act mandating open and transparent government meetings for local agencies.

III. DEFINITIONS

"Hybrid meetings" shall mean meetings which allow participation of Board/Committee members, staff, and the public in person or via teleconferencing.

"Publicly accessible" shall mean a location in which a member of the public may attend a meeting and provide public comment.

"Teleconference" shall mean a meeting of individuals in different locations, connected by electronic means, through either audio or video, or both.

IV. POLICY

~~Following Governor Newsom's termination of the COVID-19 State of Emergency, SVCE meetings will follow the below policy.~~

Board meetings will be held at Cupertino Community Hall or other location as noticed; public committee meetings will be held at SVCE offices, unless otherwise noticed.

Board/Committee members may participate in meetings in person or via teleconference.

Teleconference meetings must meet the following requirements:
1. Each teleconference location must be identified in the notice and agenda of the meeting.
2. Agendas must be posted at each teleconference location.
3. Each location must be publicly accessible.

4. At least a quorum of the Board of Directors must participate from locations within SVCE's service territory.

If participating via teleconference, the publicly accessible location of participating board/committee members should be provided to the Board Clerk one week in advance of the meeting to allow for proper noticing on the meeting agenda.

Board members are encouraged to connect with their Alternate Directors in the event they are not able to attend a Board of Directors meeting.

Exercising AB 2449
Board/Committee members may exercise the use of AB 2449 to participate remotely for the following reasons:

"Just Cause" –

- Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse or domestic partner.
- A contagious illness.
- Travel on official businesses of the legislative body or another state/local agency (if you are traveling for other business or recreational purposes, this would not constitute a just cause).

To participate remotely for "just cause," the member must notify the Board Clerk, who will notify the SVCE Board of Directors/committee members, at the earliest opportunity possible of the need to participate remotely. The member must provide a general description of the circumstances relating to their need to appear remotely.

A member may not participate remotely for "just cause" for more than two meetings per calendar year.

The Board Clerk will communicate with the requesting Board member whether the requested remote participation meets the requirements of AB 2449.

"Emergency" Situations –
An "emergency" means a physical or family medical emergency that prevents a member from attending in person.

SILICON VALLEY CLEAN ENERGY

GAP9

Category: GENERAL & ADMINISTRATIVE

To participate remotely for an emergency, the member must make a request at the earliest opportunity to the Board Clerk, who will notify the SVCE Board of Directors/committee members. The request must include a general description of the circumstances related to the need to appear remotely. A request must be made before each meeting at which the member will participate remotely.

The legislative body must take action to approve the request.

If the request is made too late to appear as an action item on the agenda, the SVCE Board of Directors may consider the request at the beginning of the meeting.

Requirements, Disclosures, and Limitations

Quorum and Audio and Visual Technology Requirement
At least a quorum of the members of the SVCE's Board of Directors and Board ~~/~~Committee members must participate in person at a singular physical location, which is within the agency's jurisdiction, at which the public can attend.

The member must participate through both audio and visual technology.

Disclosures
The member who is participating remotely must disclose whether anyone over the age of 18 is physically present and the general nature of the relationship with such person.

Limitations
A member cannot participate in a meeting using AB 2449 more than 3 consecutive months or 20% of the regular meetings of the agency within a calendar year. If a committee meets fewer than 10 times per calendar year, the limit is two meetings. For most SVCE Committees, the AB 2449 limit is two meetings per calendar year.

Please note the use of AB 2449 is not guaranteed if the above requirements cannot be met.

Policy Compliance

Violations

- Any known violations of this policy must be immediately reported to the Executive Committee, CEO, and General Counsel.

Cadence for Review

- This Policy will be reviewed at least every five (5) years.

Reference Documents

Definitions:

- "Hybrid meetings" shall mean meetings which allow participation of Board/Committee members, staff, and the public in person or via teleconferencing.
- "Publicly accessible" shall mean a location in which a member of the public may attend a meeting and provide public comment.
- "Teleconference" shall mean a meeting of individuals in different locations, connected by electronic means, through either audio or video, or both.

General and Administrative Policy 9: Hybrid Meetings

I. Purpose

To establish standard procedure for conducting public Silicon Valley Clean Energy (SVCE) hybrid meetings.

II. Scope

SVCE Board and Committee meetings subject to the Ralph M. Brown Act mandating open and transparent government meetings for local agencies.

III. Policy

- Board meetings will be held at Cupertino Community Hall or other location as noticed; public committee meetings will be held at SVCE offices, unless otherwise noticed.
- Board/Committee members may participate in meetings in person or via teleconference.
- Teleconference meetings must meet the following requirements:
  - Each teleconference location must be identified in the notice and agenda of the meeting.
  - Agendas must be posted at each teleconference location.
  - Each location must be publicly accessible.
  - At least a quorum of the Board of Directors must participate from locations within SVCE's service territory.
- If participating via teleconference, the publicly accessible location of participating board/committee members should be provided to the Board Clerk one week in advance of the meeting to allow for proper noticing on the meeting agenda.
- Board members are encouraged to connect with their Alternate Directors in the event they are not able to attend a Board of Directors meeting.

List

SILICON VALLEY
CLEAN ENERGY

A. Exercising AB 2449

i. Board/Committee members may exercise the use of AB 2449 to participate remotely for the following reasons:

- "Just Cause" –
  - Childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse or domestic partner.
  - A contagious illness.
  - Travel on official businesses of the legislative body or another state/local agency (if you are traveling for other business or recreational purposes, this would not constitute a just cause).
- To participate remotely for "just cause," the member must notify the Board Clerk, who will notify the SVCE Board of Directors/committee members, at the earliest opportunity possible of the need to participate remotely. The member must provide a general description of the circumstances relating to their need to appear remotely.
- A member may not participate remotely for "just cause" for more than two meetings per calendar year.
- The Board Clerk will communicate with the requesting Board member whether the requested remote participation meets the requirements of AB 2449.
- "Emergency" Situations –
  - An "emergency" means a physical or family medical emergency that prevents a member from attending in person.
- To participate remotely for an emergency, the member must make a request at the earliest opportunity to the Board Clerk, who will notify the SVCE Board of Directors/committee members. The request must include a general description of the circumstances related to the need to appear remotely. A request must be made before each meeting at which the member will participate remotely.
- The legislative body must take action to approve the request.
- If the request is made too late to appear as an action item on the agenda, the SVCE Board of Directors may consider the request at the beginning of the meeting.

B. Requirements, Disclosures, and Limitations

i. Quorum and Audio and Visual Technology Requirement

- At least a quorum of the members of the SVCE's Board of Directors and Board Committee members must participate in person at a singular physical location, which is within the agency's jurisdiction, at which the public can attend.
- The member must participate through both audio and visual technology.

ii. Disclosures

- The member who is participating remotely must disclose whether anyone over the age of 18 is physically present and the general nature of the relationship with such person.

iii. Limitations

- A member cannot participate in a meeting using AB 2449 more than 3 consecutive months or 20% of the regular meetings of the agency within a calendar year. If a committee meets fewer than 10 times per calendar year, the limit is two meetings. For most SVCE Committees, the AB 2449 limit is two meetings per calendar year.

C. Please note the use of AB 2449 is not guaranteed if the above requirements cannot be met.

IV. Policy Compliance

A. Violations

- Any known violations of this policy must be immediately reported to the Executive Committee, CEO, and General Counsel.

B. Cadence for Review

- This Policy will be reviewed at least every five (5) years.

SILICON VALLEY CLEAN ENERGY

V. Reference Documents

C. Definitions:

- “Hybrid meetings” shall mean meetings which allow participation of Board/Committee members, staff, and the public in person or via teleconferencing.
- “Publicly accessible” shall mean a location in which a member of the public may attend a meeting and provide public comment.
- “Teleconference” shall mean a meeting of individuals in different locations, connected by electronic means, through either audio or video, or both.

~~FP12~~GAP10

Category: ~~FINANCE~~GAP

General and Administrative Policy 10: Files & Records Management~~FILES & RECORDS MANAGEMENT~~

I. PURPOSE

Silicon Valley Clean Energy ("Agency") is a public agency that is subject to the California Public Records Act ("PRA") and maintains~~should establish a retention schedule and~~ records for public inspection consistent with this policy and any related standards. ~~management plan following the guidelines administered by the State Archives.~~

~~Silicon Valley Clean Energy ("Agency") has an obligation to create and maintain records and information in accordance with accepted record management practices and standards. The Agency will retain records in an orderly fashion for time periods that comply with legal and governmental requirements and as needed for general business requirements; to outline the methods for filing, retaining, and disposing of business records necessary to support our work (including opinions, resolution of differences, conclusions and research utilized in analysis), our correspondence with customers/clients, our work product and items of continuing significance.~~

II. SCOPE

This policy~~procedure~~ applies to all ~~business~~ records~~and documentation~~ generated by the Agency. ~~However, this does not necessarily cover internal or certain day-to-day business correspondence.~~

~~Drafts or other documents not utilized should not be retained. Documents and records transmitted as attachments via email should be considered separately from the email messages to which they are attached.~~

A~~"~~ ~~R~~record includes~~" means~~ every means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols. ~~"any writing containing~~

Adopted: 8/09/2017
Proposed Amendment: 4/12/2023

~~information relating to the conduct offo the public's business prepared, owned, used, or retained by any state or local agency regardless of its physical form characteristics," as defined in~~ See Government Code section 7920.530 & 7920.545.

III. POLICY

~~Silicon Valley Clean Energy ("~~The Agency ~~")~~ has an obligation to create and maintain records and information in accordance with various ~~accepted record management practices and standards~~legal requirements. The Agency will retain records in an orderly fashion for time periods that comply with legal ~~and governmental~~ requirements and as needed for general business requirements. Staff should develop standards~~; to~~ that outline the methods for ~~filing, retaining, and disposing~~maintaining ~~of business~~ records necessary to support ~~our~~SVCE's work ~~(including opinions, resolution of differences, conclusions and research utilized in analysis), our correspondence with customers/clients, our work product and items of continuing significance~~ and our obligation to provide public access and transparency.

SVCE shall maintain a filing system, record retention schedule, and long-term storage approaches~~organization plan,~~ that will be updated as-needed by the Chief Executive Officer, or their designee, and General Counsel.~~.~~ ~~Drafts or other documents not utilized should not be retained. Documents and records transmitted as attachments via email should be considered separately from the email messages to which they are attached.~~

~~A. DIGITAL FILES~~

- ~~Electronic documents and emails shall be maintained on a secure server or secure web site.~~
- ~~Agency files or information should not be stored on personal electronic devices to the extent possible.~~
- ~~Employee hard drives shall be password protected.~~
- ~~Customer correspondence created/maintained for documentation purposes should be stored upon the Customer Records~~

~~Management (CRM) system whenever possible.~~

- ~~Collection letters, invoices and other customer correspondence will be maintained in CRM when feasible or within pertinent folders where appropriate (i.e., collection letters with collections files).~~
- ~~Confidential and Sensitive files should be watermarked or include a header noting the words "CONFIDENTIAL" or "SENSITIVE" or "Subject to NDA", or similar notation, whenever possible. Confidential and Sensitive files include documents exempt from public disclosure, including but not limited to information that must be kept confidential under state and federal laws, confidential legal advice, records prepared in connection with pending litigation, preliminary drafts of interagency and intra-agency memorandums not retained by the Agency in the normal course of business, and other data regarding licensing and employment~~

~~B. PAPER FILES~~

- ~~Whenever possible, the Agency should maintain records electronically.~~
- ~~Confidential and sensitive paper records or correspondence should be maintained in file cabinets with locking capability when not in use.~~
- ~~Certain documents, whenever possible, as a practical matter, shall be stamped, watermarked or headed "CONFIDENTIAL", "SENSITIVE", or "Subject to NDA", or similar notation.~~
- ~~Files labeled with employee names shall be considered confidential personnel files, and shall be accessed only by those who are in the direct line of supervisory authority, or those who are responsible for payroll or other human resource duties, and shall be accessed on a need-to-know basis.~~
- ~~Files labeled with an energy counterparty name shall be considered confidential.~~

~~C. FILING SYSTEM~~

- ~~To ensure efficient access, filing centers will be established. To reduce the amount of duplicate and unnecessary record retention, individual desk files should be avoided unless they are used in daily operations. All other departmental or agency records should be filed in the departmental central filing areas.~~

- ~~Unless necessary, records should only be kept by the originator or sender and not by the receiver to avoid duplicate filing systems.~~

~~D. RECORD RETENTION AND LONG-TERM STORAGE~~

- ~~Non-permanent physical files will be stored in cardboard file boxes. Each file box will be labeled on the front with the contents, dates covered, and destruction date if applicable. Permanent physical records will be maintained in metal fire-resistant file cabinets.~~
- ~~Files should be stored only in boxes with similar items, dates and retention periods. This will allow easier access and purging of records. A general rule to keep in mind is that it is better to only half-fill a file box than to file dissimilar types of files in the same box.~~
- ~~An employee designated by the Chief Executive Officer will be responsible for categorizing and maintaining a listing of records maintained and the location.~~
- ~~An employee designated by the Chief Executive Officer will be responsible for coordinating the creation, and maintenance of record retention periods, and will maintain and issue the "Records Retention Periods" as appropriate.~~
- ~~Maintain all files for as long as is necessary but only to the extent they serve a useful purpose or satisfy business or legal requirements. "Records Retention Periods" provides a guide.~~
- ~~The Chief Executive Officer may make further updates to the Retention Periods, to this Files and Records Management policy, and to any Retention and Destruction Policy.~~

~~E. RECORD DESTRUCTION~~

SILICON VALLEY CLEAN ENERGY

~~FP12~~GAP10

Category: ~~FINANCE~~GAP

- ~~An employee designated by the Chief Executive Officer will circulate a listing of file categories to be destroyed to all employees thirty days prior to destruction, for review and comment.~~
- ~~Three to six months after each year-end, an employee designated by the Chief Executive Officer will proceed with destruction of all files that have exceeded their recognized holding period.~~
- ~~Destruction of physical files will be performed by an independent, outside service for shredding and disposal. Any paper with a social security number, a federal ID number, confidential information or sensitive data, or a client name on it must be destroyed in this manner.~~

~~F. DISPOSAL OF RECORDS INTO THE AGENCY'S GENERAL TRASH SERVICE IS NOT ALLOWED~~

- ~~Electronic documents are destroyed by deleting them from the medium on which they are stored, and then purging the medium itself.~~
- ~~Email messages not saved for filing in the correspondence file or other appropriate folder should be deleted.~~

~~VI. ATTACHMENTS~~

~~1. Records Retention Periods~~

Policy Compliance

Violations

- Any known violations of this policy must be immediately reported to the Executive Committee, CEO, and General Counsel.

Cadence for Review

- This Policy will be reviewed at least every five (5) years.

General and Administrative Policy 10: Files and Records Management

I. Purpose

Silicon Valley Clean Energy ("Agency") is a public agency that is subject to the California Public Records Act ("PRA") and maintains records for public inspection consistent with this policy and any related standards.

II. Scope

This policy applies to all records generated by the Agency.

A record includes every means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols. See Government Code section 7920.530 & 7920.545.

III. Policy

- The Agency has an obligation to create and maintain records and information in accordance with various legal requirements. The Agency will retain records in an orderly fashion for time periods that comply with legal requirements and as needed for general business requirements. Staff should develop standards that outline the methods for maintaining records necessary to support SVCE's work and our obligation to provide public access and transparency.
- SVCE shall maintain a filing system, record retention schedule, and long-term storage approaches that will be updated as-needed by the Chief Executive Officer, or their designee, and General Counsel.

IV. Policy Compliance

A. Violations

- Any known violations of this policy must be immediately reported to the Executive Committee, CEO, and General Counsel.

B. Cadence for Review

- This Policy will be reviewed at least every five (5) years.

Human Resources Policy 1: Personnel and Reimbursement

I. Purpose

The purpose of the Personnel and Reimbursement Policy is to establish a uniform and equitable system of personnel administration to ensure effective service to and on behalf of SVCE and to support procedures for administering personnel matters and reimbursement in compliance with applicable laws and policies.

II. Scope

The Personnel and Reimbursement Policy applies to all employees and any independent contractors that are embedded within SVCE departments. The policy is intended to promote fairness and equity to employees, to attract the best and most competent persons available, to assure the appointment and promotions of employees will be based on merit, to allow reimbursement for meetings and travel, and to incorporate best practices in the administration of SVCE's personnel system.

III. Policy

A. Personnel System

- SVCE shall have a personnel system for the recruitment, selection, employment, classification, compensation, advancement, performance review, discipline, discharge and retirement of employees
- The Chief Executive Officer (CEO) shall be designated as the Personnel Officer and is authorized and directed to administer the personnel system. The Chief Executive Officer may delegate the powers of the Personnel Officer as they deem appropriate.

B. Personnel Officer

- The Personnel Officer shall:

- Act as the appointing authority for all employees of SVCE with the exception of SVCE's General Counsel.
- Prepare and implement an employee handbook, along with any personnel rules and regulations necessary for the administration of this personnel system;
- Define and prepare position classifications including the establishment of minimum standards of employment and qualifications for the various positions;
- Prepare a schedule of compensation including salary and other benefits covering all employees;
- Provide the publishing or posting of notices of recruitments for positions and develop and administer procedures of the selection process;
- Prepare and present to the Authority Board a budget for implementation of the personnel system including employee salary and benefit costs as part of the annual budget process;
- Prepare policies and procedures regarding ethics and the conduct of business including, without limitation, policies relating to conflict of interest, fair and equitable treatment of employees, use and safeguarding of Authority property and resources, and standards of ethical conduct by employees.
- Perform such other functions as necessary to administer the personnel system as directed from time to time by the Authority Board including authorization of spending for individual or group travel for meetings, training and workforce development.

C. Right to Contract for Special Services

- The Personnel Officer is also granted authority to take the following actions:
    - Contract for the performance of technical or special services necessary for the establishment or operation of the personnel system including, without limitation, services for the preparation of personnel rules and subsequent revisions and amendments thereof; preparation of classification and pay plans and subsequent revisions and amendments thereof; the design and

conduct of employee training programs; the conduct of recruitment and hiring processes; and, other special and technical services of an advisory or informational character on matters related to the administration of the personnel system.
  - Outsource functions that are currently staffed by positions when contracting is more advantageous to the operations of the organization or is more cost effective.
  - Bring in-house any functions that are currently outsourced if the result would be advantageous to the operations of the organization or more cost effective.

D. Authority to Adjust Salary and Positions within Budget and Limits

- Adjust salary schedules for market flexibility during the year to attract and retain talent.
- Over-hire the number of positions shown in the annual budget as follows:
  - On a temporary basis to minimize the impact that pending vacancies may have on the organization by allowing for cross training and overlap;
  - On a permanent basis to improve operations and organization effectiveness, provided that the CEO may not over hire on a permanent basis in excess of 10% of the authorized number of positions shown in the annual budget without prior approval of the Board.
- In no case shall positions be added or salaries be adjusted during the year that cause the total annual budget to be exceeded in total by fiscal year-end without prior Board approval by Resolution.
- In those instances where the CEO does over-hire positions during the year, he/she shall report such actions to the Board in a timely manner.
- Refer to Finance Policy 02: Budget Adoption, Control and Reporting for more policies related to the budget.

E. Reimbursement for Meetings and Travel

- All employees and Board members, including alternates, of SVCE may request reimbursement for actual expenses incurred to attend and travel to conferences and meetings for agency business. However, such meetings do not include SVCE Board of Directors or Committee meetings.
- Board members and staff shall get expenses approved in advance of incurring them and shall submit expenses for reimbursement within 90 days of incurring the expense.
- The Personnel Officer may adopt additional standards related to employee reimbursements.

IV. Policy Compliance

F. Violations

- Any known violations of this policy must be immediately reported to the Executive Committee, CEO, and General Counsel.

G. Cadence for Review

- This Policy will be reviewed at least every five (5) years.