From:	Mr. Shore
To:	John Varela; Shiloh Ballard; Richard Santos; Jim Beall; Nai Hsueh; Tony Estremera; Rebecca Eisenberg; Clerk of the Board
Cc:	greer.stone@paloalto.gov; lgauthier@smcgov.org; mdinan@cityofepa.org; Combs, Drew; Keith.Reckdahl@paloalto.gov; keakin@redwoodcity.org; cttaylor@menlopark.gov; rabrica@cityofepa.org; Margaret Bruce; Shikada, Ed; Melanie Richardson
Subject:	Proposed Modification of Project E5 Key Performance Indicator - July 14 - Agenda Item 3.4
Date:	Monday, July 13, 2026 12:48:17 AM
Attachments:	SCVWD-E5_KPI-Edgewood_Supplemental-13Jul2026.pdf

Please find attached a supplemental comment letter for the Board Meeting on July 14, 2026, Agenda Item 3.4 (File 26-0600). This letter supplements the letter dated July 2 (Handout 3.4-B).

Respectfully,

Jeffrey Shore

Jeffrey Shore
[redacted]

July 13, 2026

VIA EMAIL

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Re: Supplemental Comments Regarding Proposed Modification of Project E5 Key Performance Indicator — San Francisquito Creek Reach 2 — July 14, 2026 Public Hearing

Dear Chair Estremera, Vice Chair Santos and Members of the Board,

This letter briefly supplements our letter of July 2, 2026 (Handout 3.4-B), submitted on my own behalf and on behalf of more than a dozen other families whose homes on Edgewood Drive in Palo Alto border San Francisquito Creek just upstream of Highway 101. It responds to the FAQs (Attachment 4), the Project Timeline (Attachment 5), and the PowerPoint slides (Attachment 6) recently posted for tomorrow's hearing. Three aspects of these materials warrant the Board's attention: a new rationale for the proposed KPI that Valley Water's own Reach 1 experience contradicts, a timeline that undercuts the premise on which the proposal depends, and new admissions about how the proposed funding standard would work or fail to work.

Lead Agency Status

The FAQs redeploy a formally defined designation for a new purpose. According to the FAQs, the proposed KPI is not outcome-based because Valley Water "is not the lead agency [for Reach 2], so it cannot independently guarantee delivery of the overall flood protection outcome." That rationale does not appear in Finding 7 of the Audit Report — the finding staff have cited throughout this proposal as the basis for modifying the KPI. Nor does it serve that purpose in Valley Water staff's own December 2024 Memo (Exhibit A to our July 2 letter). The Memo does use the term "lead agency" — but only once, and for a different purpose. Staff cited Valley Water's non-lead-agency status to justify reclassifying Project E5 from the Capital Improvement Program to the Operating Budget (Next Steps 4). They did not cite it to justify any change to the KPI. The rationale the Memo offers for the KPI change itself (Next Steps 3) rests instead on Valley Water's "limited authority" and "altered role" — never on lead-agency status. Staff had the lead-agency designation in hand eighteen months ago and chose not to invoke it in justifying the KPI. Its appearance in the FAQs now, as the justification for deleting the outcome-based KPI, is not a continuation of staff's original reasoning — reasoning the Auditors themselves carried forward into Finding 7 without ever citing lead-agency status. It is a new rationale, introduced for this hearing.

The SFCJPA was designated lead agency in both the Reach 1 EIR (2012) and the Reach 2 EIR (2019), yet the existing outcome-based KPI governed Reach 1 and was met when Reach 1 was completed in 2019. Valley Water's role on Reach 1, as the FAQs and the Timeline now describe it, was a delegated, phase-specific function within a project the SFCJPA led throughout. According to the SFCJPA December

2024 Response (Exhibit B to our July 2 letter), SFCJPA held ten contracts for Reach 1 design and construction, including Engineer of Record, while Valley Water held two, both construction-related, under a 2015 Construction Management agreement. If non-lead-agency status is disqualifying, as the FAQs now assert, it was equally disqualifying when the Reach 1 KPI was written and met.

The result of all this is a contradiction Valley Water cannot escape: in the same set of hearing materials, staff tell the Board that Valley Water cannot be held to an outcome-based KPI for Reach 2 because it is not the lead agency, and staff simultaneously confirm that the exact tool that gave Valley Water outcome-relevant standing on Reach 1 without being lead agency — a bilateral delegation agreement — remains available and unused for Reach 2. The absence of that agreement is not a structural barrier. It is an unexercised option.

Transfer of Project Leadership

Valley Water staff's own Timeline (Attachment 5) undercuts the February 2023 project leadership transfer narrative that both staff and the Auditors relied on. Our letter questioned whether the reported February 2023 transfer of project design leadership to the SFCJPA had indeed occurred and, if it occurred, whether it was ever authorized. That transfer event does not appear anywhere in the Timeline or in staff's hearing-day timeline at Attachment 6, slide 26, even though it is the premise on which the Auditors' Finding 7, and this entire proposal, depends. The Timeline instead asserts that Valley Water was "leading the design of several project elements" in May 2023 and submitting the governing hydrology findings in June 2023, months after the reported transfer. Either the transfer did not occur as reported, or Valley Water did not act as though it had. Staff's own Timeline forces that choice, and neither answer supports Finding 7.

Valley Water Funding Standard

New material posted for tomorrow's hearing confirms that the funding concerns raised in our July 2 letter have merit. Our letter argued that tying Valley Water's funding to "benefits to Santa Clara County" is unworkable because the term has no defined methodology, no timing and no floor — meaning no one could say, at any given moment, what Valley Water owes. The Timeline's own footnote (Attachment 5) now confirms exactly that: "an accurate and reliable cost estimate is not currently available," and "it is not possible at this time to determine the portion of funding that is commensurate with the project's benefits to Santa Clara County." In Valley Water staff's own words, the standard cannot currently be applied to produce a number.

The FAQs ask, "Are these [KPI] changes reducing Measure S funding?" which they answer with a flat "No," later citing Project E5 funding growth from roughly $11.5 million to $26.3 million as proof of "Valley Water's continued financial commitment to the project." But an assurance against reduction is only as good as the baseline it is measured from, and staff have already admitted — in the Timeline's own footnote — that no such baseline can currently be calculated, since it depends on unknowns like project scope and benefit measurement that remain undetermined. Without a baseline, the public has no way to measure the size, or even the existence, of any reduction in Measure S funding. Staff cannot tell the Board both that the number is unknown and that the number will not go down — one of those two statements must give way, and the Board should ask staff which one before relying on either.

Finally, where the FAQs do explain how the standard would work, they confirm the specific risk our letter raised as an open question: whether Valley Water could reduce its funding if the Project ultimately delivers less than 70-year protection. The FAQs state that Valley Water's financial participation "should be proportional to the flood protection benefits the project provides within Santa Clara County." Attachment 6, Q10, slide 25, adds that the KPI "provides a framework for future funding decisions as project benefits are defined." Neither statement rules out a reduction tied to a lower level of protection delivered. A funding standard expressly keyed to "benefits provided" and "protection delivered," with no floor stated anywhere in the record, does nothing to foreclose a reduction in Measure S funding for the project based on protection level. Our letter asked the Board to rule this outcome out. Nothing in these new materials does so.

Taken together, the funding points made above resolve into three admissions in Valley Water staff's own hearing materials, and each one leads to the next. First, staff admit they cannot define the funding standard today. Second, that admission undermines the assurance Valley Water staff give the public in the FAQs — that funding won't be reduced — because a promise not to reduce an amount is unverifiable if staff cannot yet say what the baseline amount is. Third, and separately, the funding standard itself contains no floor or minimum — so even setting the verification problem aside, nothing in the standard as written would prevent Valley Water's contribution from falling below its current level. Here is why that matters: if Valley Water's contribution ever drops below the $26.3 million its FAQs cite as proof of commitment, staff could simply say the lower number reflects the undefined "benefits to Santa Clara County" calculation — not a reduction at all. No one could prove them wrong, because that calculation doesn't exist yet. The Valley Water Board is not being asked to adopt a finished metric. The Board is being asked to adopt a blank one, filled in later based on staff's promise alone.

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For the reasons set out in our July 2 letter and above, we respectfully renew our request that the Board direct staff to prepare, for the August 11 continued hearing, a draft framework defining a minimum set of Valley Water roles and responsibilities for the Reach 2 Project — and the steps to implement them — sufficient to permit Valley Water to preserve its existing KPI, rather than replace it with an undefined funding standard.

Respectfully,

Jeffrey Shore
jshore1905@gmail.com

cc: Greer Stone, Chairperson, SFCJPA Board
Lisa Gauthier, Vice-Chairperson, SFCJPA Board
Drew Combs, SFCJPA Board Member
Mark Dinan, SFCJPA Board Member
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Kaia Eakin, SFCJPA Alternate Director, San Mateo County Flood and Sea Level Rise
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Edgewood Neighbors