

# Simonds,Keene

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**From:** Simonds,Keene  
**Sent:** Friday, April 5, 2024 10:47 AM  
**To:** Shiraz Tangri  
**Cc:** Paula deSousa; Mumpower, Priscilla; dgillick@sloansakai.com; Chris Cate; Adam Wilson  
**Subject:** RE: SD Unified Port District - Request for Reconsideration of SD LAFCO Commission Action on 3/4/2024 (Agenda Item 8a)

Hi Shiraz –

Thank you for your email below and subsequent hard copy filing of a request for reconsideration involving LAFCO’s approval on March 4<sup>th</sup> to add the Port to the list of special districts under LAFCO oversight.

As the cover letter provides, the request is being made by the Port under LAFCO Rule No. 3.4(2), which allows any “person or affected agency” to request reconsideration by the Commission of actions taken without resolution.

In reviewing the actual submittal, unfortunately, the request does not qualify for reconsideration by the Commission since the Port does not qualify as an “affected agency” under the applicable definition provided in Government Code Section 56014 as cited below...

CHAPTER 2. DEFINITIONS

<b>Definitions</b>	<b>56010.</b> Unless the provision or context otherwise requires, the definitions contained in this chapter govern the construction of this division. The definition of a word applies to any of that word's variants.
<b>"Affected city"</b>	<b>56011.</b> "Affected city" means any city that contains or would contain, or whose sphere of influence contains or would contain territory for which a change of organization is proposed or ordered, either singularly or as part of a reorganization.
<b>"Affected county"</b>	<b>56012.</b> "Affected county" means any county that contains, or would contain, any territory for which a change of organization is proposed or ordered either singularly or as part of a reorganization or that contains all or any part of a district for which a change of organization or reorganization is proposed with respect to territory outside that county.
<b>"Affected district"</b>	<b>56013.</b> "Affected district" means any special district, as defined by Section 56036, that contains or would contain, or whose sphere of influence contains or would contain, any territory for which a change of organization is proposed or ordered either singularly or as part of a reorganization.
<b>"Affected local agency"</b>	<b>56014.</b> "Affected local agency" means any local agency that contains, or would contain, or whose sphere of influence contains or would contain, any territory for which a change of organization is proposed or ordered, either singularly or as part of a reorganization or for which a study is to be reviewed by the commission.

Tying eligibility to an affected agency as defined – pertinently – is consistent with the statutory provision in CKH that allows for a limited range of reconsiderations under 56895 and in doing so curbing the potential for all LAFCO approval actions – like policies, legislative positions, fee waivers, budget amendments, and the like – to get caught up in reconsideration uncertainties.

This said, I appreciate the importance of the topic to the Port and LAFCO remains 100% committed to working together and helping each other achieve our statutory purposes.

Look forward to hearing from you.

Keene

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**From:** Shiraz Tangri <stangri@portofsandiego.org>  
**Sent:** Wednesday, April 3, 2024 3:03 PM  
**To:** Simonds,Keene <Keene.Simonds@sdcounty.ca.gov>  
**Cc:** Jennifer.Lucchesi@slc.ca.gov; StephenWhitburn@sandiego.gov; – Baron Willis <bwillis@alpinefire.org>; Desmond, Jim <Jim.Desmond@sdcounty.ca.gov>; Anderson, Joel <Joel.Anderson@sdcounty.ca.gov>; kbecker@cosb.org; – Dane White <dawhite@escondido.org>; mackgroup@cox.net  
**Subject:** [External] SD Unified Port District - Request for Reconsideration of SD LAFCO Commission Action on 3/4/2024 (Agenda Item 8a)

Dear Mr. Simonds –

Please find attached the San Diego Unified Port District’s request for reconsideration of the San Diego LAFCO Commission’s action on March 4, 2024 on Agenda Item 8a. A hard copy will follow.

Please confirm receipt at your earliest convenience. Thank you.

**Shiraz D. Tangri**

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connect: 

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