



San Diego County Local Agency Formation Commission

Regional Service Planning | Subdivision of the State of California

August 6, 2021

Delivered Electronically

Mr. Joe Stuyvesant, Executive Officer
San Diego Unified Port District
3165 Pacific Highway
San Diego, California 92101

SUBJECT: Tentative Conclusions Regarding San Diego LAFCO's Jurisdictional Oversight of the San Diego Unified Port District

Dear Mr. Stuyvesant:

This communication serves as a continuation of our videoconference meeting on June 9, 2021 regarding San Diego County Local Agency Formation Commission's (LAFCO) oversight of special districts and relationship therein with the San Diego Unified Port District. This earlier meeting was scheduled at my request to discuss a possible omission identified on our end in the administrative practice to exclude the San Diego Unified Port District from LAFCO oversight. Our continued review on the topic post June 9th – ranging from additional analysis of the San Diego Unified Port District's enabling legislation to communicating with the California State Lands Commission – leads to the following tentative conclusions:

1. San Diego Unified Port District is a special district regulated by San Diego LAFCO through the Cortese-Knox-Hertzberg Local Government Reorganization Act.
2. San Diego Unified Port District was established under special legislation and prescribed its initial formation procedures; however, it is otherwise subject to LAFCO jurisdiction. This distinction is highlighted in the special legislation by noting the San Diego Unified Port District may annex additional territory and/or be dissolved by "operation of law" and presumably – given no other provisions are provided – refers to LAFCO statute.

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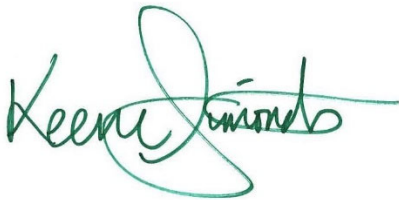
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3. San Diego Unified Port District is independent district under the Cortese-Knox-Hertzberg Local Government Reorganization Act and may participate in serving and selecting Commission members. The status as an independent district also means San Diego Unified Port District is responsible for proportionally funding LAFCO with other independent districts in San Diego County.
4. San Diego LAFCO and the State Lands Commission have legally separate oversight responsibilities with regard to the San Diego Unified Port District. LAFCO regulates the Port's jurisdictional boundary and municipal service functions and classes. State Lands Commission regulates the Port's access and use of publicly owned lands.

Should the above conclusions be finalized, San Diego LAFCO would proceed to establish a formal jurisdictional boundary for the San Diego Unified Port District along with establishing a sphere of influence. These actions would be done concurrently with preparing a municipal service review and relatedly inform LAFCO's task to designate service functions and classes for the San Diego Unified Port District as required for all special districts. The County Auditor's Office would also include the San Diego Unified Port District in its annual calculation of special district apportionments of the LAFCO operating budget.¹

As referenced, the preceding conclusions are in tentative form and done so to continue our discussion on the appropriate relationship between San Diego LAFCO and the San Diego Unified Port District going forward. I readily recognize – nonetheless – I may not be in full possession of all the relevant facts and/or prior agreements on this topic and accordingly welcome the San Diego Unified Port District's review and input.

With appreciation,



Keene Simonds
Executive Officer

cc: DeeAnne Gillick, Outside Counsel, San Diego LAFCO
Job Nelson, Vice President of Strategy and Policy, San Diego Unified Port District

¹ As provided under statute, the independent special districts are responsible for covering 28% of San Diego LAFCO's annual budget. Individual apportionments are based on each special district's portion of total special district revenue collected in a recent fiscal year. In 2021-2022, San Diego Unified Port District's calculated apportionment would have been \$88,356.43.