

STAFF REPORT

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CONSIDER CESSIONS OF CONCURRENT CRIMINAL LEGISLATIVE JURISDICTION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126 OVER LANDS AT FOUR VETERANS AFFAIRS MEDICAL CENTERS

PARTY:

United States, Department of Veterans Affairs (VA)

AREA, LAND, TYPE, AND LOCATION:

- Sacramento VA Medical Center, 10535 Hospital Way, Mather, Sacramento County.
- VA Martinez Outpatient Clinic, 150 Muir Road, Martinez, Contra Costa County.
- VA Palo Alto Campus, 3801 Miranda Avenue, Palo Alto, Santa Clara County.
- Fresno VA Medical Center, 2615 East Clinton Avenue, Fresno, Fresno County.

BACKGROUND:

Pursuant to Government Code section 126, the Commission is authorized, on behalf of the State of California, to cede concurrent criminal legislative jurisdiction to the United States. Legislative jurisdiction is the authority to make and enforce laws within a geographic area. When the State cedes concurrent criminal legislative jurisdiction, it grants the federal government authority to enforce State criminal law over federal property yet retains its enforcement authority. The United States seeks these cessions because criminal law of the United States is limited, whereas State criminal law is much more comprehensive. The State, generally, has the authority to exercise its criminal law on federal lands, but the United States cannot do the same without receiving a cession of legislative jurisdiction. This concurrent, or shared, authority provides for greater flexibility in enforcing criminal law. State or local law enforcement officials may struggle to access large or remote federal properties, such as military bases or national parks. However, if the state cedes concurrent criminal legislative jurisdiction over such properties, federal law enforcement officials may respond to incidents, ensuring a timelier response while reducing strain on state and local officials.

The Commission may cede concurrent criminal legislative jurisdiction only upon finding:

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- A. The United States has requested such cession in writing.
- B. The federal lands are held for the erection of forts, magazines, arsenals, dockyards and other needful buildings within the purview of clause 17, section 8, article I of the United States Constitution or other federal purpose.
- C. The cession is made pursuant to and in compliance with the laws of the United States.
- D. A notice of the proposed cession has been given to the clerk for the board of supervisors of the county in which the federal lands are located at least 15 days before the proposed cession.
- E. The proposed cession is in the best interests of the State of California.
- F. The United States has agreed to bear all costs and expenses incurred by the Commission in making the cession.

Upon making these findings and the Commission having made a cession, the State and the United States will equally share the State's criminal legislative jurisdiction over lands affected by the cession. The cession shall continue only so long as the lands are owned by the United States and used for the purposes for which jurisdiction is ceded or for 10 years, whichever period is less. In ceding concurrent criminal legislative jurisdiction, the State reserves its full civil legislative jurisdiction including its jurisdiction over the land, water, and use of water with full power to control and regulate the acquisition, use, control, and distribution of water with respect to the land affected by the cession.

PROPOSED ACTION:

By letter signed by Anthony E. Costa, Acting Executive Director of the U.S. Department of Veterans Affairs, dated August 20, 2019, the United States has requested that the State of California cede concurrent criminal legislative jurisdiction over the lands at the Sacramento VA Medical Center; VA Martinez Outpatient Clinic; VA Palo Alto Campus; and Fresno VA Medical Center, more particularly described in Exhibits A, B, C, and D, respectively, for a 10-year period for federal purposes. These facilities provide medical care for U.S. military veterans living in northern and central California.

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Sacramento VA Medical Center

The United States owns the lands comprising the Sacramento VA Medical Center in Sacramento County. The Commission approved a cession of concurrent criminal legislative jurisdiction over this facility in 2011 for a term of 5 years, and the cession has expired ([Item 116, June 23, 2011](#)). VA now seeks a new cession, which would be a for a term not to exceed 10 years. Local law enforcement has indicated its support for the proposed cession by written correspondence.

Staff sent notice of the proposed cession to the Clerk of the Board of Supervisors for Sacramento County on October 3, 2019.

The United States has agreed to bear all costs and expenses incurred by the Commission in making the cession.

Staff believes all pertinent federal law has been complied with, and the United States has accepted the cession, as required by 40 U.S.C. section 3112, which will be effective upon recordation with the Sacramento County recorder's office.

VA Martinez Outpatient Clinic

The United States owns the lands comprising the VA Martinez Outpatient Clinic in Contra Costa County. The Commission approved a cession of concurrent criminal legislative jurisdiction over this facility in 2011 for a term of 5 years, and the cession has expired ([Item 116, June 23, 2011](#)). VA now seeks a new cession, which would be a for a term not to exceed 10 years. Local law enforcement has indicated its support for the proposed cession by written correspondence.

Staff sent notice of the proposed cession to the Clerk of the Board of Supervisors for Contra Costa County on October 3, 2019.

The United States has agreed to bear all costs and expenses incurred by the Commission in making the cession.

Staff believes all pertinent federal law has been complied with, and the United States has accepted the cession, as required by 40 U.S.C. section 3112, which will be effective upon recordation with the Contra Costa County recorder's office.

VA Palo Alto Campus

The United States owns the lands comprising the VA Palo Alto in Santa Clara County. The Commission approved a cession of concurrent criminal legislative jurisdiction over this facility in 2011 for a term of 5 years, and the cession has expired ([Item 116, June 23, 2011](#)). VA now seeks a new cession, which would be

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a for a term not to exceed 10 years. Local law enforcement has indicated its support for the proposed cession by written correspondence.

Staff sent notice of the proposed cession to the Clerk of the Board of Supervisors for Santa Clara County on October 3, 2019.

The United States has agreed to bear all costs and expenses incurred by the Commission in making the cession.

Staff believes all pertinent federal law has been complied with, and the United States has accepted the cession, as required by 40 U.S.C. section 3112, which will be effective upon recordation with the Santa Clara County recorder's office.

Fresno VA Medical Center

The United States owns the lands comprising the Fresno VA Medical Center in Fresno County. VA now seeks a cession, which would be a for a term not to exceed 10 years. If approved, this would be the first cession of concurrent criminal legislative jurisdiction made over the Fresno VA Medical Center. Local law enforcement has indicated its support for the proposed cession by written correspondence.

Staff sent notice of the proposed cession to the Clerk of the Board of Supervisors for Fresno County on October 3, 2019.

The United States has agreed to bear all costs and expenses incurred by the Commission in making the cession.

Staff believes all pertinent federal law has been complied with, and the United States has accepted the cession, as required by 40 U.S.C. section 3112, which will be effective upon recordation with the Fresno County recorder's office.

STAFF ANALYSIS AND RECOMMENDATION:

Authority:

Government Code section 126.

State's Best Interests Analysis:

Ceding concurrent criminal legislative jurisdiction over the Sacramento VA Medical Center; VA Martinez Outpatient Clinic; VA Palo Alto Campus; and Fresno VA Medical Center to the United States will share the State's authority to make and enforce criminal law with the United States. Accordingly, the United States could independently enforce criminal law for crimes committed on these facilities instead of relying on local law enforcement to respond and enforce the law. Thus, the proposed cessions

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would alleviate the burden on local law enforcement agencies while preserving their authority to enforce the law for crimes committed on these facilities, if needed. For these reasons, staff believes that the cession of concurrent criminal legislative jurisdiction is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the requested cessions is a discretionary action by the Commission. Each time the Commission approves or rejects a cession, it exercises legislatively delegated authority. If the Commission denies the requested cessions, all legislative jurisdiction will remain with the State. If the Commission approves the requested cession, the United States will share concurrent criminal legislative jurisdiction with the State but have no right to a new cession upon expiration of the requested cession.
2. This action is consistent with Strategy 3.1 of the Commission's Strategic Plan to "foster, improve, and enhance relationships, to engage the legislature, public, local, state and federal agencies, legislative grantees, Commission lessees, potential applicants, non-governmental organizations, and the regulated community."
3. The subject cessions of jurisdiction are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

- A. Land Description for Sacramento VA Medical Center
- B. Land Description for VA Martinez Outpatient Clinic
- C. Land Description for VA Palo Alto Campus
- D. Land Description for Fresno VA Medical Center

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

1. Find that the following requirements of Government Code section 126 have been satisfied:

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- A. The United States has requested in writing that the State cede concurrent criminal legislative jurisdiction over the lands described in Exhibits A, B, C, and D attached and by reference made a part hereof, within Sacramento, Contra Costa, Santa Clara, and Fresno Counties, State of California.
 - B. The lands are held by the United States for the erection of forts, magazines, arsenals, dockyards, and other needful buildings within the purview of clause 17 of section 8 of article I of the Constitution of the United States, or for another federal purpose.
 - C. The cessions are made pursuant to and in compliance with the laws of the United States.
 - D. Notice of the proposed cessions has been given to the clerks for the boards of supervisors of Sacramento, Contra Costa, Santa Clara, and Fresno Counties, in which the federal lands are located, at least 15 days before the proposed cessions.
 - E. The proposed cessions are in the best interests of the State.
 - F. The United States has agreed to compensate the State of California for its cost incurred in processing the cessions.
- 2. Cede concurrent criminal legislative jurisdiction to the United States over the lands identified in Exhibit A, Sacramento County, for so long as the lands are owned by the United States and used for federal purposes or for 10 years, whichever period is less.
 - 3. Cede concurrent criminal legislative jurisdiction to the United States over the lands identified in Exhibit B, Contra Costa County, for so long as the lands are owned by the United States and used for federal purposes or for 10 years, whichever period is less.
 - 4. Cede concurrent criminal legislative jurisdiction to the United States over the lands identified in Exhibit C, Santa Clara County, for so long as the lands are owned by the United States and used for federal purposes or for 10 years, whichever period is less.
 - 5. Cede concurrent criminal legislative jurisdiction to the United States over the lands identified in Exhibit D, Fresno County, for so long as

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the lands are owned by the United States and used for federal purposes or for 10 years, whichever period is less.

6. Authorize the Executive Officer or her designee to execute a Resolution of Cession of Concurrent Criminal Legislative Jurisdiction for each approved cession and have it recorded in the official records of the appropriate county.

EXHIBIT A

U.S. DEPARTMENT OF VETERANS AFFAIRS (VA)

Request for Cession of Concurrent Criminal Jurisdiction

Supplemental Information Required Pursuant to
California Government Code §126

1. Legal Description: Sacramento VA Medical Center

A parcel of land in the County of Sacramento, State of California, and more particularly described as follows: All that portion of Mather Air Force Base, more particularly described as follows:

Commencing for reference at 1 ½ inch pipe and Lead Ball Cap, set in the fence line, said point having a coordinate of North 331, 213.93 and East 2,203,580.50, California State Plane Coordinate System Zone 2, per U.S. Corps of Engineers Map File No. 101-12-807. The following are ground distances. Thence from said point of commencement South 89°21'14" West 672.82 feet to a ¾ inch steel pin being the Point of Beginning, thence from said Point of Beginning South 00°37'38" East 242.27 feet to a ¾ inch steel pin; thence South 85°27'54" West 514.47 feet to a ¾ inch steel pin; thence South 60°51'59" West 331.91 feet to a PK nail; thence South 59°05'20" West 1185.10 feet; thence North 50°25'44" West 236.77 feet; thence North 00°38'28" West 741.56 feet to a steel pin; thence North 88°48'52" East 209.87 feet to a steel pin; thence North 00°38'06" West 136.35 feet; thence North 89°21'14" East 1799.51 feet to the point of beginning.

Said parcel contains 26.004 acres more or less.

EXHIBIT B

U.S. DEPARTMENT OF VETERANS AFFAIRS (VA)

Request for Cession of Concurrent Criminal Jurisdiction

Supplemental Information Required Pursuant to California Government Code §126

1. Legal Description: **Martinez Outpatient Clinic**

Portion of the Ranch Las Juntas, containing 25.775 acres, more or less, described as follows:

Commencing on the Northeast line of the 20 acre parcel of land described in the deed from E.J. Ball, et ux; to John Perreria, et ux, recorded July 21, 1925 in Volume 6 of Official Records, at page 101, at the most Easterly corner of the 1.439 acre parcel of land described as Parcel II in the deed from John Periera et ux, to the State of California recorded September 26, 1938, in Volume 473 of Official Records, at page 455; thence from said point of commencement South 70°32' East along said Northeast line, 151.58 feet; thence South 19° 28' West, 20 feet to the Southwest line of the County Road known as Muir Station Road and the actual point of beginning of the herein described parcel of land; thence from said point of beginning Easterly along the Southwest line of said Muir Station Road as follows: South 70° 32' East 667.78 feet South 57° 44' 30" East, 562.63 feet and South 11° 56' 30" East, 128.31 feet; thence leaving said road south 36° 11' 20" West, 1058.37 feet; thence North 40° 25' 02" West, 1131.42 feet to a point which bears South 19° 28' West, 680 feet from the point of beginning; thence North 19° 28' East 680 feet to the point of beginning.

EXHIBIT C

U.S. DEPARTMENT OF VETERANS AFFAIRS (VA)

Request for Cession of Concurrent Criminal Jurisdiction

Supplemental Information Required Pursuant to California Government Code §126

1. Legal Description: Palo Alto VA Medical Center

Beginning at a concrete monument in the southwesterly line of the lands of the City and County of San Francisco acquired by said City and County by that Final Decree of Condemnation recorded January 20, 1953, in Volume 2686 of Official Records of Page 36, Santa Clara County Records. The Final Judgment of Condemnation was entered November 24, 1952 in Judgment Book No. 56 at Page 414 in the County Clerk's Office, Santa Clara County, California (Decree No. 75835). Said monument is distant South 08°52'37" West, 45.22 feet from the City and County of San Francisco's Centerline Station D23 1213 + 37.52. Said point of beginning also lies in the northeasterly line of Junipero Serra Boulevard (90' wide).

Thence along the respective lines of the City and County of San Francisco and Junipero Serra Boulevard North 53°19'15" West, 900.68 feet to a concrete monument; Thence continuing along the said lines of the City and County of San Francisco and Junipero Serra Boulevard on the arc of a curve to the left with a radius of 3045.56 feet through a central right angle of 13°17'30", an arc distance of 706.52 feet to a concrete monument; Thence continuing along said line of the City and Junipero Serra Boulevard North 66°36'45" and West 259.34 feet to an iron pipe; Thence leaving said line North 23°23'15" East 80.00 feet to a point in the Northeasterly line of said City and County of San Francisco; Thence leaving said line North 27°39'22" East, 793.41 feet to an iron pipe set in the center line of Matadero Creek; Thence along the centerline of said Matadero Creek the following course and distances: North 22°48'15" East, 194.86 feet to an iron pipe; North 16°49'30" East, 250.02 feet to an iron pipe; North 55°58'15" East 64.01 feet to an iron pipe; North 82°44'30" East 36.48 feet to an iron pipe; South 69°59'00" East, 135.66 feet to an iron pipe; North 67°45'27" East, 69.95 feet to an iron pipe; North 26°43'15" East, 31.21 feet to an iron pipe; North

17°26'15" East, 84.50 feet to an iron pipe; North 29°26'00" East, 156.75 feet to an iron pipe; North 60°23'30" East, 63.66 feet to an iron pipe; South 64°45'30" East, 109.39 feet to an iron pipe; North 75°29'45" East, 72.92 feet to an iron pipe; North 60°40'30" East 138.41 feet to an iron pipe; Thence South 75°41'30" East, 141.98 feet to an iron pipe; said pipe lies in the southwesterly line (or in the northwesterly production thereof) of that certain land conveyed by Edward Barron Estate Company to J. E. Reiter, B. L. Reiter, B. L. Driscoll and R. F. Driscoll, by deed recorded in Book 496 of Deeds a page 432, Santa Clara County Records; Thence South 56°59'00" East along said line (or its northwesterly production) 628.31 feet to a point in the southwesterly line of the Southern Pacific Company's leased right of way (80' wide) described in that certain lease to Peninsular Railroad Company by lease dated February 23, 1906 in Book N of Leases at page 232, Santa Clara County Records; Thence along said southwesterly line South 18°57'30" East, 1876.00 feet to the point of intersection with the southwesterly line of the lands of the City and County of San Francisco above described.

Thence along said line South 71°04'30" West, 178.63 feet to an iron pipe; Thence leaving said line South 36°40'45" West, 719.86 feet to an iron pipe set in the northeasterly line of Junipero Serra Boulevard (90' wide); Thence along said northeasterly line North 53°19'15" West, 492.82 feet to the point of beginning.

EXHIBIT D

U.S. DEPARTMENT OF VETERANS AFFAIRS (VA)

Request for Cession of Concurrent Criminal Jurisdiction

Supplemental Information Required Pursuant to
California Government Code §126

1. Legal Description: Fresno VA Medical Center

South one-half of lot 7 of GOULD RANCH, according to the map thereof recorded October 21, 1884 in book 2 Plat Book at page 21, Fresno County Records. Also, all grantors' right, title and interest in and to that part of the bed of the roads known as Clinton Avenue and Fresno Avenue described as follows: Beginning at the Southeast corner of said lot 7 and running thence Southerly along the East line of said lot 7, extended Southerly, a distance of 30 feet to the center line of the public road known as Clinton Avenue; thence Westerly along said center line to its intersection with the West line of the East 30 feet of the public road known as Fresno Avenue; thence Northerly along said last named line to its intersection with the North line of S½ of said lot 7, extended Westerly; thence Easterly 30 feet to Northwest corner of S½ of said lot 7; thence Southerly along West line to said lot 7 to Southwest corner thereof; thence Easterly along South line of said lot 7 to point of beginning, subject to right of way thereover for the public roads known as Clinton Avenue and Fresno Avenue.