

**CALENDAR ITEM
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J.Frey

**Cession of Concurrent Criminal Jurisdiction
To the United States Department of Veterans Affairs
Pursuant to California Government Code Section 126 over Lands Comprising
The VA Martinez Outpatient Clinic, Martinez, Contra Costa County;
The Sacramento VA Medical Center, Rancho Cordova, Sacramento County;
The VA Palo Alto Campus, Palo Alto, Santa Clara County**

Pursuant to Government Code Section 126 the State Lands Commission is authorized on behalf of the State of California to cede concurrent criminal jurisdiction to the United States for the lesser of five years or so long as the United States owns the lands upon finding:

- a. The land is held for the erection of forts, magazines, arsenals, dockyards and other needful buildings, or other public purpose within the purview of Clause 17 of Section 8 of Article 1 of the United States Constitution or for the establishment, consolidation, and extension of national forests under the Act of Congress approved March 1, 1911 known as the Weeks Act, or for any other federal purpose;
- b. The cession is in compliance with the laws of the United States;
- c. The United States has in writing requested such cession; and
- d. The State reserves jurisdiction over the land for purposes of water acquisition and management;
- e. The Legislature and the State except and reserve to the State all deposits of minerals, including oil and gas, in the land, and the right to prospect for, mine, and remove such deposits from the land;
- f. The United States has agreed to compensate the State for costs incurred in processing the cession.

Presently, the United States has proprietary jurisdiction over lands comprising the VA Martinez Outpatient Clinic, 150 Muir Rd., Martinez, Contra Costa County; the Sacramento VA Medical Center, 10535 Hospital Way, Rancho Cordova, Sacramento County; and the VA Palo Alto Campus, 3801 Miranda Ave., Palo Alto, Santa Clara County.

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By letter dated April 1, 2011 the United States has requested that the State of California cede concurrent criminal legislative jurisdiction over all of these facilities for the lesser of five years or so long as the United States owns the lands. The United States believes the cessions are in the best interests of both governments stating:

“The State of California will benefit from enhanced law enforcement on the three properties. VA police will no longer be required to request assistance from local police when violations of State of California law occur. VA police will be authorized to arrest violators, issue a citation or incarcerate the accused, and refer the matter to the appropriate State of California District Attorney for prosecutions. Local police will be able to reallocate limited law enforcement resources more efficiently to other duties and responsibilities.”

City and County law enforcement agencies having jurisdiction where these facilities are located have sent the Commission letters supporting the United States obtaining jurisdiction.

If the cessions of concurrent criminal jurisdiction are made, the United States and the State of California will have the same degree of State criminal law enforcement authority and federal officers will have the authority to make arrests for state and federal crimes committed on the properties mentioned in this agenda item. The cession of concurrent criminal jurisdiction does not affect civil jurisdiction within these federal properties and is now and will continue to be held by the State.

A noticed public hearing was held on June 2, 2011. Notice of the hearing was published as required by Section 126 and served upon the Clerk of the Board of Supervisors for the Contra Costa, Sacramento and Santa Clara Counties. Identical notices were also served on the clerks for the cities of Martinez, Rancho Cordova and Palo Alto. Affidavits of the publication and service are found in the Commission's files. No comments in opposition to the cession were received.

The Commission staff believes that the cessions of concurrent criminal jurisdiction over these three facilities are in the best interests of the State of California in connection with the exercise of criminal jurisdiction over them.

- Exhibit A Land Description for the VA Martinez Outpatient Clinic, 150 Muir Way, Martinez, Contra Costa County.
- Exhibit A-1 Site Map for the VA Martinez Outpatient Clinic, 150 Muir Way, Martinez, Contra Costa County.
- Exhibit B Land Description for the Sacramento VA Medical Center, 10535 Hospital Way, Rancho Cordova, Sacramento County.
- Exhibit B-1 Site Map for the Sacramento VA Medical Center, 10535 Hospital Way, Rancho Cordova, Sacramento County.
- Exhibit C Land Description for the VA Palo Alto Campus, 3801 Miranda Ave., Palo Alto, Santa Clara County.
- Exhibit C-1 Site Map for the VA Palo Alto Campus, 3801 Miranda Ave., Palo Alto, Santa

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Clara County.

IT IS RECOMMENDED THAT THE COMMISSION

1. Find that the activity is exempt from the requirements of CEQA pursuant to 14 Cal. Code Regs. 15061 because the activity is not a project as defined by Public Resources Code Section 21065 and 14 Cal. Code Regs. 15378.
2. Determine that the public hearing held on June 2, 2011 complied with Government Code section 126 and Title 2 California Code of Regulations sections 2600 et seq. dealing with cession of concurrent criminal jurisdiction and that the following requirements have been satisfied:
 - A. The United States has by letter dated April 1, 2011 requested in writing that the State of California cede concurrent criminal jurisdiction in accordance with California Government Code section 126 over lands comprising the VA Martinez Outpatient Clinic, 150 Muir Rd., Martinez, Contra Costa County; the Sacramento VA Medical Center, 10535 Hospital Way, Rancho Cordova, Sacramento County; and the VA Palo Alto Campus, 3801 Miranda Ave., Palo Alto, Santa Clara County as more particularly described in Exhibits A, B and C attached and by reference made a part hereof, said lands being within the State of California.
 - B. The lands are held by the United States for the erection of forts, magazines, arsenals, dockyards and other needful buildings or other public purpose within the purview of Clause 17 of Section 8 of Article 1 of the Constitution of the United States, or for the establishment, consolidation, and extension of national forests under the Act of Congress approved March 1, 1911 known as the Weeks Act, or for any other federal purpose in that they are used by the United States Department of Veterans Affairs for the operation of federal medical facilities.
 - C. The lands were acquired by the United States by purchase or condemnation or were withdrawn from the public domain.
 - D. Jurisdiction ceded herein shall continue for the lesser of five years or so long as the United States owns the lands.
 - E. In ceding concurrent criminal jurisdiction the Legislature and the State reserve jurisdiction over the land, water and use of water with full power of control and regulate the acquisition, use, control and distribution of water with respect to the land affected by such cession.
 - F. In ceding concurrent criminal jurisdiction the Legislature and the State except and reserve to the State all deposits of minerals, including oil and gas, in the land, and the right to prospect for, mine, and remove such deposits from the land.

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- G. The cession is pursuant to and in compliance with the laws of the United States and the United States has agreed to accept the cession subject to the conditions referenced in Government Code section 126.
 - H. The United States has agreed to compensate the State for its costs incurred in processing the request for the cession.
3. Determine that a cession of concurrent criminal jurisdiction over the lands described in Exhibits A, B and C attached hereto and by reference made a part hereof is in the best interests of the State of California because the United States Veterans Administration police will be authorized to arrest violators, issue a citation or incarcerate the accused, and refer the matter to the appropriate State of California District Attorney for prosecutions. Local police will be able to reallocate limited law enforcement resources more efficiently to other duties and responsibilities.
 4. Cede concurrent criminal jurisdiction to the United States over the VA Martinez Outpatient Clinic, 150 Muir Rd., Martinez, Contra Costa County; the Sacramento VA Medical Center, 10535 Hospital Way, Rancho Cordova, Sacramento County; and the VA Palo Alto Campus, 3801 Miranda Ave., Palo Alto, Santa Clara County for the lesser of five years or so long as the United States owns the lands; said cessions to be effective upon receipt by the Commission of a letter of acceptance of the cessions from the United States as required by 40 USC 3112 and recordation of the certificates of cession of concurrent criminal jurisdiction in the official records of the counties where the affected lands are located.
 5. Authorize the Commission's Executive Officer to issue a Certificate of Cession of Concurrent Criminal Jurisdiction for each of the three properties and have it recorded in the official records for Contra Costa, Sacramento and Santa Clara Counties.