

STAFF REPORT

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P. Huber

**CONSIDER CESSION OF CONCURRENT CRIMINAL LEGISLATIVE JURISDICTION
PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 126
OVER LANDS AT THE VETERANS AFFAIRS SAN DIEGO HEALTHCARE SYSTEM
AT 3350 LA JOLLA VILLAGE DRIVE, SAN DIEGO, SAN DIEGO COUNTY**

PARTY:

United States, Department of Veterans Affairs (VA)

AREA, LAND, TYPE, AND LOCATION:

Veterans Affairs San Diego Healthcare System (VASDHS), 3350 La Jolla Village Drive, San Diego, San Diego 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:

- 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

STAFF REPORT NO. 72 (CONT'D)

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, an Executive Director of the VA, dated March 27, 2019, the United States has requested that the State of California cede concurrent criminal legislative jurisdiction over the lands described in Exhibit A for a 10-year period for federal purposes. The United States owns these lands comprising the VASDHS. If approved, this would be the first cession of concurrent criminal legislative jurisdiction made over the VASDHS. Local law enforcement has indicated its support for the proposed cession.

Staff sent a notice of the proposed cession to the Clerk of the Board of Supervisors for San Diego County on August 1, 2019.

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

STAFF REPORT NO. 72 (CONT'D)

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 San Diego 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 VASDHS 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 VASDHS instead of relying on local law enforcement to respond and enforce the law. Thus, the proposed cession would alleviate the burden on local law enforcement agencies while preserving their authority to enforce the law for crimes committed on VASDHS, 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 cession 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 cession, 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 cession of jurisdiction is not a project as defined by the California Environmental Quality Act because it is an administrative action 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, sections 15378, subdivision (b)(5).

STAFF REPORT NO. 72 (CONT'D)

EXHIBIT:

- A. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

AUTHORIZATION:

1. Find that the following requirements of Government Code section 126 have been satisfied:
 - A. The United States has requested in writing that the State cede concurrent criminal legislative jurisdiction over the lands described in Exhibit A attached and by reference made a part hereof, said lands being within San Diego County, 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 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 San Diego 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.
 - F. The United States has agreed to compensate the State of California for its cost incurred in processing the cession.
2. Cede concurrent criminal legislative jurisdiction to the United States over the lands identified in Exhibit A, San Diego 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. Authorize the Executive Officer or her designee to execute a Resolution of Cession of Concurrent Criminal Legislative Jurisdiction and have it recorded in the Official Records of San Diego County.

EXHIBIT A

Legal Description

This property is recorded as three separate parcels of land legally described in the following documents:

1. Quitclaim dated August 21, 1967 conveying 16.971 acres from the Regents of the University of California to the United States of America recorded March 8, 1968 Series 9, Book 1968, File/Page No. 39872 of the Official Records, San Diego County, California.

All that portion of Pueblo Lot 1310 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to the Map thereof made by James Pascoe in 1870, a copy of which said map was filed in the Office of the County Recorder of said San Diego County November 14, 1921 and is known as Miscellaneous Map No. 36, bounded and described as a whole as follows:

Commencing at the Northwest corner of the East Half of Pueblo Lot 1300 of said Pueblo Lands of San Diego, being an angle point in the Westerly boundary of land described in Easement Deed to the State of California filed in the Office of the County Recorder of said San Diego County October 9, 1961 as Document No. 175351 in Series 2, Book 1961 of Official Records; thence along the boundary of said land so described as follows: along the North line of said Pueblo Lot 1300, North 89°08'51" West 344.45 feet; North 14°20'34" West 66.46 feet; North 58°20'45" East 200.00 feet; North 33°49'37" East 1002.39 feet; and North 8°24'03" East 76.37 feet; thence leaving said Westerly boundary, West, 15.16 feet to an intersection with a line drawn parallel with and distant 15.00 feet Westerly, measured at right angles, from that certain course forming a portion of said Westerly boundary which is designated in the aforementioned Easement Deed as "North 8°24'08" East 1727.60 feet", being the TRUE POINT OF BEGINNING of the herein described land, said TRUE POINT OF BEGINNING having Grid Coordinate Y=258,920.000, X=1,699,352.931 of Zone 6 of the California State Coordinate System; thence continuing West, a distance of 1119.53 feet; thence North 23°00'00" East 211.03 feet to the beginning of a tangent 429.50 foot radius curve, concave Westerly; thence Northerly along the arc of said

curve, through a central angle of 23°00'00" a distance of 172.41 feet; thence tangent to said curve, North, a distance of 303.31 feet to the beginning of a tangent 370.50 foot radius curve, concave Easterly; thence Northerly along the arc of said curve, through a central angle of 15°00'00" a distance of 97.00 feet; thence tangent to said curve, North 15°00'00" East 60.68 feet to the beginning of a tangent 29.50 foot radius curve, concave southeasterly; thence Northeasterly along the arc of said curve, through a central angle of 42°00'00", a distance of 21.62 feet; thence South 74°30'00" East 395.00 feet; thence South 72°00'00" East 100.00 feet; thence South 74°00'00" East 148.00 feet; thence South 68°00'00" East 154.00 feet; thence South 71°15'00" East 156.00 feet; thence East, a distance of 135.13 feet to an intersection with a line which bears North 8°24'08" East from the TRUE POINT OF BEGINNING; thence along said line, South 8°24'08" West; 557.89 feet to the TRUE POINT OF BEGINNING. Containing 16.971 acres, more or less.

2. Quitclaim dated August 31, 1973 conveying 7.567 acres from the Regents of the University of California to the United States of America recorded August 28, 1974, Book 1974, File/Page No. 74-233843 of the Official Records, San Diego County, California.

All that portion of Pueblo Lot 1310 of the PUEBLO LANDS OF SAN DIEGO, in the County of San Diego, State of California, according to the Map thereof made by James Pascoe, a copy of which said Map was filed in the Office of the County Recorder of said San Diego County November 14, 1921, and is known as Miscellaneous Map No. 36, described as follows:

Commencing at a granite monument set for the Southwest corner of said Pueblo Lot 1310; thence along the Southerly line of said Pueblo Lot 1310, South 89°08'51" East 976.18 feet; thence North 14°20'34" West 66.46 feet; thence North 58°20'45" East 153.89 feet to the most Southerly corner of that certain parcel of land as described in Parcel 3 in Deed to The Regents of the University of California, filed in the Office of the County Recorder of said San Diego County June 5, 1968 as Document No. 94004 of Official Records; thence along the Easterly line of said land so conveyed, North 75°28'37" East 273.02 feet, North 8°52'46" East

294.66 feet, North 20°10'15" East 138.34 feet, and North 36°41'53" East 28.65 feet to the TRUE POINT OF BEGINNING, said TRUE POINT OF BEGINNING having Grid Coordinates Y=258,500.000, X=1,699,134.267 of Zone 6 of the California State Coordinate System; thence continuing along said Easterly line, North 36°41'53" East 386.44 feet to an angle point therein, and North 18°19'28" East 116.04 feet to the Easterly prolongation of the Southerly line of land conveyed to the United States of America, by Deed filed in the Office of the County Recorder of said San Diego County March 8, 1968 as Document No. 39872 of Official Records; thence along said prolongation and along said Southerly line, West, a distance of 901.68 feet; thence South, a distance of 420.00 feet: thence East, a distance of 634.27 feet to the TRUE POINT OF BEGINNING

3. Quitclaim dated August 31, 1973 conveying 1.535 acres from the Regents of the University of California to the United States of America recorded August 28, 1974, File/Page No. 74-233844 of the Official Records, San Diego County, California.

All that portion of Pueblo Lot 1310 of the PUEBLO LANDS OF SAN DIEGO, in the County of San Diego, State of California, according to the Map thereof made by James Pascoe, a copy of which said Map was filed in the Office of the County Recorder of said San Diego County November 14, 1921, and is known as Miscellaneous Map No. 36, described as follows:

Commencing at a granite monument set for the Southwest corner of said Pueblo Lot 1310; thence along the Southerly line of said Pueblo Lot 1310, South 89°08'51" East 976.18 feet; thence North 14°20'34" West 66.46 feet; thence North 58°20'45" East 153.89 feet to the most Southerly corner of that certain parcel of land as described in Parcel 3 in Deed to The Regents of the University of California, filed in the Office of the County Recorder of said San Diego County June 5, 1968 as Document No. 94004 of Official Records; thence along the Easterly line of said land so conveyed. North 75°28'37" East 273.02 feet. North 8°52'46" East 294.66 feet, North 20°10'15" East 138.34 feet, North 36°41'53" East 415.09 feet and North 18°19'28" East 116.04 feet to the Easterly prolongation of the Southerly line of land

conveyed to the United States of America, by Deed filed in the Office of the County Recorder of said San Diego County March 8, 1968, as Document No. 39872 of Official Records, being the " T RUE POINT OF BEGINNING, said TRUE POINT OF BEGINNING having Grid Coordinates Y=258,920.000, X=1,699,401.685 of Zone 6 of the California State Coordinate System; thence continuing along said Easterly line, North 18°19'28" East 125.93 feet to an angle point therein, North 37°18'26" East 196.79 feet, and North 1°09'19" East 275.88 feet to the Easterly prolongation of that certain course in the Northerly boundary of said land conveyed to the United States of America which is designated in said Deed as "East, 135.13 feet"; thence along said prolongation. West, a distance of 131.66 feet to the Northeasterly corner of said land; thence along the Easterly line of said land, South 8°24'08" West 557.89 feet to the Southeasterly corner thereof; thence East, a distance of 48.75 feet to the TRUE POINT OF BEGINNING.

Total Acres Owned is 26.1289 AC