



Institutional Affiliate of American  
Congress on Surveying and  
Mapping

# The California Surveyor

*File Copy*

## THE VOICE OF THE LAND SURVEYORS OF CALIFORNIA

No. 21

WINTER EDITION

1971

### PRESIDENT'S MESSAGE

*Robert W. Curtis, L.S.*

In March of 1966, 8 men sat around a table in a Santa Rosa restaurant. The topic of discussion was our new Land Surveyor's Association and its aims and goals. Now, more than five years later, while we are much nearer, we still have not accomplished our primary goal. To wit: The elimination of the Civil Engineer's Exemption to the Land Surveyor's Act. We contend and can prove that civil engineers being registered today are not, for the most part, surveyors. They lack education, experience and interest in Land Surveying as required by the Land Surveyor's Act to protect the public interest.

C.L.S.A. has responded with one legislative effort which was defeated. We are now proceeding with our new legislative program. This time it is, in fact, a *program*. We are ready with facts and figures to prove our contentions. But, we need more than facts and figures. We need the participation of every Land Surveyor in California. To those Land Surveyors who have been waiting to see what C.L.S.A. is going to do or how we are going to fare, I say, "Its time to WAKE UP." The only people who care about Land Surveyors are Land Surveyors and no one else.

The activities of the Land Surveyor are increasing daily and thus the activities of C.L.S.A. are likewise increasing. We have *active* committees linking us with every willing group or association having a connection with Surveying. While our committees are active in every phase of surveying, to date, we have not been as active in some of the technical areas as we would like to be. A good example is a motion by the C.L.S.A. Board of Directors, at the meeting on October 2, 1971, to work with the Southern California Section of A.C.S.M. on the important question of property boundaries as effected by seismic disturbance. I believe we will be expanding our activities in the technical direction more next year.

To carry out such programs and to increase our workload as required by our profession is expensive in manpower as well as dollars.

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THE SAHARA TAHOE SITE OF 1972 CONVENTION

QUESTION? WHY DO YOU HAVE A LAND SURVEYOR'S CONVENTION EACH YEAR?

ANSWER! IT GIVES ME A CHANCE TO GET AWAY FOR A COUPLE OF DAYS, SEE MY OLD BUDDIES, AND BEND AN ELBOW OR SIX.

NOT THIS YEAR!!!

"TAHOE 72" MARCH 18th and 19th

WILL CHANGE ALL OF THAT!

WHAT!!

"Tahoe 72!" Informed, witty discussions on man and his environment. The Surveyor!! Is his profession an art? A science? Or a business? If it is a business, and that is what we think it is first of all, what does he need to make it a success?

WHERE!!

"THE LAKE!"

For those of us who live and work around Lake Tahoe, no further description is necessary. A paradise unequalled anywhere. *Spring at the Lake!* Crisp, clean mountain air, snow covered ski slopes flooded with bright sunlight; the magnificent lake itself, always blue, seeming to change shades as you look across it.

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# The Available Distance Meter ... Look Into It!

The HP 3800 is the Distance Meter that bears looking into. Since it's **available now**, you won't have to reserve months in advance, for first-hand scrutiny and evaluation.

Whether you view the 3800 with the eyes of a businessman, or the eyes of an operator, you'll quickly discover that it's the optimum solution for distancing problems. Start with the price: for a one-time investment of **just \$4110** you can have the competitive advantages of electronic distance measuring for your firm.

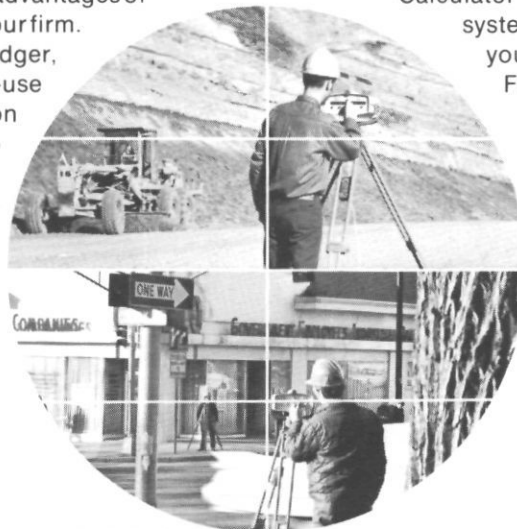
In the field or in your business ledger, you'll appreciate the fast, easy-to-use 3800. Just one quick demonstration and you and your crew are ready to go. Dial in the environmental factors, make the measurement, then *read the result directly in feet* (or

meters), up to 10,000 feet. Solid-state electronic circuits make the 3800 ideal for rough field conditions, such as extreme heat, cold, or rough use. It's backed by a one year warranty. And, since the 3800 is compact and truly lightweight (only 30 pounds including power supply), you won't feel like a pack mule when you are working in rough terrain.

Sure, many of these are little things, but when you add them together, they mean you and your crews are going to cover more ground, faster with the HP Distance Meter. To handle the increased work load in your office, you'll

be interested in the new Series 9800 Programmable Calculator Systems. These low-cost computing systems can drastically reduce the time you spend computing your field data.

For further information on services and products for surveyors, or for a "hands-on" demonstration of the 3800 Distance Meter, write: Hewlett-Packard, P.O. Box 301, Loveland, Colorado 80537.



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HEWLETT  PACKARD  
DISTANCE METER

**BOARD OF DIRECTORS MEETING  
ABSTRACTS OF MINUTES**

*James E. Adams, L.S.*

The CLSA Board of Directors met at the Royal Inn of San Francisco Airport on October 2, 1971. President Robert W. Curtis called the meeting to order at 10:10 A.M.

The President reminded the members of the Board that Resolution 69-3, Rules and Procedures for the Operation of this Board, will be strictly adhered to.

The Chair entertained a motion for approval of the minutes of July 24, 1971 Board meeting, as mailed. Homer Banks, Jr. requested that these minutes be corrected to show that he voted against the increase in dues, at the request of the Sacramento Chapter. It was moved, seconded, and passed, that the minutes, as corrected, be approved.

**ATTENDANCE**

*Board of Directors:*

President, Robert W. Curtis . . . . .	Present
Vice President, Michael J. Burroughs . . . . .	Absent
Secretary-Treasurer, James E. Adams . . . . .	Present
Director, Ross Armstead . . . . .	Present
Director, Homer Banks . . . . .	Present
Director, Thomas Gribbin . . . . .	Present
C.N. Hathaway . . . . .	Present
Paul W. Lamoreaux, Jr. . . . .	Present

*Chapter Representatives*

Bakersfield, Don Ward . . . . .	Absent
East Bay, Edward A. Boris, Jr. . . . .	Present
East Bay, George Buscher . . . . .	Present
Lake/Mendocino, Joseph Scherf . . . . .	Present
Marin, Eugene Lockton . . . . .	Present
Monterey Bay, George Darling . . . . .	Absent
Mother Lode, Frederick Kett . . . . .	Present
Northern Counties, John H. Ashbaugh . . . . .	Present
Sacramento, Eugene L. Foster . . . . .	Present
Sacramento, John W. Snell . . . . .	Present
Joaquin Valley, William O. Gentry . . . . .	Present
Santa Clara/San Mateo, Lawrence J. Cloney . . . . .	Present
Santa Clara/San Mateo, James Foulk . . . . .	Present
Santa Clara/San Mateo, Henry O. Young . . . . .	Present
Sonoma County, Dave Roberts . . . . .	Present
Southern Counties, Clyde C. Cabrinha . . . . .	Present
Southern Counties, Donald E. Bender . . . . .	Absent
Tahoe, Jerry W. Tippin . . . . .	Absent

*Non-Voting Members*

Santa Clara/San Mateo, Charles Randall . . . . .	Present
Legislative Chairman, C.A. Wooldridge, Jr. . . . .	Present

**Presidents Report:** The President reported briefly on his activities since the last Board meeting. In addition to attending several Chapter and committee meetings, he and Jim Adams attended a meeting last August in Greensboro, North Carolina. The purpose of this trip was to meet with other representatives from State Land Surveyors' Associations to pursue the advisability of forming a National Association of Land Surveyors. The idea was sponsored by the Virginia Association of Surveyors, in conjunction with the North Carolina Society of Land Surveyors. The President reported that it was the opinion of the majority of representatives at the meeting, that it would not be advisable, at this time, to organize a National Association of Land Surveyors, without first exploring the possibilities of working within the framework of the ACSM.

The President read the following resolution which was adopted at the meeting:

WHEREAS, it is felt by many surveyors that the present Land Survey Division of ACSM has not functioned completely as a true representative of the surveyor in all of the desired areas; NOW THEREFORE IT BE RESOLVED,

THAT the state surveyor associations make positive and concrete recommendations to ACSM for the reorganization of ACSM to simplify survey division in order that it will represent nationally all surveyors and serve them completely;

THAT ACSM be requested to explore the feasibility for the affiliates to supply financial assistance to ACSM;

THAT representation to ACSM be elected delegates from the state associations and that the number of delegates be based on membership of each state association;

THAT all state associations be notified of this action and that they be urged to take immediate action on this resolution and forward results to ACSM.

The President recommended that the CLSA take the necessary action requested by this resolution.

The President also reported that Jim Adams represented the CLSA at the National Council of Land Surveyors' meeting at the ACSM convention in San Francisco.

The President reported that he received copies of the final draft of the statement of Position of the Southern California Section of ACSM with respect to property surveys in areas affected by earthquakes. Mr. Eugene P. Ehe, Chairman of the Section, stated in his letter that it was the consensus of the Section that legislation should be enacted on this subject and requests the CLSA give its comments on whether it would endorse such legislation.

The Legislative Committee was requested to review the Southern California Section's proposal and report back to the Board.

**Secretary-Treasurer's Report:** The Secretary-Treasurer reported that the association now has 353 Regular Members, and 54 Associate Members. Since May 1, 1971, 15 Regular, and 10 Associate Members, have joined. As of this date, 31 Regular, and 10 Associate Members, have not paid their 1971 dues.

The Secretary-Treasurer reported that there has been a good response to the \$10 assessment.

The Secretary-Treasurer outlined necessary changes in the 1971 budget so that it would correspond to the anticipated expenditures for the remainder of the year. The Board gave its approval to these changes.

**COMMITTEE REPORTS:**

**Legislative Committee:** C.A. Wooldridge, Jr., Chairman, reported on the activities of the Legislative Committee. He stated that the Legislative Committee has recommended, on the advice of our Legislative Advocate, Alvar Yelvington, that the CLSA introduce a pre-print bill as a proposal for interim study this year.

Mr. Wooldridge said that our "Legislative Proposal, dated July 17, 1971," and as amended on September 18, 1971, and the Interprofessional Relations committee resolution, as amended by the Legislative Committee, could be included with our proposal for interim study, together with any additional material that develops during the course of the interim study.

Ross Armstead moved for the adoption of the Legislative Committee resolution. Mr. Wooldridge requested that it be amended. Mr. Armstead accepted the amendment, and the amended motion was seconded by John W. Snell, and carried unanimously.

**Resolution No. 71-7:**

WHEREAS the California Land Surveyors Association has investigated the problems created by the civil engineers exemption from the licensing provisions of the land surveyors act and

WHEREAS the association has determined that legislative activity is appropriate and necessary at this time,

NOW THEREFORE BE IT RESOLVED that the Legislative Committee be directed to immediately submit legislation in the form of a pre-print bill for interim study which would simply remove the civil engineers exemption contained in the Land Surveyors Act, and modify Section 6731 of the Professional Engineers Act in accord with the September 18 revision of the July 17 Legislative proposal, and

BE IT FURTHER RESOLVED that the following statement be adopted as our guiding policy:

The California Land Surveyors' Association holds the following view with respect to the place of land surveying in the engineering profession with all that is implied thereby as to ethical conduct, professional development, education promotion and other duties of a practitioner to his profession:

1. The Land Surveyors Act enacted in 1891 by the State of California established the first registration of the surveyor, so-called "civil" engineers, then in 1929 for the protection and welfare of the public the Civil Engineers Act was enacted, recognizing that special qualifications and education are needed to practice Civil Engineering.

**BOARD OF DIRECTORS MEETING** Continued from Page 3

2. The Land Surveyors Act was amended in 1939 to allow Civil Engineers to practice land surveying without a qualifying examination as their education requirements included comprehensive courses in land surveying, thus allowing those who practice land surveying to have a minimum quality of expertise in that branch of engineering.
3. During the past three decades the education program for professional engineers have become increasingly science-oriented, eliminating required and optional courses in land surveying, thus creating a new generation of Civil Engineers who can offer to the public the service of land surveying without any expertise in that branch of engineering.
4. For the welfare and protection of the public, future professional engineers who wish to offer the public the service of land surveying be required to show qualifications and be examined in the same manner as a Land Surveyor.

Eugene Foster requested that the Sacramento Chapter Resolution be brought up at this time. After discussion on the resolution, it was decided that the Sacramento resolution would only add alternatives to Resolution No. 71-7, and a motion would satisfy this requirement.

Jack Snell so moved "THAT THE LEGISLATIVE COMMITTEE BE HEREBY INSTRUCTED TO CONSIDER ANY AND ALL ALTERNATIVES WHICH MIGHT BE INTRODUCED AS ALTERNATIVE PRE-PRINT BILLS, AND TAKE SUCH ACTION AS THEY DEEM ADVISABLE FOR THE BEST INTERESTS OF THE CLSA AND THE LAND SURVEYING PROFESSION AS A WHOLE. The motion was seconded by James Foulk, and passed.

Tom Gribbin moved that the Board of Directors approve the following items of the Legislative Committee Quarterly Report, dated September 18, 1971:

1. AUTHORIZE THE EXTENTION OF THE CONTRACT WITH OUR LEGISLATIVE ADVOCATE FOR THE REMAINDER OF THE 1971 LEGISLATIVE SESSION;
2. AUTHORIZE THE EXPENDITURE OF FUNDS FOR THE INTERIM STUDY;
3. AUTHORIZE THE PRESIDENT TO SIGN A CONTRACT WITH OUR LEGISLATIVE ADVOCATE FOR HIS SERVICES IN 1972;
4. APPROVE THE FORMULATION OF THE LEGISLATIVE COMMITTEE, AS SET FORTH, AND AUTHORIZE THE LEGISLATIVE COMMITTEE TO SEND TO ANY MEMBER OF THE CLSA, AT COST, \$30.00, LEGISLATIVE BILLS AND OTHER LEGISLATIVE MATERIAL.

The Motion was seconded by Paul Lamoreaux, and passed.

Mr. Banks brought up the matter of distribution of all bills presented in the legislature to all chapters, as a means of building up member interest in the projects of the state association. The Legislative Committee chairman agreed to take the matter under consideration, and report back.

**Interprofessional Relations Committee:** Mr. Wooldridge stated that the Interprofessional Relations Committee submitted a report and a resolution with the agenda. It was moved by Jack Snell, and seconded by Larry Cloney, and passed, that "THE BOARD REFER THE INTERPROFESSIONAL COMMITTEE REPORT TO THE CALIFORNIA COUNCIL LIAISON COMMITTEE FOR STUDY AND TO PURSUE THE PROPOSALS THEREIN."

**California Council Liaison Committee:** Committee members of the California Council Liaison Committee were announced by the Chair to be:

C.A. "Chuck" Wooldridge, pro tem chairman, until the committee elects a full-time chairman, Dick Stephan, Homer Banks, C.N. Hathaway and Ed Boris.

**Fiscal and Administrative Matters Committee:** President Curtis appointed Jim Adams to be the Fiscal and Administrative Matters (FAM) Committee for the remainder of the year.

As committee chairman, Mr. Adams brought up the resolution prepared by Homer Banks, Jr. This resolution would have amended the motion passed at the July 24, 1971 Board of Directors meeting, that established the dues for Regular Members at \$50, and would place before the membership an amendment to the By-Laws of the CLSA that would require a vote of the membership on any dues change and, further, set the entrance fee at \$5.00, and the dues for 1972 at \$35., with yearly increases of \$5.00, up to a yearly dues of \$50 in 1975.

Speaking in favor of the resolution were Jim Adams, Homer Banks, and Clyde Cabrinha. The essence of their arguments was 1) that the membership should have the right to establish their own dues; 2) the fear that the dues increase would lose members; 3) that there had not been enough evidence shown to the membership as to why the dues should be doubled.

Those speaking against the resolution were, Ross Armstead, Larry Cloney, Tom Gribbin and Jack Snell. The essence of their arguments was, 1) the immediate need of money for legislative purposes and to finance various programs of the association; 2) the \$50. per year is not too much money (\$4.17 per month) for the betterment of the profession; 3) the Board of Directors was elected by the association, to govern, and one of the Board duties is to find means to finance its operation.

It was moved by Jim Adams, and seconded by Homer Banks, Jr., that "THE ASSOCIATION DUES FOR 1972 BE SET AT \$35., AND THAT THE DUES BE INCREASED EACH YEAR BY \$5.00, UNTIL THE DUES REACHED \$50. The motion was put to a vote and defeated.

Homer Banks, Jr. moved that "HIS RESOLUTION BE TABLED AND THAT PORTION DEALING WITH PLACING THE DUES STRUCTURE IN THE BY-LAWS BE ASSIGNED TO THE FAM COMMITTEE FOR STUDY, WITH THE INSTRUCTION THAT THE FAM COMMITTEE MAKE A REPORT AT THE NEXT BOARD MEETING. The motion was seconded, and passed.

**Constitution and By-Laws Committee:** Tom Gribbin, Chairman, after consulting with the Membership Committee, presented the proposed amendments to the CLSA Constitution and By-Laws.

A proposed amendment to the section that establishes the qualifications of a Regular Member was discussed. This section was amended so that a person accepted as a Regular Member shall apply for membership in a chapter. The Southern Counties Representative stated that he felt that this was a necessity so as to strengthen the chapters and thereby strengthen the CLSA.

Tom Gribbin clarified a point with regard to the amendment adding the classification of Fellowship Member to the By-Laws. The Fellowship Member will still be required to pay his yearly dues.

The dues structure for the classification of a Affiliate Student Fellowship membership will not be established until after the membership has voted.

There were several technical changes in the amendments, and Jack Snell moved that "THE PROPOSED CONSTITUTIONAL & BY-LAWS AMENDMENTS, AS AMENDED, BE SENT TO THE MEMBERSHIP FOR THEIR CONSIDERATION." The motion was seconded by Bill Gentry, and passed.

**Nominating Committee:** William O. Gentry, Chairman of the Nominating Committee, stated that the recommendations of his committee were included with the agenda.

James Foulk and Donald Bender requested that they did not wish to stand for election as Directors-at-large. Paul Lamoreaux, Jr. requested that he did not wish to stand for election as Vice-President. The Board accepted their requests.

There were nominations from the floor that Homer Banks, Jr. and Paul Lamoreaux, Jr.'s names be placed on the ballot as Directors-at-large. The two parties accepted to having their names placed on the ballot and the Board concurred in this action.

Mr. Gentry requested that, in the future, the chapters submit a list of available and willing candidates in time to be placed on the July Board agenda.

It was moved by Tom Gribbin "THAT THE NOMINATING COMMITTEE REPORT, AS AMENDED, BE ACCEPTED AND THAT THE SECRETARY-TREASURER BE INSTRUCTED TO PROCEED, UNDER ARTICLE IV, SECTION 7, OF THE BY-LAWS." The motion was seconded by Ross Armstead, and passed.

**Education Committee:** In the absence of Maurice Lafferty, Chairman of the Education Committee, the President gave the report for the Committee. The report consisted of a resolution which stated, in essence that "The CLSA now recognizes that land surveying is a distinct branch of professional engineering and it directed the education committee to develop a suitable professional engineering land surveying curriculum."

Because there is an apparent conflict between Resolution No. 71-7,

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## BOARD OF DIRECTORS MEETING Continued from Page 4

and the Education Committee resolution, Larry Cloney moved that "THAT THE RESOLUTION BE REFERRED BACK TO THE EDUCATION COMMITTEE FOR RECONSIDERATION AND BE SUBMITTED AT THE NEXT BOARD MEETING." The motion was seconded and passed.

The President stated that he had another Education Committee resolution dealing, in essence, with a recommendation to the Board of Registration to expand the upgrade the LS examination. For reasons unknown, this resolution was not submitted with the agenda as required by Resolution No. 69-3. It was requested that the Education Committee submit this resolution at the next Board meeting.

**Membership Committee:** The Membership Committee was to report on the elimination of entrance fees for Associate Members. Mr. Cloney stated that nothing had yet been submitted in writing regarding this matter.

**Professional Practices:** Jack Snell reported that the organizational structure of the committee is nearly completed.

**1972 Convention:** Jim Adams reported on a conversation with Jerry Tippin, via telephone, in which Mr. Tippin said that the dates for the 1972 Convention had been set as March 17th and 18th, at the Sahara Tahoe, Stateline, Nevada. There will be pre-registration on the 16th. The Sahara Tahoe will need 14 days prior registration for rooms. Detailed information will be distributed to the membership. The planned program will include the subjects: ecology, cost-control, planned developments, etc. Instead of a dance, they will have special rates at the dinner show.

**Editor:** Because of the 1972 Convention dates, it appears a special Convention issue of the CALIFORNIA SURVEYOR will have to be published in Mid-January.

It was moved by Jim Foulk, seconded by Dave Roberts, and carried, that "THE EDITOR BE AUTHORIZED TO PUBLISH A PRELIMINARY ISSUE OF THE CALIFORNIA SURVEYOR, AND TO EXPEND THE NECESSARY FUNDS THEREFOR."

**Liaison with Government:** Jack Snell was requested by the President to ask James Dowden, Chairman of this committee, to obtain a resolution from the state assembly establishing the week of the 1972 Convention as Land Surveyors' Week. Mr. Snell agreed to do this.

**Liaison with Board of Registration Committee:** Mr. Armstead, Chairman of the Committee, reported that he had appointed his committee and that they are:

Norman Hathaway, from Long Beach  
Chuck Wooldridge, from Alameda

Mr. Armstead stated that he was now in the process of establishing communications with the Board of Registration.

### CHAPTER REPORTS

Bakersfield: No Report  
East Bay: No Report  
Lake/Mendocino: No Report  
Marin: No Report  
Monterey Bay: No Report  
Mother Lode: No Report

**Northern Counties:** Northern Counties Chapter Representative reported that his chapter is in the process of reorganization and a possible result of this reorganization may be the forming of a separate chapter in that area; the reason being that this chapter covers too large an area.

**San Joaquin Valley:** The Chapter Representative reported that the chapter put on a skit at the ACSM Convention in San Francisco, based upon a court trial in that area, involving a land boundary dispute. The President noted that the skit was well received, and Mr. Gentry said that they were invited to give the skit at the next surveyors' conference.

**Sacramento:** Report submitted with agenda.

**Santa Clara/San Mateo:** Report submitted with agenda. Larry Cloney, Chapter Representative, brought out the suggestion that the 1973 convention in San Jose, be a joint convention with the two California sections of ACSM. There was some discussion, but no decisions were made.

The President was requested by Jim Chamberlain to express his appreciation for the assistance and help given, by members of the SC/SM Chapter and the CLSA, to the ACSM at their convention in San Francisco.

**Sonoma County Chapter:** Dave Roberts reported that, in addition to their regular meeting schedule, their chapter has had 3 special meetings dealing with two ordinances being presented by their Board of Supervisors, having to do with sanitation and large parcel divisions of land. What effect their meetings have had will not be known until early in the next week when the Board of Supervisors meets again.

**Southern Counties:** No Report

**Tahoe:** No Report

The Chairman of the Fiscal and Administrative Matters Committee was requested to study the provisions of Resolution No. 69-3, relative to Chapter Reports, and to recommend any changes in these provisions that would facilitate the presenting of Chapter Reports.

The President asked the Chapter Representatives to remind their Chapter Secretaries that Chapter reports are required by Resolution No. 69-3, to be sent to the Secretary-Treasurer, three weeks prior to each board meeting. Failure to submit these reports deprives the other chapters of information that might be helpful, and also deprives the Board members of learning of the feeling and attitudes of the Chapter members on matters under consideration.

**Miscellaneous Old Business:** Mr. Wooldridge stated that it would be helpful to have some background information on the members, and suggested that a questionnaire to go out with the dues notices. It was pointed out that the information included on membership applications was out-dated, in many cases. It was the consensus of opinion that the questionnaire should be sent out annually with the dues notices. The information would be helpful in keeping the association's records current.

### NEW BUSINESS

**Education:** Dave Roberts presented a point of information, in that there is an organization called "Professional Education Programs" in New York, and they sell correspondence courses at the present time, for people preparing for the EIT and PE exams. They are purported to be tailored to the different tests given in the different states. They are in the process of designing a land surveying program. Of just what it will comprise, and what it will cover, he is not sure. Their EIT program costs \$160, and is meant to cover a 6-8 months period of two or three lessons per week. He feels it to be very comprehensive. The President suggested that Dave Roberts forward the information to Mr. Lafferty, Education Chairman.

The President requested that the board take action to two previously discussed subjects: 1) The Virginia Association of Surveyors' Resolution, and 2) The Southern California Section of ACSM's request.

Dave Roberts moved that "THE CLSA ADOPT THAT RESOLUTION AS SET FORTH BY THE VIRGINIA ASSOCIATION OF SURVEYORS, AND PASSED ON AUGUST 20, 1971, IN GREENSBORO, N.C." The motion was seconded by Clyde Cabrinha, and passed.

It was moved by Jim Foulk that "THE CLSA ENDORSE, SUBJECT TO THE REVIEW AND RECOMMENDATIONS OF THE CLSA LEGISLATIVE COMMITTEE, THE SOUTHERN CALIFORNIA SECTION OF ACSM'S STATEMENT OF POSITION ON PROPERTY SURVEYS IN AREAS EFFECTED BY EARTHQUAKES AND ANY LEGISLATION NECESSARY TO IMPLEMENT IT," The motion was seconded by Dave Roberts, and passed.

**Meeting place for the annual meeting:** It was moved, seconded, and carried, that the January Annual Meeting be held at the Royal Inn, San Francisco International Airport, at 10 a.m., and that Mr. Lamoreaux be directed to make the arrangements.

**Adjournment:** It was moved, seconded and passed that the meeting be adjourned at 4:40 p.m. ▲

*The "California Surveyor" has been notified of the passing of Jack Snell, one of the pillars and active workers of the California Land Surveyors Association. Jack will be missed by all Surveyors of California and the association will find it difficult to fill his shoes for work he has done for the Legislative Committee.*

CANDIDATES FOR 1972

FOR OFFICE OF DIRECTOR

OFFICERS AND DIRECTORS OF C.L.S.A.

FOR OFFICE OF VICE-PRESIDENT

Donald E. Ward L.S. 2863

Donald E. Ward is chairman of the Interprofessional Relations Committee, a member of the Legislative Committee and Bakersfield Chapter Representative since 1967.

Don is a partner of Rickett, Reaves and Ward—Consulting Engineers, a director for Western Photoair—Photogrammetric Engineers, and a director for Soils Engineering Inc.—Soils Testing and Laboratory.

He has been a member of C.L.S.A. since 1966 and has been past president of the San Joaquin Valley and Kern County Chapters of C.C.C.E. & L.S. and is a member of Academy of Surveyors and Legislative Committee of C.C.C.E. & L.S.

C.W. Wooldridge, Jr. L.S. 2852

C.A. "Chuck" Wooldridge is chairman of the Legislative Committee, elected to C.L.S.A. Board of Directors in 1969 and 1970 and was Program Chairman of the 1970 convention.

Chuck is a charter member of C.L.S.A. as well as "Land Surveyor of the Year 1971." He is currently employed as Chief Surveyor in the Dublin office of Toups Engineering, Inc. and is a member of East Bay Chapter.

FOR OFFICE OF VICE-PRESIDENT

James E. Adams L.S. 3541

James E. Adams was re-elected in 1971 as Secretary-Treasurer of C.L.S.A. after serving as Secretary-Treasurer in 1970 and a member Legislative and Nominating Committees.

Jim is currently employed by Sonoma County Surveyors Office working in Land Development Section and is a member of Sonoma County Chapter.

FOR OFFICE OF SECRETARY-TREASURER

Leonard D. Berry L.S. 3270

Leonard D. Berry is a member of Bakersfield Chapter and is employed by Western Photoair Inc. in charge of Casdestral Surveys and Photogrammetric Control. He has attended Fresno State and has a AA Degree from Bakersfield College.

Harold B. Davis L.S. 3352

Harold B. Davis is Secretary-Treasurer of East Bay Chapter and is Chief of Survey Parties for the City of Hayward. He has attended Oakland City College and University of California Extension.

FOR OFFICE OF DIRECTOR

Homer Banks, Jr. L.S. 3279

Homer Banks, Jr. was elected in 1971 to C.L.S.A. Board of Directors, member of Liaison Committee to C.C.C.E. & L.S. past president of Sacramento Chapter and is self-employed land surveyor in Sacramento and has a A.A. degree from Sacramento City College.

Edward A. Boris Jr. L.S. 3350

Edward A. Boris, Jr. was a member of C.L.S.A. Board of Directors during 1970, Editor of the California Surveyor 1970 and 1971, member of Legislative Committee and Liaison Committee to C.C.C.E. & L.S., chapter representative and past president of East Bay Chapter and is employed by Alameda County Surveyor Office and has a A.A. degree from City College of San Francisco.

Clyde C. Cabrinha L.S. 3457

Clyde C. Cabrinha is chapter representative and President of Southern Counties Chapter and is employed by Wilsey and Ham and has attended California State Polytechnic College at San Luis Obispo.

Lawrence J. Cloney L.S. 3281

Lawrence J. Cloney is chairman of Membership Committee, member of Fiscal & Administrative Committee, Chapter Representative and Chairman of Santa Clara-San Mateo County Chapter and is employed by City of San Jose in charge of seven survey crews and has attended two years at the University of Santa Clara.

Maurice E. Lafferty L.S. 3157

Maurice E. Lafferty is chairman of Education Committee, member of Bakersfield Chapter and is Vice-President and General Manager of Western Photoair, Inc. and has attended the University of Connecticut.

Paul W. Lamoreaux, Jr. L.S. 3374

Paul W. Lamoreaux was elected in 1971 to C.L.S.A. Board of Directors, Chairman of Status Improvement Committee, member of Legislative Committee and vice-chairman of Santa Clara-San Mateo County Chapter and he is employed by S.F.B.A.R.T.D. in Right of Way and has a Bachelor's Degree from San Diego State.

Eugene Lockton L.S. 2535

Eugene Lockton is chairman of Public Relations Committee, member of Legislative Committee and Marin Chapter, he is self-employed land surveyor in San Rafael and a graduate of Stanford University.

John P. Pedri L.S. 3000

John P. Pedri is a member of Legislative Committee and Mother Lode Chapter, County Surveyor of Tuolumne County and a member of the Surveyor's Committee of County Engineers and has attended San Jose State, U.C.L.A. and U.S.C.

David H. Phares L.S. 3135

David H. Phares a former member of Santa Clara-San Mateo County Chapter now residing in San Diego and is working for a land developer, Saratoga Developments, as an Engineering Coordinator and he is a graduate of City College of San Francisco.

<p><b>CLASSIFIED ANNOUNCEMENTS</b></p> <p>Rates: \$2/line CLSA members; \$4/line non-members and business.</p> <p>GEODIMETER 4B WITHOUT REFLECTORS FOR SALE—\$500. DUFF SURVEYS, (415) 986-1087, 22 Battery St., San Francisco.</p>
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**QUESTION?** ARE THE MEETINGS AND LECTURES INTERESTING OR INFORMATIVE?

**ANSWER!** OH, GENERALLY THE TOPICS AND SPEAKERS ARE INTERESTING, BUT FOR THE MOST PART IT IS JUST A CHANCE TO GET TOGETHER WITH OLD FRIENDS.

**PROPOSED TOPICS THIS YEAR!!**

- 1) Liability and the Surveyor
- 2) Timely Cost Control
- 3) Super agencies: What are they and how do we deal with them?
- 4) Planned Unit Development: The Problems and Solutions
- 5) The Attitude of Engineers towards Surveyors: Are we the guys who stand out in the street looking through that funny camera or are we professionals?

Not only will "Tahoe 72" be more informative than any previous convention, but the social aspect will be more varied than ever before.

In keeping with a setting as magnificent as Lake Tahoe in the spring, the ladies activities will border on the spectacular. No bus rides to a museum or historical site this time.

Friday's lunch will be a joint affair, lucky girls, with a world famous ecologist telling us in our own inimitable fashion, what is happening to our environment and what we can do to save it.

Saturday's Ladies Lunch will be at the top of Heavenly Valley, accessible only by tram over some of the most beautiful country imaginable.

Friday night will find us at dinner in the show lounge of the Sahara Tahoe enjoying the internationally renowned entertainer appearing at the time.

With the type of convention we are planning and the site being what it is, I find it inconceivable that the Little Lady will allow you to come—alone. This is what we are counting on to make the "Tahoe 72" the Biggest and Best Land Surveyor's Convention yet.

Advance registration cards will be in the mail around the first of the year. If the response is anything like we expect, we will need every room in South Lake Tahoe, and this normally takes a day or two to arrange. So the earlier that we receive your reservations, the better chance we will have of getting the name of the town changed to "Surveyorsville."

**KEEP THE FAITH AND WE WILL SEE ALL OF YOU AT "TAHOE 72" ON MARCH 18th AND 19th.** ▲

**LEGISLATIVE HAPPENINGS**

*Chuck Wooldrige, L.S.*

At this writing the legislature is still in session and the time of fast and unexpected happenings has arrived. As far as is known, there are no plans for a last minute bill affecting land surveying like last year when photogrammetrists obtained the title Consulting Engineer, but your legislative committee is attempting to remain aware of what transpires. Recodification of the Subdivision Map Act, AB 1375, is still active with amendments needed to make it useable. Major bills that have become law which concern the land surveying profession include the following.

SB 489 as Chapter 306 prohibits local agencies from requiring dedication or bonding for improvements as a condition of issuing building permit, use permit or zoning variance unless such dedication or improvement is reasonably related to the property use.

Chapter 941 processed as SB 504, permits landowners to permit property use for access or recreation without creating new prescriptive rights.

LeRoy Greene's AB 31 deletes the age limit for applicants for License as Land Surveyor or Registration as Professional Engineer, as Chapter 92.

The eleven year time limit for the EIT is deleted and minor language updating made by Chapter 108, LeRoy Greenes AB 462.

Chapter 1285 had an urgency clause added before being signed October 29 amending the Real Estate Act to include undivided interests of five or more persons within the definition of subdivision, resulting from AB 760.

AB 809 conforms the Land Surveyors Act to the Board Rule regarding the title Consulting Engineer for photogrammetrists as Chapter 784.

Most of the McCarthy package has become law, modifying the Subdivision Map Act and the Real Estate Act.

Most of the Powers bills regarding the Professional Engineers Act have been signed into law, including Chapter 321 (AB 1320). The phrase "responsible charge of work" means the independent control and direction, by the use of

Continued on Page 8

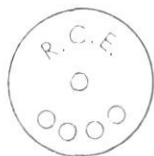
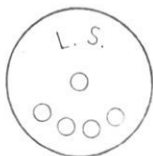
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initiative, skill, and independent judgement, of the investigation or design of professional engineering work or the direct engineering control of such projects.”

CLSA introduced two bills, AB 2861 to create a Land Surveyor In Training which was dropped when engineering organizations opposition developed, and our spot bill. This latter is being used to bring the interim study of the practice of land surveying by civil engineers.

Interim study is a leisurely, thorough investigation into a problem by a committee of the legislature, usually resulting in a bill to resolve the problem authored by the committee. As such it has a much better chance of passage than a bill with one author sponsored by a self-interest group. Many members of CLSA are going to be called on for assistance as the study develops.

The Legislative Committee is also studying possible legislation for introduction next year, including the Land Surveyor In Training bill, and a bill to protect the title Cadastral Engineer. The recent Stearns vs Title Insurance and Trust Co case has the committee investigating the laws regarding constructive notice for possible needed legislation, and consideration of elimination of the exemptions from filing Record of Survey Maps. Required access to survey monuments is in the mill, along with elimination of the Division of Highways exemption from the tagging requirements for survey points. The entire section regarding material evidence is being reviewed.

Liason activities are being continued, and seem to be producing much better understanding and efforts to reach agreement. Permanent liason agreement on a continuing basis have been agreed to with the County Engineers Association of California. Changes in the liason arrangements are expected soon. The ability to resolve differences in proposed or pending legislation prior to the public hearings can greatly simplify our activity.

Any CLSA member desiring to keep informed in detail of Legislative Committee 1972 activities may subscribe to the committee bill service and reports for thirty dollars for the year. He will receive all mailings to the committee including bills, amendments and meeting reports. The committee will, of course, consider comments from all members regarding any legislative matter. Next year it is anticipated that the committee will be limited to six or eight members who will be expected to each attend all meetings of the committee.

This legislative effort is expensive but essential if surveying is to be more than technical activity. The measure of a profession is not the return to the practitioner, but the service the profession provides to the public. Your interest and support is but one minor though essential grain in the sands of the service and protection the Land Surveying profession provides for the public. Maybe this alone is adequate reason for you to remit your dues promptly, bring a guest to meetings of your chapter, and not look for excuses when asked to help or serve. ▲

Simply stated, we need both. To illustrate, lets take a look at what one C.L.S.A. Board of Directors meeting costs. Generally, 25 or more men attend, so I will use 25 for illustration.

Average travel cost,		
\$15.00 per person:	\$15 x 25 = \$	375.00
Using only \$5.00 worth		
per man hour:	\$5 x 8 hrs x 25 =	1,000.00
Lunch	\$1.50 x 25 =	39.50
		<u>\$1,412.50</u>

Considering that all this is paid for personally by the individual who also pays his association dues and, likely as not, has to make four or more additional committee meetings a year, you may have some idea of the dedication of your Board of Directors.

I think our association is very much like a bank. Without investors, we can do no business. If, on the other hand, we all put in our share of time and money, we are certain to earn some interest. Most important of all, is the fact that if you do not put something in, you surely cannot expect to get anything out. Membership in C.L.S.A. is an investment in the future of Land Surveying.

This will be my last message as President of C.L.S.A., and based on my two years as President, I feel the most important ideals for C.L.S.A. to pursue are:

1. C.L.S.A. must always consider the public interest as paramount.
2. C.L.S.A. must represent all Land Surveyors equally.
3. C.L.S.A. must speak with one voice throughout the State.

To my Boards of Directors, Committee Chairmen and friends throughout California, thank you for the opportunity to have been of service to my profession. ▲

**ALL MAPS REVOKED**

*John W. Snell, L.S.*

On June 17, 1971, The Fourth District Appellate Court completely changed the status and legal effect of all maps in California. In *Stearns vs. Title Ins. & Trust Co.* (18 C.A.3d. 162, at (5) p. 169) that Court held that neither Township Plats nor Records of Survey impart constructive notice. If so, such Plats no longer are evidence of the location of boundaries. That is a radical departure from all prior title and boundary law concerning maps.

“Constructive notice” is a highly technical legal term. Simplistically, it means that a person will be presumed to know something if he should have known it or is required by law to have known it. Constructive notice is the very basis of our recording system. Prior to this case a person had constructive notice of the contents of all of the documents in his chain of title. That included all maps referred to in those documents. That is why people pay title companies.

Continued on Page 9



The Stearns case states: "Private records of survey . . . are recorded, however, pursuant to Business and Professions Code section 8762, et seq. These sections contain no provision that such recordation shall impart constructive notice. The recordation of United States Government Surveys by the Department of Interior is provided for by section 751 of Title 43 of the United States Code. The statute, however, does not provide for constructive notice." (Id. (5) 169.)

Maps have been used to depict the ownership and boundaries of real property for at least 6,000 years. Property maps were in use in California long prior to statehood. C.C. 19, since 1872, has provided constructive notice from "actual notice of circumstances sufficient to put a prudent man upon inquiry." Since 1872, C.C.P. 2077 - 6 has provided that when a description refers to a map it controls over other inconsistent particulars "if it appears that the parties acted with reference to the map." There are a long series of cases, State and U.S., holding that maps and plats are incorporated in a document by reference. (See *Ogden's Calif. Real Property Law*, Sections 12.4 & 12.5, pp. 432 to 439.) One might well have thought the subject settled.

All California upland titles start with a U.S. survey, plat and patent (or list). Even the U.S. Confirmations of Mexican grants are based upon such surveys, plats and patents. *Kimball vs. McKee*, 149 Cal. 435, 439 & 440, holds that our Courts will take judicial notice of these Federal surveys and plats. It seems impossible that any vestee would not be bound to constructive notice of such matters in his chain of title. The Stearns case, however, so holds.

The Stearns case refers specifically to B.&P. C. 8762. That section requires records of survey to be filed for record under listed circumstances. Unless such maps then impart constructive notice that requirement will accomplish nothing. One of the records of survey in the Stearns case was referred to in the document by which title vested. If the Stearns case is controlling, records of survey are no evidence of boundaries even when referred to in subsequent deeds.

The Supreme Court refused to consider this case and over-rule the Appellate Court upon this subject. It might take years to have it over-ruled in another case. Corrective Legislation appears to be the only way to return our maps and plats to their proper status. ▲

## LAND SURVEYING IN CALIFORNIA

*Eugene L. Foster, L.S.*

For 42 years, beginning with 1891 and ending with 1933, land surveying, in California was defined exactly the same and is shown here:

"Every licensed land surveyor is hereby authorized to make surveys relating to the sale or sub-division of lands, the retracing or establishment of property or boundary lines,

public roads, streets, alleys or trails; and it shall be the duty of each surveyor, whenever making any such surveys, except those relating to the retracing of subdivision of cemetery or town lots, whether the survey be made for private persons, corporations, cities or counties, to set permanent and reliable monuments, and such monuments must be permanently marked with the initials of the surveyor setting them."

The foregoing definition prevailed throughout the 1891 Act and the 1907 Land Surveyors Act, (Chapter 247, Statutes of 1907) until the passage of the 1933 Land Surveyors Act (Chapter 506, Statutes of 1933). These acts were administered by the California Surveyor Generals Office until passage of the 1933 Act on August 21, 1933. After that date, the administration of the Land Surveyors Act and the licensing of land surveyors was turned over to the newly created Board of Registration for Civil Engineers. (Chapter 801, Statutes of 1929 created the Civil Engineers Act which did not contain a definition of 'civil engineering.')

It was not until the following session of the Legislature that Chapter 891, Statutes of 1931 provided a specific definition of 'civil engineering,' as Section 1a of the Civil Engineers Act. The second paragraph of that section is quite interesting and quoted here:

"Said term shall include city and regional planning in so far as any of the above features are concerned therein, and geodetic, cadastral, municipal and topographic surveying, but nothing in this act contained shall be construed to repeal, alter or modify that certain act entitled "An act to define the duties of and to license land surveyors, and to repeal an act entitled 'An act to define the duties of and to license land surveyors,' approved March 31, 1891, "approved March 16, 1907." Italics are mine.

The words, "geodetic, municipal and topographic surveying" have remained in the civil engineering definition for forty years, either as the five words written above or implied in part, in subsections a, d, and e of Section 8726 of Chapter 15, Division 3 of the Business and Professions Code.

'Cadastral surveying' was not found in the definition of civil engineering for the fourteen years between 1945 (Chapter 1381, Statutes of 1945) and 1959 (Chapter 408, Statutes of 1959). Since 1959 the entire Land Surveyors Act has been included in the definition of 'civil engineering.'

In the statutes of 1933 and 1935, in the Land Surveyors Act, the definition of Land surveying still remained property boundary surveying only. It was not until 1941 (Chapter 834, Statutes of 1941) that the modern definition of land surveying, as we now know it, containing 'geodetic, municipal and topographic surveying,' appeared.

For many years the Civil Engineers Act contained the expression as stated today in Section 6743. "This Chapter does not affect Chapter 15 of Division 3 of this Code, relating to surveyors, except insofar as this chapter is expressly made applicable." (The only reference to land surveyors). The only place in the Civil Engineers Act where it is expressly made applicable is in the final statement in the definition of 'civil engineering' Section 6731. ▲

# COMMENTS AND LETTERS, From In, Out and Around

## THE REVIVAL OF PLAN A

*Editor Note – The following excerpts are from Committee Reports and Minutes of the 77th Meeting of the Board of Directors of the California Council of Civil Engineers and Land Surveyors.*

### *Engineering Advisory Committee*

Arthur G. Sherman then led off a discussion relative to the problems which led his group to ask that currently licensed land surveyors be granted registration as civil engineers and that currently licensed civil engineers be licensed as land surveyors. The discussion then ensued involving Barrish; Jurkovich; Gizienski; Sherman; Stratta; and Guarrera. At the direction of Sherman, Reynolds read an article in the Los Angeles Times of Sunday, September 12 relative to this situation. Jurkovich then mentioned the history of a four man committee assigned to study this matter and said that in his opinion the Times Article was not 100% accurate in this respect. He said further that complaints come in not only on civil engineers, but on land surveyors operating in this area. Gizienski asked if the land surveyors weren't actually attempting to set-up their own licensing program. Sherman responded in the affirmative and said this plan would place the land surveyors totally within the area of civil engineers. He then mentioned Plan B which would provide registration similar to the Nevada Law which prohibits civil engineers from doing certain types of land surveying.

### *Organization and Policy Committee*

**Land Surveyor Licensing.** It was moved, seconded, and carried, to re-submit Plan A to the Board in light of Sherman's go-ahead signal from the Director's Advisory Committee.

### *County Engineers Liaison Committee*

**Land Surveyor Licensing:** Conferees were polled as to their views on whether surveying and engineering licensing should be split or merged. The fourteen members had approximately fourteen different positions.

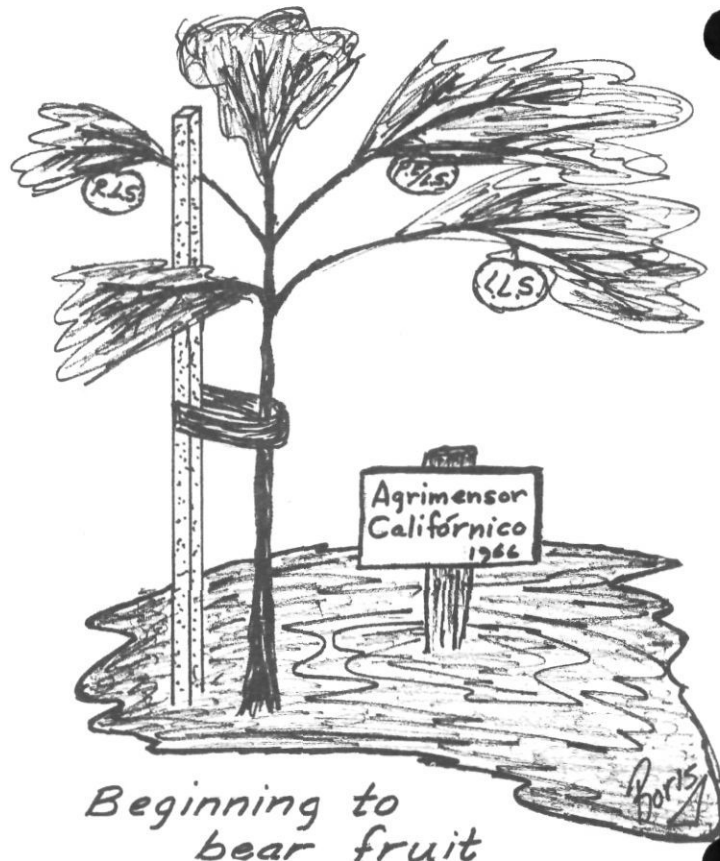
The Engineering Advisory Committee to the State Director of Consumer Affairs has asked CCCE&LS to draft "Plan A" for the December meeting of the EAC. If the plan is endorsed by EAC then the Department will cause it to be introduced in the 1972 Legislature.

Plan A would register all land surveyors as civil engineers, would license as land surveyors all civil engineers who could qualify, and would provide that hereafter one would have to be a civil engineer before he could apply for the land surveyor license, and finally, it would limit the practice of land surveying to persons who hold a land surveyor license.

It was moved, seconded, and carried unanimously, that the parent organizations be asked to neither of them embark on a program to promote a plan until the other has had an opportunity to examine it and the two have conferred on it. Secretary White was instructed to so write CEAC and CCCE&LS.

### *Long Range Planning Committee*

**Land Surveyor licensing.** The need for new law to clear the air on the engineer-surveyor issue was discussed. The Committee endorsed the Plan A principle.



## C.L.S.A. POLICY

The California Land Surveyors' Association holds the following view with respect to the place of land surveying in the engineering profession with all that is implied thereby as to ethical conduct, professional development, education promotion and other duties of a practitioner to his profession.

1. The Land Surveyors Act enacted in 1891 by the State of California established the first registration of the surveyor, so-called "civil" engineers, then in 1929 for the protection and welfare of the public the Civil Engineers Act was enacted, recognizing that special qualifications and education are needed to practice Civil Engineering.
2. The Land Surveyors Act was amended in 1939 to allow Civil Engineers to practice land surveying without a qualifying examination as their education requirements included comprehensive course in land surveying, thus allowing those who practice land surveying to have a minimum quality of expertise in that branch of engineering.
3. During the past three decades the education program for professional engineers have become increasingly science-oriented, eliminating required and optional courses in land surveying, thus creating a new generation of Civil Engineers who can offer to the public the service of land surveying without any expertise in that branch of engineering.
4. For the welfare and protection of the public, future professional engineers who wish to offer the public the service of land surveying be required to show qualifications and be examined in the same manner as a Land Surveyor.

Continued on Page 11

Academy of Surveyors Committee

California Land Surveyors Association. There was a lengthy discussion of registration, licensing and relations with other organizations. It was moved, seconded, and carried, to ask the board to allow the Academy of Surveyors Committee to deal with California Land Surveyors Association. It was also moved, seconded, and carried, to endorse a position in favor of the concept of single registration.

Minutes of the 77th Meeting

Sherman reviewed Plan A and explained the machinery that is available through the Advisory Committee to get a resolution of the matter in the Legislature.

Rick reported on the meeting September 11, 1971, he and Bissell had with the Inter-professional Relations Committee of California Land Surveyors Association (report attached) at Hollywood-Burbank. He reported that CLSA had subsequently decided that the solution discussed was not acceptable.

Sherman reported that a Board of Registration survey had developed evidence that, on a per person basis, more bad surveying was done by land surveyors than by civil engineers.

Psomas presented the Academy of Surveyors Committee opinion that the Council should not take the lead in promoting Plan A but should support it if it is promoted by someone else, and that the best solution to the surveyor problems is through the single-registration concept.

Hood moved, Scott seconded, and it was carried, that the Council reaffirm its position in support of Plan A and direct the Legislative Committee to prepare the necessary document for Sherman to carry to the Advisory Committee; from that point on, the Council stay in the background. ▲

COMMUNITY PROJECT

Lawrence J. Cloney, L.S.

The Santa Clara-San Mateo County Chapter is sponsoring an Explorer Boy Scout Mating Post in San Jose. As best as can be determined, it is the second in the state (Sacramento has the first). Three Land Surveyors are the primary leaders: Don Holcomb is the Advisor (Scoutmaster); Ed Reding is the Institutional Representative (go-between of the Boy Scout Council, the Post and the Chapter); and Tom Gribbin is the Committee Chairman (committee mainly assists in transportation, raising money, etc.).

Don Holcomb has been active in the Scouts as an assistant Scoutmaster for a Boy Scout Troop the last several years, so is experienced in Scouting ways. Ed Reding, the most instrumental in the starting of this new post, was very much involved in the Explorer Surveying Post in Sacramento. Tom Gribbin was also involved in the Sacramento Post.

The Post meets twice a month and had 9 young men sign up at the introductory meeting. At the beginning, they will be learning basic surveying, taught not only by the Advisor, but also by guest speakers - Land Surveyors from the chapter. Later on, there will be field problems, demonstrations and also field trips.

The Explorer program is a program started to help teenagers, mainly, "explore" any career (when a post exists), so they can then decide, for themselves, if they want that particular career. It is a "community help" project that does offer guidance to young people in the area.

It would be worth while for all CLSA chapters to participate in the Explorer program, not only to help some of the young people, but also to "show off" the profession of Land Surveying. ▲

COURAGE

Eugene L. Foster, L.S.

"I would like to see my profession in Ontario form a high-level task force composed of the most responsible, dynamic and philosophical members we could produce. Their purpose and role would be to review and restate our public responsibilities and chart our professional destiny. I repeat again, that I believe that it is only when we know who we are, what we're doing, and what role we fill, that we will feel even inclined to move to the next phase of finding a solution to the survey problems that face us. We must, I believe, reclarify our professional identity, restate our professional goals, review all of our activities and responsibilities. We must then search for, or create, the appropriate response to the next 30 years and perhaps to the beginning of the twenty-first century of surveying. This will take courage. The first task is to create that courage."

The quotation above, and more like it to follow, are taken from a paper delivered at the 63rd Annual Meeting of the Canadian Institute of Surveying at Halifax, Nova Scotia, April 17, 1970, by Colin D. Hadfield. Mr. Hadfield is Director of Legal Surveys, Ontario Department of Justice, Toronto, Ontario, Canada. His remarks are so pertinent to the situation everywhere concerned with surveys and land-title records that I would advise every land surveyor in California to beg, borrow or steal a copy of the March 1971 issue of SURVEYING AND MAPPING, journal of the American Congress on Surveying and Mapping, and study the 16-page article about the situation. How do you create courage? In reading the following quotations, substitute the word "California" for the word "Ontario" and see how it sounds to you.

"Our historical reaction to change has been to wait for a

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DEAD LINE DATES FOR THE CALIFORNIA SURVEYOR

Convention Edition . . . . .	January 15, 1972
Spring Edition . . . . .	February 12, 1972
Summer Edition . . . . .	May 13, 1972
Fall Edition . . . . .	August 12, 1972

Articles, Reports, Letters, etc., received after the above mentioned date will be placed in the next Edition.

-- Editor

problem to force a response and then to try and find the least expensive and least disturbing solution that will quieten things down. It is predictable that this crisis-to-crisis approach will not always be the most desirable in the long-term view. It is an unprofessional, unscientific and uncommendable approach in a century when experiment, research and most important, an idea, are necessary to keep a functioning unit comfortably removed from oblivion.

Review and change are not necessarily a criticism of our methods of the past, but are as much a manifestation of the awareness of the changes that are taking place around us. If the functioning unit fails to acknowledge the phenomenon of change, the modern, highly literate and technically oriented society surrounding it will destroy and devour it. There was a comfortable era when we were skilled and they were not, when we had the advantage and protection of the coveted Senior Matriculation. We now hang our professional hat on this educational bench mark that has become the academic requirement for much less demanding careers, and seek our protection behind a rather insecure statute. We, as a profession, have not been initiators, we have not been creators, we have not been progressive and I suggest that we are a hair's breadth from being devoured."

The above two paragraphs perhaps illustrate most clearly the reason that CLSA is pursuing the goal (weakly perhaps, but pursuing) the goal of attracting all land surveyors in California to membership in the State Land Surveyors Association to participate in the spreading and sharing of the costs in order to accomplish those things, collectively, which cannot possibly be done by each of us, individually. There are about 420 members now and we need about 1,000 more. Our board of directors have recently raised the annual membership dues for regular members to \$50 and that should be a signal to you non-members that we really mean business. And we do.

Mr. Hadfield continues:

"Through concentrated effort and some luck, the profession in Ontario by its proposed upgraded educational requirements may find salvation. But this, if taken by itself, can do little more than postpone the inevitable. Much more is needed. Massive upheaval and restructuring will be required to slough off the constraining elements of the past, to let in the sunlight and permit our thinking to expand into the next century.

The guardianship of the public trust is the heaviest burden a man or an organization can assume. It demands professionalism in its most profound sense. It is not technical competence, academic accomplishment, dedication or responsibility, but is a combination of all these things. In short, to paraphrase the Justice McRuer, it requires that the needs of the public are met at the highest possible level of competence and that the public can rest assured that their expectations and trusts have been fulfilled. Times change and change takes time. If we are not keeping up or, more important, not keeping ahead, then we have abrogated our

responsibility to the public and it follows automatically that we are no longer a professional unit."

Fifty dollars, annually, may seem like a lot of money to pay for membership dues in your professional society. However, CLSA's new 1972 dues increase would bring the Associations annual dues to a level with similar professional groups. If pride in ones profession is any measure of the amount of financial support provided by the membership, then the Land Surveyors of the Province of Quebec are very proud of theirs. At their 87th Annual General Assembly, held at the Chicoutimi Hotel in Chicoutimi, Quebec, their board of directors fixed the annual dues at \$150. Incidentally, it was at that function where the pretty Mlle. Raymonde Colbert, first land land surveyor of the Province of Quebec, received her certificate from the Minister of Lands and Forests, the Honorable Kevin Drummond.

In some cases the new \$50 dues would still be less than that of other organizations which represent professionals. For instance, members in the California Teachers Association pay \$112 annually; those in Teamsters Local 960 pay \$72; California Nurses Association, \$93.50; California Association of Medical Lab Technicians, \$75. Annual dues of other groups are as follows: American Federation of State, County and Municipal Employees, \$60; Alameda County Employees Association, \$60; San Luis Obispo County Employees Association, \$58.50 and California State Employees Association, doubled from \$30 to \$60 starting in 1972.

Sometimes it is difficult for us to realize just how large the State of California is. 100,000,000 acres of land. Twenty million people. It would be the sixth largest nation in the world, if it was a nation. It seems to me that such a large state would require a proportionately large number of competent land surveyors.

The last of Mr. Hadfield's statements which I will quote to you is a paragraph which rings with good hope on the one hand and looks backward toward something like a bad dream on the other. We of CLSA feel that we have reached that point. Five years ago the land surveying profession was about to be devoured. That is not so at this time. Welcome aboard land surveyors.

"I believe that Ontario Land Surveyors, at least some of us, have reached a turning point in our view of ourselves and our professional role. For decades the surveyor has had little time or will to do anything more than react to the business and professional world about him. The public ask, the government insists, technology pushes, time pulls, he was a victim of, and could only react to, his environment. He had no time for reflection and little sense of direction. I believe that he is now beginning to change.

I propose then to view land registration and legal survey problems in this context. My comments are, of course, Ontario based. I apologize for my narrow view, but this is the extent of my experience and qualifications. I can only hope that my comments on my own personal views of the situation in Ontario will have application or at least interest in other areas of Canada." ▲

## EARTHQUAKE LAW A.C.S.M. SOUTHERN SECTION

The Special Committee appointed on August 9, 1971, by Chairman Eugene Ehe, to prepare a final draft of the statement of the position of Southern California Section with respect to property surveys in areas affected by earthquakes, met on August 23, 1971.

The Committee respectfully submits the following "Statement of Facts and Guidelines" for the consideration of all interested persons. It is to be noted that the opinion of the Committee was not unanimous on all points. A dissenting opinion is, therefore, attached expressing the review of the minority on key points.

### STATEMENT OF FACTS AND GUIDELINES

The following is a Statement of Facts uncovered by the Southern California Section during their investigation of the February 9, 1971 San Fernando Earthquake. Also suggested guidelines have been formulated to aid Land Surveyors working in areas affected by this and future earthquakes.

1. The February 9, 1971 San Fernando Earthquake is legally defined as an Act of God.
2. The Earthquake resulted in complex land movements both horizontal and vertical.

3. The surface movements of selected points within the area affected can be determined with considerable certainty with respect to selected points outside the affected area.

Such determination is valuable for scientific study and is properly the function of governments both national, state and local.

4. The present (or post-earthquake) positions of selected points can be related to the old (or pre-earthquake) positions of points through reference to the California Coordinate System and/or previous surveys. This relationship can be used to determine the approximate boundaries of the area affected. This determination is also properly the function of local government.
5. The precise determination of the boundary of the area of land affected by the movements were complex and beyond the reasonable determination of man.
6. While the gross land area remains as it was before the earthquake it is inconsistent with the ways of man and the economy of the community to hold that all boundaries of land be re-established in pre-earthquake positions with respect to points and lines outside the affected area.
7. As a result of this Act of God and the consideration noted in Section 6, some parcels were made smaller than originally intended while others were made larger and many were made different in shape.
8. The final determination of boundaries of land as between adjacent owners both public and private is within the province of the Courts of the State of California.
9. In California at present there is no obvious legal precedent pertaining to determination of land boundaries after an earthquake.

10. Boundaries between adjacent owners, uncertain as to locations, but agreed upon by the owners, will become the boundaries of the affected parcels. Unless a properly executed document describing the agreed boundary is recorded, there will be no constructive notice under the recording laws of California.
11. The Land Surveyor, in his quasi-judicial function as an arbitrator, can perform a valuable service to the community and State in assisting adjacent land owners to come to an agreement as to the location of a common boundary.
12. In California the interests of the public are dominant to the interests of private parties but are limited to the purpose and nature for which they are created.
13. Roadways must be of such usable width and regularity of alignment as to permit the safe and expedient flow of traffic both vehicular and pedestrian. Parkways, while convenient to the public, are not essential to the flow of traffic and hence may be adjusted by the governing agency to a width other than the design width thereof.
14. Public walkways, alleys, easements for sewers and drains and other public routes derive their utility from the specific purpose for which they were created and which utility must not be abridged although a change in alignment and width may occur.
15. Other public areas such as, but not limited to, administrative centers, parks, schools, fire stations, etc., derive their utility in the same manner as private holdings of a similar nature and should be accorded the same consideration as the private holding.
16. The boundaries of real property, both public and private, were, prior to the earthquake, best defined by the original monuments placed on the ground to mark them.
17. Boundaries, originally intended to be straight or of some prescribed curvature may no longer be straight or of the prescribed curvature.  
  
It is convenient but not essential to the purposes of man that these boundaries remain straight or of regular curvature.
18. It is essential to man that he live in harmony with his neighbor, hence that boundary, of whatever shape, to which both can agree should be held and is to be made of record so it may be perpetuated. A line agreed upon by adjacent owners not terminating at or passing through original monuments may constitute an exchange of property and such exchange must meet the requirements of law.
19. Structures on the ground did, in many but not in all instances, move in a direction and magnitude different than that of the natural surface of the ground.  
  
Monuments in or attached to structures, including but not limited to curbs, pavements, manholes and buildings, that moved in a manner different than the ground at that location may no longer mark the boundary originally intended whether that boundary be a street centerline or any other.
20. Only those monuments that moved with the surface of the ground should be given weight in establishing land bound-

Continued on Page 14

ary lines. It is within the professional skill of the Land Surveyor to distinguish between those monuments that moved with the ground and those monuments that did not.

21. Lines of occupation not clearly contrary to lines originally monumented give evidence of original intent and give evidence of the irregular movements that occurred and hence are to be given weight in positioning land boundary lines.

Footings of buildings, insofar as they can be related to original intent by either measurement or testimony give evidence of the present position of the original intent.

22. Immediately following the earthquake, cracks and pressure ridges in the natural ground give evidence of changes in dimensions of parcels. In the future, verbal testimony of cracks and pressure ridges will give such evidence.
23. In areas where specific movement of the ground is not significant, resort to usually accepted concepts of proportionate measurement may be made.
24. Special care and full skill of the Land Surveyor must be exercised not to proportion across slip planes, tension failures (cracks) and pressure ridges. The courts must be called upon to recognize the special skills of the Land Surveyor.
26. The Land Surveyors Act of California states in Section 8762: ". . . shall file . . . a record of such survey relating to land boundaries or property lines which discloses: (a) . . . (b) A material discrepancy with such record."

Section 8765 states, "A record of survey is not required in any survey: (a) When it has been made by a public officer . . . has been filed with the County Surveyor . . ."

It is in the interest of the public that such record of survey or in-lieu map required by Sections 8762 and 8765 be related to other such records through reference to the California Coordinate System.

27. It is incumbent upon local governments to expedite the re-establishment of first and second order control in the affected areas to the end that the reference to the California Coordinate System can reasonably be made by the surveyor in private practice. Control lines based on the California Coordinate System along the approximate street centerlines should also be established. The Record of Survey or in-lieu Map recorded showing the new boundary surveys shall show ties to these control lines.
28. The Southern California Section recommends and intends to assist the drafting of legislative action necessary to resolve land boundary problems in the area.

#### **DISSENTING OPINION**

**Add Paragraph 15.5 to read**

The ground surface owned by any person, public or private, subsequent to the earthquake is that surface owned before the earthquake augmented or diminished and changed in location and configuration by the action of the earthquake subject only to the interests of the public as outlined in Sections 12 through 15 above.

**Add Paragraph 25 to read**

Mineral rights and other subsurface rights dependent on surface area were altered in the manner in which the ground surface was altered.

**Add Paragraph 25.5 to read**

Mineral rights dependent for their utility upon the location of a well, shaft, lode or other subsurface manifestation remain with such well, shaft, lode or other subsurface manifestation including an easement or right to reconnect the surface structure or heading with the underground well point, shaft or subsurface manifestation, if such there be, to insure the pre-existing mineral rights.

**Change Paragraph 28 to read**

Existing statutes and legal precedent are sufficiently clear to provide guidance for the Land Surveyor practicing in the area affected by the earthquake. Public expenditures to expedite the resurvey of the affected area and thus hasten the economic redevelopment of the area are to be encouraged by members of the Congress acting in accord with their personal beliefs. A statutory limitation on the time in which quiet title actions can be brought might be of benefit; however, the current five-year period for establishment of easements by prescription and to establish adverse possession in California are not unreasonable. ▲

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It shall be considered professional and consistent with honorable and dignified professional conduct for any member of the California Land Surveyors Association:

1. To devote effort and support programs to raise the professional, ethical and social status of Land Surveying.
2. To maintain a campaign for public recognition of professional contribution to the ethical, economical and social well-being of citizens of California and of the United States.
3. To accept and maintain standards of professional conduct of the highest order to win the respect and admiration of all citizens.
4. To protect the profession of Land Surveying and the public against the unqualified.
5. To promote an effective program of exchange, communication and cooperation amongst its professional members.
6. To maintain a constant effort of understanding between professionals in government service and private consulting, recognizing the common aims and philosophies and mutual respect of the professional society.
7. To promote and stimulate leadership in public service on a community, state and national level.
8. To promote and maintain an effective and continuous program of expanding our knowledge of social and technical advances.
9. To protect the professional reputation, prospects and practice of another professional with the same vigor and determination as he would his own.
10. To manage his professional ethics with the courage to uphold his integrity over all other considerations.
11. To publish thoughtful and subdued public announcements free from ostentatious complimentary or laudatory implications. Professional cards, brochures, posted projects, press releases of worthy news items and project participation notices are acceptable forms of public announcements.

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2. **ASSOCIATE MEMBER GRADE:** Work in land surveying and be recommended by a member.

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- f. Recommended by (Associate Grade Only) \_\_\_\_\_

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