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Winter 2003/04 Issue #140

Article by Editor Phil Danskin, PLS on page 6

Ladies First!



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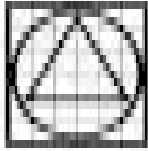
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“Recognizing that the true merit of a profession is determined by the value of its services to society, the California Land Surveyors Association does hereby dedicate itself to the promotion and protection of the profession of land surveying as a social and economic influence vital to the welfare of society, community, and state.”

“The purpose of this organization is to promote the common good and welfare of its members in their activities in the profession of land surveying, to promote and maintain the highest possible standards of professional ethics and practices, to promote professional uniformity, to promote public faith and dependence in the Land Surveyors and their work.”

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On The Cover:

Ladies First! By: Editor Phil Danskin, PLS



What a year ...



I don't know about you, but as of this writing, (November), it felt like yesterday was February. Must be an 'age' thing. What a year!

The Santa Anas blew our scorched southlands like a leaf-blower to the coals of a Carolina's pork barbecue. Thousands of homes incinerated. A vital aviation navigation aid, necessary to visit our southern California cousins - destroyed! Most replaceable, save the loss life and photographic memories. How tragic. We all know, that *The* profession was there with GIS/mapping - all which is necessary to predict the devil's next move.

Ladies First! . . .

Heavenly cover, huh guys?! Yes, and quite more! I received a courriel from Joanne Fetzer of the East Baby Chapter announcing their chapter officers were testosterone-free! "You've come a long way, baby!" came to mind.



Left to right:
Janine Hampton, Gwen Gee, Aundrea Hayes, Joanne Fetzer

Let me introduce you to the East Bay Chapter officers that grace our cover. I'm sure you will agree - quite a lot of talent! From left to right are . . .

Janine Hampton, Treasurer (PLS 7634) is a Party Chief for the East Bay Municipal Utility District. She began her surveying career in Winston-Salem, NC, as a rodman-chainman for the City of Winston-Salem. She has worked for East Bay Municipal Utility District (EBMUD) since 1990; became board certified in 2000 and is a recent graduate of Cal State Hayward with a BA in liberal studies. *(There's much more, but she's too shy. Ed)*

Gwen Gee, Secretary (PLS 6780), is the Deputy County Surveyor, Santa Clara County. A graduate of California State University, Fresno, in Surveying and Photogrammetry Engineering; Life Alumni No.10 and attended University of California, Berkeley, (civil engineering program); presently an Adjunct Professor at Evergreen Valley College for Civil Engineering Technology (CET) teaching surveying classes; and became Board certified in 1992.

In the past she has worked as . . . a Field Surveyor Coordinator for Santa Clara Valley Transportation Authority, the Tasman West Light Rail Extension project from San Jose to Mountain View and other light rail extensions/facilities; Senior Land Technician to Pacific Gas & Electric Company; US Forest Service and private industry on various land development projects.

She has been involved with BPELS in various functions related to the state licensing process and has served on the committee for NCEES Fundamentals of Land Surveying.

Gwen has been surveying for over 20 years! She also enjoys motorcycles and almost anything outdoors.

Aundrea Hayes, Vice President (PLS Crew Manager, began her surveying with her father Gilbert Hayes, *(heck, I remember your dad when he worked for City of San Rafael . . . that was about the time they found The Ark! Ed)*, has been involved with the family surveying business since the late 70s. As young as two years old, she can remember being bribed with Slurpees to hold the "dumb-end" of the tape with her shoe. It was not long after that her proud dad put her to work.

Like many high school graduates, she hadn't a clue of what she wanted to be when she grew up. For a while she worked for an auto repair shop located in West Oakland, Uptown Body & Fender while taking night courses at Diablo Valley College. However, the

Continued on next page

fun of writing estimates and restoring cars soon diminished and her attention returned to the career that came naturally - surveying.

In 2000, Aundrea joined RBF Consulting, Walnut Creek. First, in the field, during one of the hottest summers she had ever experienced . . . enduring the trials of being the "new guy," and subsequently forming lasting work-relationships. Subsequent to becoming AutoCad proficient and office-experienced, she presently manages field crews.

Over the years, her awe-inspiring supportive boss, Pat Tami, pushed her to become "more involved" in the local Association. After attending many CLSA meetings over a course of time, she agreed to accept the responsibility of becoming Treasurer to the East Bay Chapter of CLSA. During her CLSA involvement, she seized the opportunity to promote the Trig-Star program. So much so . . . that she created a Trig-Star Power Point presentation that is employed throughout the western states. She has attended Diablo Valley College and anticipates applying to universities to obtain a degree in surveying.

Joanne Fetzer, President (PLS 7236), is a Land Surveyor with the Alameda County Public Works Agency.

Her survey career began when she was at Washington State University where she received a BA Degree, majoring in Interior Design and mathematics.

In 1986, she re-entered the work force. By unforeseen circumstances, she was hired as an Engineering Aide with the Survey Division of the County of Riverside and became Board certified in 1996.

In 1997, she accepted a position with the Survey Division of Alameda County which she still claims to be very rewarding and fulfilling.

Her outside-of-survey interests are attending the San Francisco Symphony (can't get enough!), traveling, (*she's even taken a ride on the Concorde up to Flight Level 580! We're gonna nickname her Blackbird (SR71) Fetzer! Ed*), reading and of course - SHOPPING!

These surveyors appear to be leaders to follow! Well done, ladies!

More fresh air!

I was surf in' the Discussion site of the CLSA Website, (the mouse fell off the porno bookmark, Rats!), and found a winner! Fresh air! A posting by Sunburned Surveyor reaffirmed my belief in the next generation! I am republishing it 'cause for those of you that surf the third rail, you missed some gold here! In the voice of Robert De Niro to Billie Crystal (Analyze This) "You . . . You . . . You . . . you're good you!"



Wait a second . . .

The rewards of this job never cease to amaze me! A courriel from Jim Swanson, of the Northern California GPS Users Group announced a Leap Second . . . scheduled when we're sleeping-off the turkey! Yep. It'll be history by the time you read this, but the GPS clocks will enter their 256th week - requiring . . . the tweaking of time . . . all to the tune of one second! It happened at 24:00 GMT on 27 November 2003! So for those of you on Graveyard shift - they owe you one second of overtime!

Thank you for your time . . . Pray for peace and a prosperous year! And if you can . . . give the gift of life - make a blood donation. That's the least we can do. Those in our military have, and are, giving much more!

For those of you that have very little ones . . . not only put the seat down, but also the cover (. . . so they can't "bring you a drink of water from *their* sink!") ❖

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President's Message

National Continuing Education for Surveyors Map



What has CLSA Done Lately?

As I have traveled up and down the state visiting with local CLSA chapters, a common cry I have encountered among members is: "CLSA should be pursuing new legislation!" Whether it is legislation to fix the poorly written lot line adjustment laws or new legislation requiring continuing education (or should I say Professional Development Units), members want CLSA to be proactive.

Since its founding in 1966 one of CLSA's primary charges has been legislation, both as a reactive voice to laws introduced by others and as a proactive group attempting to fine tune conflicts in the law as well as introducing new legislation that protects the public while maintaining the integrity of our profession.

You might ask, "What has CLSA done lately?" Well this year CLSA was successful in sponsoring two new bills AB 924 (Maldonado) and SB 745 (Ashburn). Both of these pieces of legislation were improvements to current laws on the books that had their roots in previous CLSA introduced laws.

Section 8774 of the Business and Professional Code and Section 846.5 of the Civil Code currently allow the "Right of Entry" for a land surveyor in California. When you go onto someone's property and they call the local law enforcement on you, what do you do? Well, you pull out your "Right of Entry" card that refers to these two laws. Unfortunately, the officer that you are talking with is more than likely only familiar with the Penal Code! Yes, eventually you can gain access by escort of the Marshall after you file the proper requests.

The primary change that takes effect in 2004, as a result of AB 924, is an addition to the Penal Code that exempts land surveyors engaged in specific lawful and authorized work from the trespass provisions of the Penal Code. So now when you present the officer with your new and improved "Right of Entry" card you will be referring them to the laws that they are most comfortable with – the Penal Code. And this, hopefully, will allow you to perform your survey with less delay.

SB 745 amended Sections 66418.2 and 66426 of the Government Code. These sections of the Subdivision Map Act refer to Environmental Subdivisions. This is another piece of legislation introduced by CLSA. In 1995, environmental subdivisions were authorized to allow a fee title alternative to the easement approach for environmental mitigation. At

its infancy, this was a novel approach to environmental mitigation and the law had a sunset date of January 1, 2003; later extended to January 1, 2005. This bill permanently repeals that sunset date.

While these don't seem like big victories, they not only improve current law they also maintain CLSA as a leading voice for the surveying profession and pave the way for introducing new legislation.

Lot Line Adjustment Legislation - Now that AB 497 (Sher) has been in place for over a year, CLSA is considering remedial legislation. The CLSA Legislative Committee will need to gather supporting information and documentation to make a case that this far-reaching legislation has been harmful to California consumers. CLSA will need assistance from the profession to successfully pursue this position. Unfortunately, we have received very little information of examples, of owners, adversely affected by this legislation.

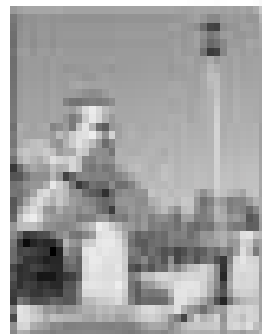
Continuing Education for Surveyors - California is becoming one of few states that do not require continuing education. The map above illustrates how California is behind most of the nation in this issue. Laws, technology and the breadth of what we are responsible for are changing at a geometric pace. You had better be continuing to develop your skills and knowledge. Why not be recognized for that investment.

These legislative issues are big-ticket items that CLSA is pursuing, while continuing to address smaller issues. So, to answer the question "What has CLSA done lately?" - CLSA remains an effective watchdog and advocate regarding legislative matters that affect Land Surveyors.

CLSA's legislative voice is only as strong as the number of members we represent. If you are not already a member, please join today to strengthen CLSA's legislative voice. ❖

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By: Jon Breyfogle, PLS

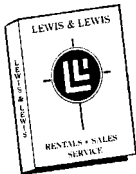
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How You Know It's Time to Retire



It happens to all of us at some time. It will happen to you. It already happened to me.

We were working in Greenbrae, in a situation where there are centerline well-type monuments. I was on my knees in the road giving line when a beige Mercury of early '60's vintage slowly rolled up beside me and stopped. From my vantage point it appeared unoccupied; but, after getting to my feet I could see the occupants: believe me, they were of a vintage well before the 60's. They were collecting social security when that car was new. They must have been at least in their eighties and the weight of time had shrunk them considerably. The lady in the passenger seat was truly elf-like. Taking a ride for her meant watching the tops of trees go by; the windows just didn't go low enough for her to see the ground. The man driving was peering out through the tightly gripped steering wheel.

Nothing was said. The old couple looked at me and then drove on. I could see them stop and talk with Bud Connon who was running the gun. Like so much of the public they thought that the instrument person is the boss. The conversation at that end of things went on for some time, almost long enough for me to walk the distance back to the instrument. But they drove off before I got there, leaving Bud with a grin on his face.

Bud had been thoroughly chewed out by our Mercury driving friends. They had strongly indicated they thought it "criminal" that he was making a man of my advanced years work on my hands and knees in the middle of the street. "Couldn't you find him an office job?" they had implored. "A man his age shouldn't be doing that kind of work!"

The odd thing about all of this is that I was the youngest one there; even Bud at 65 had the better part of a decade on me. But it got me thinking and I did the best thing possible given the circumstances: I fired myself. ❖

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The Following is Taken from the CLSA Discussion Forum

The CLSA Forum is at www.californiasurveyors.org/clsaforum/



Saving the Future of the Profession

Posted by: *The Sunburned Surveyor*

I often hear of a looming crisis in the Surveying Profession. Older surveyors retire, the population expands, and young men and women entering the field are few and far between. Surveying programs at colleges and universities are scarce, and becoming even more rare as budgets are cut. It's becoming more difficult to find a decent surveying technician.

The intent of this post is not to discuss whether or not education is needed to enter the surveying profession. There seems to be a good deal of discussion on this subject already. The intent of this post is to propose a possible solution, and to inspire constructive criticism and possibly momentum for the idea.

I am new to the surveying profession, graduating from a community college with an A.A.S. in Land Surveying in 2002. I have been working for a small engineering and surveying company since that time, working mostly with survey-grade GPS on public works projects. I thought the surveying community might benefit from the viewpoint of someone who had recently made the choice to become a Land Surveyor and who overcame the obstacle to do so. Although new to the profession, I am also very concerned about its future, as I have a passionate affection for the work and a significant investment in my career.

Before I propose my possible solution to our looming crisis, if you would like to call it that, let me give you a brief review of the journey I had, to become a Land Surveyor, and some of the problems I think they illustrate.

(1) I knew nothing about Land Surveying when I was trying to find a career, and only stumbled upon it when looking for a drafting course in a community college catalogue.

Problem: Most young people graduating high school don't even know what surveying is, much less consider it as a career option.

(2) After choosing Land Surveying as a career, I worked two jobs, at a local grocery store and at a ski resort to put myself through school. Although I was supporting myself and also a first generation college student, I didn't qualify for Pell Grants and did not want to take on debt to pay for school. Scholarships for surveying were rare, and if they existed, I didn't find out about them until after they were awarded. I scraped my way through two years of college; I never would have made it through four or six.

Problem: Secondary education is becoming more and more expensive, and financial aid for Surveying Students is not as plentiful or well known as it is for students pursuing other fields. For many high school graduates secondary education is not financially possible.)

(3) For three months before graduation I searched for surveying employment. I finally received an employment offer just three weeks before graduation, despite having an excellent grade point average and excellent work references.

Problem: Surveying and engineering companies complain of a shortage of survey technicians, but there isn't really an organized, not-for-profit forum to connect or match surveying graduates with the companies that need them.)

(4) During my GPS class I shared two Trimble 4600 GPS Receivers with 11 other surveying students.

Problem: Surveying equipment and surveying programs are expensive, especially when compared to class size. It's a lot cheaper to equip 200 English majors than it is 10 surveying students. Colleges and Universities don't want to bear these kinds of costs for a minority of their student population. As a result surveying equipment, software and other resources in these programs are getting older and older, or new resources are spread extremely thin.)

(5) My cousin works as a carpenter in San Francisco. Every three months his union sends him to a one-week course to learn skills related to his trade. All the material and instruction for his classes are provided at no cost.

Problem: has anyone heard of this kind of thing in the Land Surveying Profession? If you are fortunate you work for a company that supports this kind of education for its employees, and is willing to pay for it, you benefit. If not, pony up that weeks pay or stay home.)

I realize that many of these obstacles may have been due to the college I went to, or my own personal circumstances. I am not saying that all surveying students go through all of these problems, and a few may not go through any of them at all. But I think it illustrates in general some of the obstacles that might prevent more young people from pursuing our profession. What is the solution? A possibility is described below.

Solution: A non-profit organization formed by surveyors, supported by surveyors and administered by surveyors to accomplish the following mission:

Continued on next page

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(1) Educate young people on the existence of the Land Surveying Profession, the benefits and enjoyment that can be derived from a career as a Land Surveyor, and the way to get there.

(2) Arrange and coordinate financial and other support for those students that choose to pursue a Land Surveying career. Coordinate and arrange support for the College and University Land Surveying Programs that remain.

(3) Connect the companies and agencies that need to hire surveying technicians with the surveying technicians graduating from Land Surveying Programs and with those that can't afford education but are willing to learn in a working environment.

(4) Actively support affordable education opportunities and apprenticeship programs for those in the surveying profession that may not be licensed and need to acquire skills not gained through their education or at their current place of employment.

It is no secret that, in general, land surveying does not compensate as financially well as other professions with similar education and licensing requirements. I would assert that those that choose the profession do so because they

Continued from previous page

truly enjoy the type of work involved, not because money is their priority. These types of individuals are hard to find in today's world. But I believe these types of individuals will make the best future surveyors. No one will go out to find, support, train and employ these individuals for us.

We, as a community, must take care of these needs ourselves. It will not be inexpensive, or without difficulty, but I believe it can be done. I think a central, non-profit organization supported by Land Surveyors may be the entity needed to meet these goals.

I will now leave this topic open for discussion, and hope it leads to a more positive future for the Land Surveying Profession.

A Young Surveyor –

Reply posted by D. Ryan

These are some great discussion items and issues that deserve being addressed. I would suggest that many of the things you note as wishing to see accomplished are offered through CLSA in one form or another. Our local chapter donates scholarships every year through CLSA. Combine that with the 20 or so other chapters that do the same thing and I'd surmise the CLSA Education Foundation is healthy and robust. Many chapters participate in the Trigstar program every year, which serves to introduce high schoolers to surveying. And then we have the classifieds on this Board which I believe are offered free of charge for advertising or seeking employment opportunities.

I agree that there is a severe lack of knowledge on the public's part of what exactly it is that we do. It requires individual motivation to get out and create or take part in programs that spread the word. But once again, CLSA can be a vehicle for doing this collectively. It's amazing how many stories I've heard like yours regarding "falling" into surveying while pursuing something else. Our profession is the best kept secret. Who else gets to "play" with the most high tech toys, work in the best environment (outside and inside), and have the best of both worlds using our brains and bodies?

Every employer I've worked for has provided continuing education and professional development as a job benefit. I guess all you can do is encourage your employer to do the same.

As to whether surveying is a lucrative field to get into, I guess this can be viewed from various angles; many in other professions have done better than me, but I look around at my colleagues, and we all seem to be doing well.

I think we can do better in all areas of the discussion you raise. If you're visiting this board, you're sitting right in the midst of the best place to get started. ❖

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Using Certificates of Compliance to Help Clients Under the Subdivision Map Act



Introduction

Ms. Muir comes to you excited about the long-awaited mountain retreat she is purchasing. It's in the perfect location with grassy meadow and spectacular views. She asks you to assist with the transaction. You review the documents she hands you and notice that the title report shows a surprisingly short chain of title. The gentleman who is selling it had received a gift deed a number of years ago, but there is no indication the gifted parcel was created with a subdivision map. You become concerned because you know that if the parcel was created by an illegal subdivision, the local agency may refuse to issue your client a permit for the home she plans to build. You also know that if Ms. Muir were to try to sell the parcel in the future and it turns out that it is an illegal lot, a buyer could sue her for damages. Ms. Muir would, however, have a defense if she had no actual or constructive knowledge that it was an illegal lot.

Mr. Rancher, looking to acquire rural farmland in Sonoma County, finds reference to a 1914 subdivision map in the title report property description. His broker tells him that if he buys the property the parcel lines can be moved to create buildable parcels. This "get rich quick" scheme is attractive to Mr. Rancher, and he wonders if there is some way to make sure it's feasible before purchasing the property.

Fortunately, the Subdivision Map Act (Govt C §§66410-66499.37 (all statute references below are to the California Government Code, unless otherwise stated)) offers a tool that can help you and your clients identify the risks and costs associated with both of these situations. It's called a "certificate of compliance." Real property attorneys need to know how certificates of compliance can help them, how they are obtained, and the advantages and drawbacks of applying for them.

What is a "Certificate of Compliance"?

The Subdivision Map Act, first enacted in 1893, is one of the state's most powerful planning and exaction tools. The foundation of the Map Act is the requirement that nearly all land subdivisions go through a parcel or tentative map application process to ensure that they conform to general and specific plans, zoning laws, design and development standards, and that they address public infrastructure needs. See, e.g., *Gardner v County of Sonoma* (2003) 29 C4th 990, 129 CR2d 869 (explaining Map Act's objectives).

The certificate of compliance process allows an owner of real property, or a vendee under an contract of sale for real property, to apply for a certificate from the local agency (i.e., city or county) where the property is located to determine whether the parcel is in

compliance with the Map Act and the ordinances of the local agency enacted under the Map Act. §66499.35(a). If a parcel is determined to be in compliance, the local agency issues a "Certificate of Compliance," which is recorded in the record title of the property. If the parcel does not comply, the agency must issue a "Conditional Certificate of Compliance." §66499.35(b). This document states that the parcel is not in compliance and spells out the remedial measures the owner must take to make the lot legal.

Certificates of compliance verify the legality of lots or parcels under the Map Act, but they do not...guarantee compliance with general plans or zoning or grant any development rights.

A lot or parcel that complies with the Map Act is commonly referred to as a "legal lot." However, this is misleading. Certificates of compliance verify the legality of lots or parcels under the Map Act, but they do not—under any circumstances—guarantee compliance with general plans or zoning or grant any development rights. In fact, §66499.35(f)(1)(E) requires the following disclaimer to be placed in each certificate of compliance:

This certificate relates only to issues of compliance or non-compliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The parcel described herein may be sold, leased or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

Issuance of a Certificate of Compliance

After conducting its review, if the agency finds that the parcel complies with the Map Act and local ordinances, it must issue a certificate of compliance. As noted above, the issuance of the certificate does not guarantee any right to develop. Thus, a property owner who obtained a certificate of compliance could still be unable to develop the parcel because it would be inconsistent with the community's general and specific plans, local zoning ordinances, or other regulations. This is something that must be carefully explained to the client, and may lead to further investigation of

Continued on page 18

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whether the parcel complies with other land use regulations suitable for the client's purpose.

From the applicant's point of view, a certificate of compliance is valuable because it acknowledges that the local agency believes the parcel is a legal parcel. While there are no cases on point, the strong implication of provisions in the Map Act is that issuance of a certificate of compliance is binding on the public agency in the sense that it stops the agency from questioning the legal status of the parcel.

There is, however, a risk in asking for a certificate of compliance: The public agency may find that the parcel is not legal, in which case it must issue a conditional certificate of compliance

Issuance of a Conditional Certificate

If the agency determines that the parcel resulted from an illegal property division, a conditional certificate is issued. This certificate identifies the remedial measures necessary to legalize the parcel under the Map Act. Until it is legalized, development cannot occur. However, the holder of the certificate does not have to comply with the conditions until development approval from the agency is desired. See §66499.35(b). In the meantime, the owner is free to convey the parcel based on the conditional certificate, which is recorded to provide notice to parties of interest. A conditional certificate must also include the notice that cautions parties that no development rights are conferred by the certificate. See §66499.35 (f)(1)(E), quoted above.

For the purpose of identifying remedial conditions that may be imposed, the Map Act distinguishes between parties who illegally divided the property (or who were the owners of record when the violation occurred) and parties who later acquired the illegal parcel. If the person seeking the certificate is both the violator and the current owner of the illegal parcel, the city may impose any condition of approval that would be applicable under today's standards- e.g., requiring dedications, improvements, and the payment of fees.

If the applicant for the certificate is not the violator, the city is limited to imposing only those conditions that could have been imposed under the Map Act and local ordinances at the time the party acquired his or her interest in the parcel. See §66499.35(b). Presumably, the newer standards to which the violator is held are more burdensome than the older standards.

The remedial measures attached to the conditional certificate could even require the applicant to obtain a parcel or tentative map. See 81 Cal Ops Atty Gen 144, 146 n4 (1998). Under such a circumstance, it is possible that the agency might have to deny approval of the map if the required findings of consistency could not be made. The certificate of compliance is intended as a means to determine the legality of a parcel. It should not be used as a device to divide land. The opinion issued by the Attorney General is consistent with this intent and should act as a disincentive to

owners who might consider dividing their property illegally in the hope of forcing the agency to accept the division by issuing a conditional certificate of compliance.

The certificate of compliance is intended as a means to determine the legality of a parcel. It should not be used as a device to divide land.

Applying for Certificate of Compliance

Getting Started

Only property owners or purchasers under contract to buy property can apply to a local agency for a certificate of compliance. See §66499.35(a); *County of San Luis Obispo v Superior Court* (2001) 90 CA4th 288, 108 CR2d 753. Because the Map Act does not set forth detailed processing procedures, the first step is to review the local agency's ordinances to see whether procedures have been adopted. If the municipal or county code is silent on the matter, then the attorney should contact the public official in charge of processing subdivision maps in order to ascertain the application requirements.

Typical application materials you may have to provide include:

- Certificate of compliance application from the local agency;
- Fee to accompany application;
- Preliminary title report for the real property;
- Explanation of why the parcel is legal (this may be required as part of the application); and
- Additional information concerning the parcel that may be relevant to determination of the parcel's legality.

Agencies are allowed to charge a reasonable fee to cover the cost of issuing and recording the certificate. See §66499.35(a). The practice varies as to how many parcels can be covered by a single application and fee. Some agencies may allow one certificate of compliance to cover multiple parcels, while others may require a single certificate of compliance per parcel. See §66499.35(f)(2).

Before embarking on this process, it is also advisable to review the application procedures to make sure they afford your client proper due process protections. See *California Subdivision Map Act and the Development Process* §5.5 (2d ed Cal CEB 2001). If there are any questions concerning creation of a parcel, it is in your client's interest to make the best case for the agency's determination and include it with the application. Many planning departments that process certificates of compliance are understaffed and overloaded with applications for maps, map waivers, and lot line adjustments, in addition to requests for certificates of compliance. Therefore, it makes sense to do the local agency's homework for them by explaining in detail, with the appropriate documents, why the certificate of compliance should be issued. This is particularly true when the parcels in question were created by an old map, as in the case of the property being considered by Mr. Rancher in our second example. To assist the agency in making this determination, you will need to obtain a copy of the applicable map from the county

Continued on next page

records (usually a title company can provide this) and compare it with the version of the Map Act that was in effect when the map was recorded. To facilitate this analysis, you can find a list of the various versions of the Map Act, and its amendments, from its enactment in 1893 through 1965, in Subdiv Map Act, App A.

How Does the Agency Determine a Parcel's Validity?


The agency reviews the Map Act and local ordinances that were in effect at the time the parcel was created to determine whether the parcel qualifies as a legal lot under the law then in effect. This review is made a bit easier by the conclusive presumption (contained in §66412.6(a)) that parcels created before March 4, 1972, are legal if they resulted from a division of fewer than five parcels and there was no local ordinance in effect regulating such divisions. Generally, the parcel is considered created on the date the map was recorded. §66412.7. March 4, 1972, is the cutoff date because this was the date the Map Act was amended to require a parcel map for four or fewer parcels. Before that date, there was no requirement of a parcel map unless imposed under local ordinance.

Another presumption exists for parcels resulting from divisions before March 4, 1972, if any subsequent purchaser acquired the parcel for valuable consideration without actual or constructive knowledge of a violation of the Map Act or local ordinance. See §66412.6(b). The benefit of presumption of lawful creation in this instance is offset by the requirement that a certificate or conditional certificate of presumption be issued for such parcels. Because the agency may issue a conditional certificate of compliance, it is hard to see how this presumption is of any benefit to the landowner, except that the local agency probably cannot file a notice of violation against the parcel (since it is presumed legally created) and it is fair to infer that if a conditional certificate of compliance is issued, only those conditions can be imposed that could have been imposed at the time the innocent party acquired his or her interest in the parcel. See §66499.35(b).

One provision of the Map Act that is very helpful to owners is §66499.34, which requires issuance of a certificate of compliance for property that is "approved for development."

One provision of the Map Act that is very helpful to owners is §66499.34, which requires issuance of a certificate of compliance for property that is "approved for development." This phrase is explained in §66499.34:

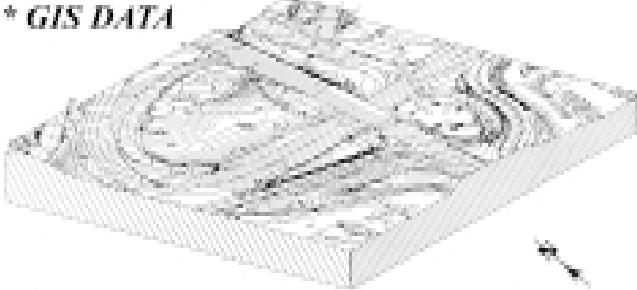
The issuance of a permit or grant of approval for development of real property, or with respect to improvements that have been completed prior to the time a permit or grant of approval for development was required by local ordinances in effect at the time of the improvement, or with respect to improvements that have been completed in reliance upon a permit or grant of approval for development, shall constitute "real property which has been approved for development."



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Accordingly, when a client desires a certificate of compliance, determine whether any improvements exist on the parcel, and, if so, whether a building permit or other development permit was issued or required. Apparently this provision is intended to preclude the local agency from questioning the legal status of parcels after it has approved development, if it failed to raise this question when the application for the permit was being issued.

Certificates of compliance must also be issued for parcels shown on a recorded final map or parcel map, a recorded official map prepared by the city engineer or surveyor in accordance with §66499.35, or for parcels for which an approved certificate of exception was issued in Los Angeles County between 1967 and 1972. See §66499.35(c)-(e). (Situations involving an official map or a certificate of exception are rare.) There is usually no need to obtain a certificate for a parcel shown on a recorded subdivision, because the Map Act makes it clear that the parcel is legal unless merged. §66451.10(a).

How much processing time is required?

In contrast to some sections of the Map Act that impose time limits on local agency action, the Act sets no deadlines on an agency's review of an application for a certificate of compliance.

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"Hot Issues" and Open Questions

The requirements for certificates of compliance were first added to the Map Act in 1974. Despite their longevity, some facets of certificates of compliance have been left relatively untested. Below are some of the more intriguing questions that have yet to be resolved.

The "Conditional Certificate" That Remains Unfulfilled

The Map Act does not address what happens if a conditional certificate of compliance remains unsatisfied, or more significantly, cannot be satisfied. For example, if one of the remedial conditions calls for processing and approval of a parcel map, but the agency refuses to approve the parcel map because it would be inconsistent with the general plan or zoning ordinance, does the conditional certificate simply continue to get passed on from successor to successor, with little realistic development potential? Presumably, the answer is yes, since the requirements in a conditional certificate need not be fulfilled until the grantee seeks a permit or other approval from the local agency. A more limited time period (e.g., two years) for satisfaction of this condition would appear to be unenforceable because it would conflict with the provision allowing compliance before the grantee seeks a permit or other grant of approval. §66499.35; *Griffis v County of Mono* (1985) 163 CA3d 414, 209 CR2d 519 (local ordinance could not limit duration of map extension to less than period allowed in Map Act).


Continued on page 24

In *Findleton v Board of Supervisors* (1993) 12 CA4th 709, 15 CR2d 665, an applicant argued that he was entitled to an automatic certificate of compliance under operation of law because the agency exceeded the time allotted under the Permit Streamlining Act (Govt C §§65920-65964) for processing the application. The court rejected the argument, finding that issuance of a certificate of compliance is a "ministerial act" and therefore not subject to the Permit Streamlining Act, which applies only to discretionary development projects. 12 CA4th at 713.

What is clear is that the local agency cannot refuse to do anything when requested to issue a certificate of compliance: The statute mandates that the local agency act.

What is clear is that the local agency cannot refuse to do anything when requested to issue a certificate of compliance: The statute mandates that the local agency act. §66499.35. Thus, the agency must issue either a certificate or conditional certificate. If, after a reasonable period of time, it fails to do either, the party entitled to issuance should bring a writ of mandamus under CCP §1085 requiring the public agency to act on the application.

Failure to issue a certificate of compliance will trigger the 90-day statute of limitations for judicial review under §66499.37. *Hunt v County of Shasta* (1990) 225 CA3d 432, 275 CR 113. Challenges to the issuance of a certificate must be brought within the same time period.



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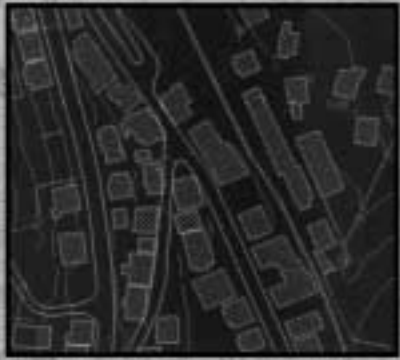
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On July 25, 2003, the Federal Communication Commission published a Report and Order revising the Telephone Consumer Protection Act (TCPA) of 1991. Some of the revised rules affect the Association and its Chapters, as well as businesses. The rules were to take effect on August 25, 2003; however, on August 19 the FCC decided to delay the effective date until January 1, 2005.

The FCC will be reviewing the Order which would require signed consent (express prior written permission) in order to send faxes that contain unsolicited advertisements – including those from associations, their Chapters, and their Members, agents, and affinity partners. The recipient's signature and fax number to which faxes may be sent must be included on the permission. According to the rules as they read now, the FCC will allow electronic and digital signatures; however, associations would not be allowed to send a fax to obtain the signed written consent.

The Order includes Membership dues renewal notices, notices about upcoming meetings\seminars (even if a fee is not charged), solicitations to sponsor an association activity or event, and RFP solicitations. It does NOT, however, include legislative updates, notices of Annual Meetings (so long as such notices do not include registration information), surveys, and certain other types of information that aren't considered solicitations.

Even though the effective date has been delayed, CLSA is planning ahead obtaining consent forms.

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Ministerial or Discretionary Act?

In *Findleton v Board of Supervisors*, supra, the court held that the issuance of a certificate of compliance is a "ministerial" act, for the purpose of determining whether the Permit Streamlining Act applies, because it involves "no exercise of discretion." See §§65920-65964; Pub Res C 21080(b)(1); CEQA Guidelines 15268 and 15369. The court reasoned that discretion was lacking because §66499.35 mandates issuance of a certificate as long as the parcel complies with the Map Act. *Findleton v Board of Supervisors* (1993) 12 CA4th 709, 714, 15 CR2d 665.

However, even if the certificate of compliance process may be aptly categorized as ministerial, the court's holding did not address the extensive discretion local agencies have in applying remedial measures to conditional certificates. The local agency may require everything that the Map Act could have required. Had the proper subdivision map process been followed the first time, the incorporation of conditions of approval would have been a discretionary process. See Pub Res C §21080 (identifying "the approval of tentative subdivision maps" as discretionary projects); *Sequoyah Hills Homeowners Ass'n v City of Oakland* (1993) 23 CA4th 704, 29 CR2d 182. In the future, courts may be called on to decide whether the issuance of a certificate of compliance (a ministerial process) should be distinguished from the issuance of a conditional certificate (arguably a discretionary process.)

It would also seem appropriate to consider application of the California Environmental Quality Act (CEQA) (Pub Res C §§21000-21178) to the review of conditional certificates, given their discretionary nature. Otherwise, the procedures governing conditional certificates of compliance would eliminate the environmental review process that is ordinarily applied to legal divisions of land.

Interplay With Lot Line Adjustments

Until recently, it was customary for an owner to try to obtain certificates of compliance for lots shown on ancient recorded tract maps to establish their legality for development purposes. Once the certificates were obtained, the landowner could proceed with lot line adjustments for the mapped parcels and sometimes reconfigure the entire tract, thereby avoiding a public hearing as well as compliance with CEQA and the conditions of approval that would be required if a map were processed under the Map Act. This was the scheme proposed to Mr. Rancher by his broker in our example above, but it has been severely curtailed in two important respects. In early 2003, the California Supreme Court determined that maps recorded before the enactment of the first Map Act in 1893 do not create legal lots. *Gardner v County of Sonoma* (2003) 29 C4th 990, 129 CR2d 869. In fact, in a footnote, the Supreme Court left open for another day the question of whether maps filed before 1929 can create legal lots.

[T]he California Supreme Court determined that maps recorded before the enactment of the first Map Act in 1893 do not create legal lots.

The second important limitation was the legislature's enactment, effective January 1, 2002, of new limits on lot line adjustments. See §66412(d). To avoid resubdivision of land through lot line adjustments, a lot line adjustment is now limited to four or fewer parcels. Also, significantly, the lots must now be adjoining or "touching" (rather than merely adjacent or nearby), and the local agency, in considering approval of the lot line adjustment, can require conformity with the agency's general plan and any applicable coastal plan. This has greatly enhanced the authority of local agencies to regulate lot line adjustments, especially when attempts are made to reconfigure old tract maps. The question arises whether a landowner can avoid the four-lot restriction by processing successive four-parcel lot line adjustments. This practice should be strongly discouraged. There is good authority that an attempt to evade the Map Act will be viewed as a violation. See *Pratt v Adams* (1964) 229 CA2d 602, 40 CR 505. In addition, past unsuccessful attempts by landowners to accomplish major subdivision through successive divisions of four parcels (known as 4 x 4, or quartering) would militate in favor of prohibiting successive lot line adjustments. See *Bright v Board of Supervisors* (1977) 66 CA3d 191, 135 CR 758; see also 55 Cal Ops Atty Gen 414, 417 (1972). The practitioner is strongly advised to discourage any such practice if suggested by the client landowner.

Imparting Constructive Notice

Section 66499.35 does not expressly provide that a certificate of compliance imparts constructive notice, unlike the provisions for the recording of "notices of violations" and final subdivision maps. See §§66468 and 66499.36. It is unclear whether this omission was intentional or has practical legal significance. It would seem that recording a conditional certificate is intended to give constructive notice, as it is expressly intended to serve as notice to a grantee of the property owner or any subsequent transferee or assignee of the conditions. §66499.35(b). However, the Map Act contains no statement that certificates constitute constructive notice (as found, for example, in §66468); in view of the fact that statutory authorization is required before a document can impart constructive notice, the legislature would be wise to remedy this apparent omission. (For examples of documents that impart constructive notice, see, e.g., §27282; CC §1213; see also *Hale v Pendergrast* (1919) 42 CA 104, 107, 183 P 833 ("An instrument, not entitled to go upon record, is not constructive notice, although recorded.")) Since the question of constructive notice is left open, attorneys investigating an unmapped parcel should take the extra step of reviewing the local agency's files relating to such parcel to alert the client of the existence of any conditional certificate of compliance affecting the property. Title companies usually discover the recordation of a certificate of compliance or conditional certificate in their title search, and consequently these may show up in a preliminary title report. However, absent an endorsement- i.e., a rider to the title policy- title companies do not insure Map Act compliance.

Approval of Development

A local agency is required to issue a certificate of compliance for "real property that has been approved for development." §66499.35(c). This phrase is defined to mean property for which a permit or grant of approval for development has been received; it also includes real property for which improvements were completed before the time a permit or grant of approval of development was required by local ordinances in effect at the time of improvement. §66499.34. For practitioners, this provision is very helpful in determining whether property is entitled to a certificate of compliance. It is obviously intended to stop the local agency for again evaluating the status of a parcel when this should have been done at the time of issuance of the permit or approval. But what happens if the agency later rescinds the development approval? Although permit revocations are rare, courts often decide in favor of public entities if the proper grounds exist for a revocation, such as the applicant's submission of incorrect information or an incomplete application. See, e.g., *Weiner v City of Los Angeles* (2001) 68 C2d 697, 68 CR 733; *Stokes v Board of Permit Appeals* (1997) 52 CA4th 1348, 61 CR2d 181; *Starbird v County of San Benito* (1981) 122 CA3d 657, 176 CR 149. If an agency rescinds a permit and the rescission, if challenged, is upheld in court, the permit revocation should logically invalidate the underlying certificate of compliance. The authors are not aware of any cases that have addressed this contingency.

Conclusion

The certificate of compliance procedure is designed to provide a "fair and equitable scheme to settle the validity of divisions of land...." *Stell v Jay Hales Dev. Co.* (1992) 11 CA4th 1214, 1227, 15 CR2d 220. Although there are still some significant open questions, the courts have been very helpful in providing practical answers facilitating its use. It is one of the most helpful tools available to practitioners to proactively address potential Map Act violations, and it can play a valuable role in identifying and safeguarding the property interests of owners, purchasers, and the community. ❖

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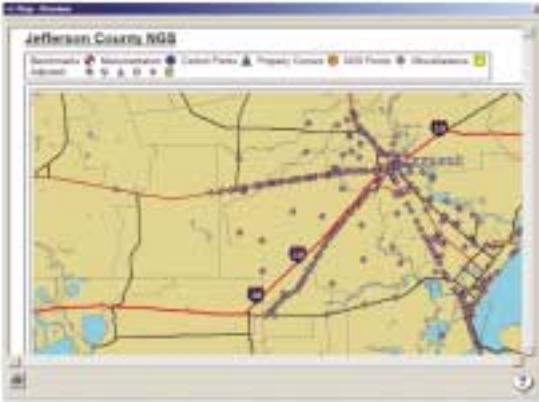
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CLSA Remembers

Ode to Cliff Lewis, PLS 3311

I have a good friend named Cliff Lewis, who passed away Sat Oct. 25, 2003. He had been diagnosed with cancer a year or so ago, and fought a hard battle. Heck, he was working in the field close to the end. He always wanted to go with his plumb bob on, and damn near did it. He went quick and painless at home with family and Hospice support. I can't say enough good things about the Hospice program.



Cliff was born Dec. 30, 1937 in Santa Monica, Ca. He grew up in Bunker Hill (now downtown L.A.) and attended Manual Arts High School. At 18 he started working on a City of Pasadena survey crew. To gain more knowledge he enrolled at Pasadena City College and took the survey courses offered by Dick Houk.

Drafted by the Army in 1961, (and getting married the same year to my mother, Joyce) he got lucky and was assigned to the construction battalion for two years in Fort Knox, Kentucky. Lucky in that he could continue surveying while he was serving his two years. He settled in Arcadia in 1966 and worked for Pafford and Associates.

He found himself between jobs in the mid 1970's and decided to start his own business. A majority of his work was subcontracts fieldwork for other engineering and surveying firms.

His business took off and he found himself working evenings and weekends to keep up. We had a standing joke that "if you went to work with Cliff on a Saturday, you need to bring extra flashlight batteries in your bags". He could slope tape by himself, tying the thong on the end of the chain to the bumper of the truck when no help was available. Adapt, improvise, and overcome. You could slow Cliff down, but he could not be stopped.

The man had an incredible knowledge of "rule of thumb" survey errors and analysis. 20" of angular error makes 0.01' per 100' horizontal. He knew that the human eye had resolution to about 3" of arc, and could use that to his advantage in certain situations.

Much of his work surrounded about "Class A" construction (a legal term I've been told). Working in the desert (Helendale), the military needed to build an aircraft runway that was level for a mile. Not the same elevation at both ends, but a "level runway".

He had the pleasure of laying out gridlines on construction sites with a calibrated steel tape and applying temp. corrections. Knowing that EDM's are only plus minus 0.015' plus your PPM's for any measurement, he would choose the right tool for the right job to achieve the required/desired accuracy. He enjoyed solving the "classic 3 point resection problem"- long hand!

Notable projects he worked on (that I can remember) include: Terminal expansion Delta, Continental, and American Airlines LAX, Steven Spielberg's "Dreamworks" facility in Burbank, Slausen and La Cienega (high rise), 9th and Figueroa St. (Pantry Building). Burbank Airport runway and taxiway expansion, The Magic Johnson Theater, Redondo Beach Pier, Riviera Country Club, Port of LA Pier 400 expansion, Cal State Dominguez Hills "Validrome" layout for 1984 Olympics (cycling), Metro Rail LA.

He did more low scale private boundary work for some of the following clients (indirectly): Neil Diamond, Coby Bryant, Arnold Schwarzenegger, and Frank Sinatra. Cliff didn't really know who most of these people were, nor did he care. I understand his right-hand-man (Frank Guerrero) was getting autographs every coffee break Cliff would let him have!

Cliff's door was always open, especially at the Cal. State Fresno Surveying Conference. He would befriend anyone who came along. He enjoyed the academic and social environment that surrounded the Conference, and the surveying world in general. He and I have both met and become friends with so many students, faculty members and other surveying professionals, too numerous to mention.

In the late 90's-00's he was on the Board of Directors for the Surveyors Historical Society. He enjoyed spending time at their annual "Rendezvous" and Board meetings, getting to know many surveyors from all around the U.S.

In a way, I'm happy for Cliff. He's at the "Intergalactic Baseline in the Sky" with many friends including Jefferson, Lincoln, and Washington. I'd sure like to be the "fly on the wall" eavesdropping on their conversations!

I believe I speak for all he touched, when I say- "you will be missed, my friend."

Cliff is survived by wife of 42 years, Joyce, son Mark and daughter Terri Hoover, father Roy and numerous family members. Donations to the Cliff Lewis Memorial Scholarship Fund (future) may be made by contacting Keith Nofield at (510) 583-4795 (work).

—Mark Lewis, (son) LS 6631

Continued on next page

George Psomas, (PLS 2304)

July 16, 1918 – September 23, 2003

George R. Psomas, founder of the Los Angeles-based civil engineering, land surveying and information management firm that bears his name, has died. He was 85.



Born in Nogales, Arizona in 1918, Psomas had been fascinated with the art and science of land surveying ever since his days as a young student at Polytechnic High School in Los Angeles.

In 1946, this fascination turned into a lifelong profession when he opened a small land surveying office in West Los Angeles. By the early 1950s, the company's

client roster would include Safeway Stores, Texaco, the Army Corps of Engineers, and the homes of many notable local personalities, thanks to the firm's proximity to Beverly Hills.

George Psomas' commitment to the surveying profession prompted him in 1960 to found the Southern California Surveyors Joint Apprenticeship Committee in order to meet the need for training in the industry. He served as the organization's first chairman and remained in leadership for 25 years. Psomas was an active member of the Ventura County Legatus Association, the Los Angeles Chamber of Commerce and California Council of Civil Engineers and Land Surveyors (now CELSOC).

Having become a driving force and major presence in the California land surveying profession, Psomas retired in 1996. His son, Timothy G. Psomas, who had taken over the presidency in 1979, succeeded his father as Chairman of the Board.

Raised in Los Angeles, Psomas met his future wife, Lucille, at a church dance. Soon after their marriage in 1940, he served in the U.S. Army. They raised their family in Leimert Park, active members of the Transfiguration Parish. All four of their children worked for Psomas at various times. In 2000, the couple achieved their lifelong dream of moving to Balboa Island in Newport Beach, California – the destination of many happy family vacations through the years. The family legacy consists of four children: Tim (Alanna), Julie Mullen, Stephanie (Paul) Comstock, and Vicki (Tom) Marcellino; as well as seven grandchildren and twelve great grandchildren – including two sets of twins. —

Stephen R. Thumlert, (PLS 4334)

Stephen R. Thumlert, a principal and vice-president of Siegfried Engineering, Inc., the largest civil engineering firm in San Joaquin County, died April 16 at 54 years of age in a Stockton hospital after a brief illness.

Thumlert, a California Professional Land Surveyor since 1976, is recognized for establishing the Horizontal and Vertical Control System used for land surveying and mapping in the City of Stockton and for being instrumental in developing the San Joaquin County Storm Drainage Master Plan. Thumlert, who joined Siegfried Engineering upon graduation from Fresno State University in 1971, was responsible for Siegfried Engineering's surveying and mapping operations for the firm's engineering projects including Stockton Downtown Cineplex, Stockton Airport Gateway, Lathrop Crossroads, Tracy Logistics, and the San Joaquin Flood Control Agency levee improvements.



Thumlert is a graduate of Lodi High School and is distinguished for being one of only two members of the first class to graduate with a Bachelor of Science Degree in the new field of Surveying and Photogrammetry at Fresno State University. He has been an active member of organizations for advancing the profession of land surveying including

California Land Surveyor's Association (CLSA), Consulting Engineers and Land Surveyors of California (CELSOC), American Congress of Surveying and Mapping (ACSM), Surveyor's Historical Society, and Sierra Chapter of Civil Engineers and Land Surveyors. Thumlert's surveying expertise was often sought for making presentations on surveying topics at professional conferences and universities. Thumlert was also an active member of Stockton Kiwanis Club and the Yosemite Club. ❖



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I told you! Always something different in this business!

This picture sent into us by Mike Butcher . . . of a 38 ton bird, (CH53 Sea Stallion), lighting upon one of their projects - the Encinitas Ranch. Marine Captain asked if they might play through . . . "Aye! Aye, Sir!" (Maybe the Captain had a hunch he was due an eagle. ed)



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Application form on next page



Trig Star



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PURPOSE OF THE CONTEST

- To promote excellence in the mastery of mathematics in high school;
- To honor high school students who have demonstrated their superior skill among classmates at the local, state and national levels;
- To acquaint high school students with the use and practical applications of mathematics in the surveying professions;
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Creating a National Standard Record of Survey

R. Lee Hixson is a licensed surveyor in California, Nevada, Oregon, Utah, Idaho and Wyoming and is experienced in construction staking, records of surveys, land divisions, legal descriptions and boundary surveys. He has presented ALTA workshops in Nevada, Utah and California. Publications include an article in P.O.B., December 1995, on ALTA Survey Standards, and an article on boundary resolutions in Professional Surveyor, August, 2002, "When Good Intentions Fail." He is presently a project surveyor for Geomatics Transportation Services (G.T.S.) in Dublin, California, a firm that specializes in engineering right of way surveys. Mr. Hixson holds a Bachelor of Science and Master of Science degrees from the University of Utah in Sociology.

Abstract

The information revolution has dramatically altered the way we collect and process our field data, forever changing the surveying profession. However, during this period, when most of the emphasis has been on modern data collection, data manipulation, and computer drafting, the art and science of boundary surveying and boundary resolution has been increasingly neglected. There are a growing number of surveyors recording maps that reflect poor resolutions, and quality varies widely from surveyor to surveyor and region to region. It is time to stimulate a revival in what has historically been our most important calling: the proper and professional determination of a parcel boundary in its relationship to the boundaries of the parcels surrounding it. It is proposed that ACSM take the lead and, with the cooperation of the American Land Title Association, create a National Standard Record of Survey. This can be accomplished by revising both the "NSPS Model Standards of Practice" and the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" to include a section that spells out the main principles of an adequate boundary survey. Surveyors could then voluntarily choose to comply with these standards and indicate that they have done so by changing the title of the map to read: "ALTA/ACSM Record of Survey" and include a short Boundary Statement reflecting said compliance. This concept could also be extended to any of the different plats produced by surveyors that involve a boundary analysis: as with a Basis of Bearings statement, a Boundary Resolution Statement could be added indicating that the resolution conforms to the new ALTA/ACSM Boundary Standard.

My career as a surveyor has been over 30 years in the making. It began in the outback lands of Utah and surrounding states, pounding stakes on a 5-person transmission line survey crew. Besides learning how to mash a hub into frozen ground with a full, roundhouse swing of a 10 pound sledgehammer, I also picked up the basics of chaining, and reading angles on the vernier of a transit.

Then, on a much faster timeline than I ever would have imagined, I adapted to electronic distance measurement, total stations and data collection in the field, and computer drafting in the office.

I feel like my career has spanned a period of change and innovation like no other in the history of this ancient profession. However, something has been left behind somewhere between the steel chain and the computer: a properly resolved boundary.

While surveying my way through college I worked for the Utah Power & Light Company. It was around 1975 that a company approached my department and tried to sell them an EDM, but they were unsuccessful because the department head could not be convinced that the results were reliable.

A few years later, after moving to California, I worked for a small firm that purchased a Hewlett-Packard EDM that we swapped with the theodolite while doing boundary work. This slick new instrument was quickly assimilated into our daily routine.

Around this time I decided that I wanted to learn more about what was done in the office with this data collected in the field. Our firm did a fair amount of construction staking, but that was something that, once learned, was really not that challenging: you learned the correct technique, and then it became a matter of learning how to speed production without making mistakes.

It was boundary analysis and resolution* that intrigued me. Here was something to really sink your teeth into, and I started an intensive study program, reading everything I could to gain an understanding of this intricate practice. It became obvious right away that this was a subject that really made one appreciate the adage: the more you know about it, the more you realize what there is to know.

For the greater part of surveying history it has been the location of property boundaries that really defined the essence of what we

*I use the term "resolution" to refer to the entire process of analysis whereby a surveyor studies all the available evidence and applies historically accepted law and practice to arrive at a solution for the location of the parcel boundary in question...a solution that necessarily places the boundary into the matrix of parcels which surround it.

Continued on next page

Creating a National Standard Record of Survey

do. From relocating the markers lost by the annual flooding of the Nile, to the establishment of sectionalized land in America, boundary work was our most valued product. Yes, construction layout and topographic work was always performed to some extent, but it never rose to the level of importance of a boundary survey.

Until modern times, that is. Now it is the reverse. Data acquisition (topographic surveys), data manipulation (from processing to mapping), data application (construction layout and staking) and GPS has become the darling of the industry. From vendor's displays at conventions, to any of the trade publications it is obvious that data manipulation is what everyone is thinking about and doing.

This modern preoccupation with "data" has contributed to a decline in boundary skills. I am convinced that the

overall quality of the boundary work being done in our country has declined in the past 20 years. Time after time I come across maps that show a critical lack of boundary analysis, or none at all. I am licensed in six western states and have had the occasion to talk to many surveyors about this issue. I have studied maps that were submitted for consideration in national mapping contests, and have talked with surveyors from around the country who concur that the quality of boundary mapping has deteriorated over recent decades.

What too many surveyors either do not understand, or are simply failing to do, is to conduct a thorough analysis of all available records and all available field evidence under the guiding principles of a proper boundary determination. Basic concepts such as knowing the difference between simultaneous and sequential conveyances, or senior vs. junior rights are completely

missing from many maps. A disturbing number of professionals seem to think that the only obligation one has to an adjoining parcel is to quote the book and page reference for its vesting document or map.

The question then becomes: given the increasingly poor quality of boundary resolution, what can we do to reverse this trend? Some states have begun to change their laws and board regulations to more rigorously spell out what needs to be included in a boundary resolution. Texas is one notable example. In their General Rules of Procedures and Practices surveyors must observe the following:

§663.16. Boundary Construction

(a) When delineating a property or boundary line as an integral portion of a survey, the surveyor shall respect junior/senior property rights, footsteps of the original surveyor, intent of the parties

Continued on next page

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involved, the proper application of the rules of dignity or the priority of calls, and applicable statutory and case law of Texas.

(b) Appropriate deeds and/or other documents including those for adjoining parcels shall be relied upon for the location of the boundaries of the subject parcel(s).

(c) A land surveyor assuming the responsibility of performing a land survey also assumes the responsibility for such research of adequate thoroughness to support the determination of the location of intended boundaries of the land parcel surveyed. The surveyor may rely on record data related to the determination of boundaries furnished for the registrants' use by a qualified provider, provided the registrant reasonably believes such data to be sufficient and notes, references, or credits the documentation by which it is furnished.

(d) All boundaries shall be connected to identifiable physical monuments related to corners of record dignity. In the absence of such monumentation the surveyor's opinion of the boundary location shall be supported by other appropriate physical evidence, which shall be explained in a surveyor's report.

While I applaud these Board Rules, a strong argument could be made that these should have been enacted as statutory law. All avenues for strengthening boundary work should be addressed including: state law, state board rules, continuing education, degree requirements and national standards of practice.

It is the purpose of this article to recommend a new method for encouraging proper boundary work: the creation of an ALTA Record of Survey.

It is my understanding that the ALTA/ACSM Land Title Survey (ALTA Survey) was created back in the middle part of the last century, in large part, because the title industry wanted to create a more dependable, uniform map product for insurance purposes. It has been said that the title insurance industry felt the "need for a formal, printed standard. There is also, regrettably, an inconsistency in the quality of service provided by the surveying

community. This inconsistency occurs not just from region to region, but within each region of the country. Two different surveyors practicing within a few blocks of each other may deliver surprisingly different levels of quality of survey. The purchaser of the service needs some assurance of the quality of service to be expected. That is where standards become necessary."¹

The ALTA Survey has made great strides toward achieving this goal. It is noteworthy, however that even the ALTA Standards—like virtually all state statutes, and most board regulations—specify in great detail how maps should look and what should be contained therein, but fall silent on what is expected of the boundary resolution itself. Aside from requiring that adjoiner recording data "be shown," and that any gores or overlaps "be clearly indicated," it is merely assumed that the surveyor will follow good practice in resolving the parcel boundary.

The time has come to stop assuming that licensed surveyors will follow historically accepted principles of boundary work and to begin spelling out what constitutes a proper boundary analysis in our regulations, laws and standards.

Despite the error of omission mentioned above, the ALTA Survey has, for many people, come to represent the highest standard of quality for a parcel survey. What I would suggest is that there be created an ALTA/ACSM Record of Survey. This would be a type of map that surveyors across the country would voluntarily choose to produce. It would be similar to an ALTA Survey, in that it would adhere to the same general principles of accuracy and thoroughness, but it would be adapted to apply to the garden variety Record of Survey*.

The appearance of such a map would be largely the same as for a regular Record of Survey, with the exception of the title, "ALTA/ACSM Record of Survey" and a Boundary Statement to the effect that "The boundary resolution shown on this survey plat was prepared pursuant to the standards of practice for an ALTA/ACSM Record of Survey as defined and promoted by the

American Land Title Association and the American Congress on Surveying and Mapping." What the surveyor would be doing is clearly stating that he or she has voluntarily chosen to raise their level of work on that particular survey to high standards of practice. That standard would include, among other things, specific language about what constitutes an acceptable level of thoroughness for the boundary portion of the map. It would also contain guidelines for accuracy and for the treatment of easements. In general, it would make explicit what is typically implicit in most state laws and regulations.

It is interesting to note that even in the NSPS Model Standards of Practice² (Section B) the actual components of a boundary analysis are only broadly sketched. After calling for research of pertinent documents and a diligent search for physical evidence in the field, these standards sum up the analytical portion of the process by simply stating that the surveyor shall "Compare and analyze all of the data gathered and reach a professional opinion as to the most probable location of the corners of the property."

The trouble with such generalizations is that too many surveyors interpret them in the least rigorous manner possible. For example, since the NSPS Standards do not spell out that one must take into account the document of record for each adjoining parcel, and demonstrate that each one, is or is not compatible with the subject parcel, many surveyors will consider this principle satisfied by simply stating the book and page of the documents of record on their maps.

How do I know this? Because I have seen it time and again in the course of reviewing maps in numerous states. In California I have had personal conversations with experienced surveyors—even official County and City Surveyors—who believe that we are not required to do anything beyond merely "showing" or "listing" the record references for adjoiners. I have personally worked on many projects where previously recorded maps failed to discover gaps or overlaps because they did not survey across

* Terminology may vary from state to state, but by "Record of Survey" I mean any type of map that is recorded or filed in order to document a boundary survey, as opposed to maps that are required for a division of property.

Creating a National Standard Record of Survey

adjoining parcels to discover whether existing monuments gave those parcels their record widths. If you do not, in effect, survey and resolve the boundaries of your subject parcel together with each of the parcels surrounding it, how can you claim—or imply by your silence—that there are no conflicts between your client's parcel and the parcels which surround it?

It is my view that this last statement summarizes the essence of what any normal property owner would expect of a surveyor: do my boundaries conflict with my neighbors? That this is not spelled out in state laws, regulations or industry standards is inexcusable, especially when it is known that this principle is widely misunderstood or ignored by practicing surveyors around the country.

If ACSM would take the lead and expand on the Property Survey section of their Model Standards, this document could serve as the basis for a national standard Record of Survey. Then, if ALTA would join in the effort and lend their name to the new, voluntary map, much credence would result and the ALTA/ACSM Record of Survey would, by virtue of its name alone, have a head start in recognition and acceptance by the survey community, and allied professions and the general public.

Section B of the NSPS standards is a great beginning for a national standard Record of Survey. There are 9 subsections in Section B. I propose that an additional subsection be added, entitled, "Boundary Resolution" and contain something like the following:

A. Determination of the Type and Extent of the Boundary Survey

Boundary Resolution. The term "boundary resolution" shall refer to the entire process of analyzing all available, pertinent information relating to: a) the location of the boundary of a given subject parcel, b) the relationship of that boundary to the matrix of parcels (and/or rights-of-way) that surround it, and c) a

determination of whether or not there exists any inconsistencies or incompatibilities in any of the boundaries so located.

Parcel Matrix. A "parcel matrix" varies in nature from state to state and region to region and is unique for each neighborhood of parcels. It is defined as that cluster of parcels surrounding the subject parcel being surveyed, which extends far enough in all directions to take into account the history of parcel divisions in that area, the type(s) of divisions that lead to the creation of the subject parcel (simultaneous, sequential, or a combination of both), and, once understood, allows for a proper and complete plan for field work and office analysis that will allow for a resolution of the subject parcel boundary. This may require extending the survey and analysis to include only one additional parcel in each direction, if for example, the subject parcel and all the immediate surrounding parcels were created simultaneously. But in all cases, at minimum, the subject parcel and all adjacent parcels (or rights of way, etc.) must be included if the surveyor is to determine the presence of any gaps or overlaps in record information.

For a successful and cost effective field survey, it is critical to conduct a preliminary deed investigation to determine what basic type of deed situation exists within the parcel matrix being surveyed: is it GLO public lands/cadastral, lot & block subdivision, sequential metes & bounds or a combination of these? The surveyor shall assess how many parcels need to be included in the boundary resolution process in order to make sense of the parcel matrix in question. At minimum this will include the subject parcel and every bounding parcel that adjoins it. However, circumstances may require that the research, the field survey and the analysis be extended to additional parcels, beyond those that are immediately adjacent to the subject parcel.

Additionally, circumstances may also require that a chain of title search be performed on one or more of the parcels in the matrix, in order to settle any junior/senior rights issues.

In the case of a Record of Survey it is recognized that, depending on the wishes of the clients and the judgment of the surveyor, not all of the boundary lines of the subject parcel need be surveyed. The extent of the matrix may be adjusted accordingly. However, in all cases, the analysis needs to be sufficient to insure that no other parcel is being adversely affected by the location of a particular line.

B. Information Gathering

All of the following types of record and non-record information should be considered, obtained and analyzed in the process of resolving the boundary of any parcel:

1. Record Information

All record information relating to the boundary survey should be obtained. This should include, at minimum, the current vesting deeds for the subject parcel and all surrounding parcels. However, depending on the situation, it may also be necessary to obtain the vesting deeds for additional parcels in order to understand the proper relationships of all the parcels in the area in question. In addition all record maps that have any bearing on the location of the subject parcel, or the parcels adjoining the subject parcel, should be obtained and analyzed.

2. Non-record Information

All non-record information for the subject parcel and surrounding parcels shall be obtained. This may include, but not be limited to, such information as: railway maps or deeds, highway maps or deeds, GLO maps and field notes, county and/or city maps and improvement plans, easement deeds, the testimony and opinion of the owners of property in the area (or any other person with pertinent knowledge about boundaries or monuments), utility company maps and documents, and any unrecorded maps or other information on file at private survey or engineering offices. Such information will vary from one region to another and all reasonable efforts should be made to obtain as much useful information as possible.

Continued on next page

3. Field Survey Information

All types of monuments, those of record and those not of record, shall be tied in the field, along with any lines of occupation such as fences, hedges, structures or roads. Such information shall be collected for the subject parcel and all contiguous, surrounding parcels and, depending on the circumstances, other nearby parcels as well. The distance that the survey shall extend beyond the subject parcel (and the adjoining parcels) will vary depending on the number and quality of the monumentation found in the field, and also upon the nature of the legal descriptions in question (lot & block vs. metes and bounds for example).

C. Analysis and Resolution

A boundary resolution is the analysis of all of the above information such that the surveyor can determine the location of each property line defining the subject parcel in its proper location relative to the parcels surrounding it. The surveyor shall

determine what survey principals and what legal principals are pertinent to the survey in question and then perform all calculations and analysis necessary to properly apply those principals to the survey at hand.

The resolution process must necessarily take into account the boundaries of all abutting parcels, such that a determination can be made that there either are, or are not, any discrepancies along any of the boundary lines in question. All sources of errors and inconsistencies should be considered, between deeds, maps, monuments or lines of occupation. Any discrepancies that are found shall be clearly and plainly described on the map being recorded, along with documentation and references that explain the reasons for the discrepancies, and, whenever possible, the surveyor's solution to the problem. To this end, efforts shall be made to reconcile such discrepancies by whatever means are legally available to the surveyor. This may include correction deeds, Lot Line Adjustments, Quit Claims, Quiet Title and

cooperation with other surveyors who have worked in the area to resolve any differences between their surveys.

To make it clear to those who will examine the map in the future, the surveyor shall either 1) place a written statement on the plat which explains the resolution; or 2) show sufficient notes and comments, together with angles, bearings and distances (record vs. measured) on the map portion of the plat, or 3) a combination of both. The intent shall be to remove any doubt about how the surveyor arrived at the resolution shown on the map.

ACSM (or NSPS) could, if it so desired, be the sole agency for creating the standard because it already has a Model Standards document, and because it is the lead national surveying organization. The reason for including the ALTA organization in this article stems from the long history and strong reputation of the ALTA/ACSM Land Title Survey. It would seem to be a

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Boundary Statement

The boundary resolution shown on this survey plat was prepared pursuant to the standards of practice for an ALTA/ACSM Record of Survey as defined and promoted by the American Land Title Association and the American Congress on Surveying and Mapping.

Along the lines of a Basis of Bearings statement, and State Plane Coordinate Statements (explaining the datum and epoch of the information gathered), a Boundary Statement would add valuable information to anyone examining the map, and provide some level of assurance that a sound, defensible boundary analysis was performed. As we all know, there are two messages conveyed by a paragraph on a map which explains the datum, epoch, and metric-feet conversions. First, there are the important facts about the data gathering which future surveyors can use to better interpret the map. But second, there is the implicit message that the surveyor who prepared the map is competent and professional enough to understand the principles involved and how they should be applied. Similarly, a Boundary Statement would indicate to all that the surveyor has applied a rigorous analysis to the resolution shown on the map, and that he or she is not hiding behind the ambiguity and brevity that plagues most state laws and professional standards.

There are those who are repelled by the call for more legislation or any other such attempt to "dictate" how they do their work. But a laissez faire approach reaches a point of diminishing returns when it fails to clarify the elemental ingredients of an acceptable boundary resolution. I am not proposing that we micro-manage surveyors. Rather, I suggest that the public can only be served (and protected) if, first, we are in clear agreement about the what it takes to complete a good boundary survey, and second, if we take definite steps to hold ourselves, and each other, to the fundamental principles of our honored profession.

Many have commented that surveying is a dying career. I know one thing for sure: incomplete, nebulous or cursory legislation and standards of practice can only hurt us.

I believe that the time has come to address the issue of a national boundary standard for Records of Survey, and to begin incorporating Boundary Statements on all of our maps. My purpose is to get the discussion started, to make suggestions and to facilitate a debate which leads us forward. In Dublin, California, a firm that specializes in engineering right of way surveys. Mr. Hixson holds a Bachelor or Science and Master of Science degrees from the University of Utah in Sociology. ❖

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2. National Society of Professional Surveyors. "Model Standards of Practice." Revised March 12, 2002

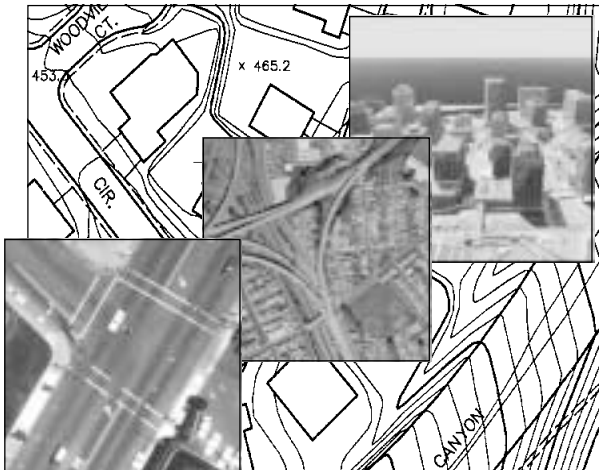
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logical extension to bring a national standard Record of Survey partially under their umbrella, taking advantage of the "brand recognition value" of a map title with their name include. By now there are many people in the allied professions who know about ALTA Surveys, and they would therefore be quick to understand the concept behind a map with the title of "ALTA/ACSM Record of Survey." However, ACSM could champion this cause on its own, and it may be unnecessary to involve ALTA.

Aside from sponsorship issues, the most important idea is that a national standard be clearly established by making explicit what is now usually implicit: we need to spell out the principles behind a quality boundary resolution. It is not enough to simply assume that surveyors understand, and will follow, the principles they were supposed to have learned in the licensing process. Court decisions in recent years have started to dismantle the old concept of "local standards." By developing a National Standard Record of Survey we would demonstrate our willingness to align our formal standards with this judicial trend, and also provide a way for surveyors across the country to voluntarily raise the quality of boundary surveys.

It is worth noting that all the different types of maps produced by surveyors anywhere in the country, would be improved by adhering to this proposed, voluntary standard. Parcel Maps, Subdivision Maps, topographic maps, or any other type of map or plat could have a short "Boundary Statement" included along with the other important information contained therein.

Corner Records



What is the purpose of a corner record? The answer to this question may seem obvious and unworthy of a serious response but I beg you to consider it for a moment. And consider that your obvious answer and my own may be entirely different. That is what happens when a legal provision has sufficient gray area.

Corner records are used by California surveyors for a variety of reasons. Some are simple diagrams showing how a damaged or missing monument was replaced. Some are "mini-records of survey". That most likely was not the intent of those who originally framed that provision of the Professional Land Surveyors Act. However, simple economics and a wide margin for interpretation of the limitations of the corner record have driven this evolution.

Other provisions of the PLS act, together with heavy-handed local ordinances have made completing a Record of Survey a wretched, expensive process in many jurisdictions. A majority of surveyors compete with each other on a dollar basis, unlike almost all of the other learned professions. When old Mrs. Smith wants her lot corners set, she may think more about cost than experience, reputation or quality. And so it follows that to get Mrs. Smith's business, one must offer one's services, economically, modestly, cheaply even. And the difference between getting the contract and being too expensive might be the difference between filing a corner record and preparing, submitting and wrangling over a record of survey. Five hundred dollars versus three thousand dollars. Six days versus six months.

It's no wonder that many look for the broadest interpretation possible for what will fly on a corner record. Is proration down the front of a block acceptable? How about splitting improvements and re-establishing a street centerline? If that's acceptable, how about breaking down a whole city block by splitting improvements? Just exactly what is a material discrepancy anyway? Certainly we all have opinions on that. If the distance between two original monuments in a subdivision measures long by two tenths of a foot, is that a material discrepancy with the subdivision map? How can that be? Walt Robillard says called-for monuments are without error. But I digress.

So what can the county surveyor who must accept and file the corner record say about this? Can he reject a corner record for being a "mini-record of survey"? Can he say, "Nice try, now plot this on a 18" x 26" sheet, put a couple certificates on it and submit it, along with a check, for review?" It would seem that he must accept the corner record and file it per the law, but is that the end of the matter?

Finally, can and should the CLSA, through a local chapter's Professional Practices Committee, play a role in such a conflict, or is this the exclusive domain of the Board of Registration? Thoughts, anyone?

Being I was first in line to receive this, I'll give you my personal thoughts, Carl. Let's pray there are more responses to your query! Corner Records in our county, (Marin), are in a binder at the County Surveyor's Office. Not archived. Indexed by Assessor's Parcel Number. I would suspect ninety-nine percent of the monumented corners, filed as a Corner Record, would be placed in the same position by every competent surveyor or civil engineer! They are nearly worthless, save, when all the original monuments have been destroyed by utilities - they will be the only 'Record' to remain tying those remaining corners directly to the original monuments . . . Then they become priceless! Another fear I have, is we live in earthquake country. It's not a matter of if the Big One is going to happen ... Rather when. The Marin County Court House burned once. I doubt Frank Lloyd Wright's beautiful Civic Center was as 'up' to seismic design as the Japanese. Which could mean our 'Corner Records' as well as the poorly scanned recorded maps/deeds may be in peril. If I may, I'd like to go out on a tangent for a bit. Scanned images. It seems the Recorders are embracing this wonderful technology . . . and claim to be scanned to an archival quality. However, on numerous occasions these scanned images are not legible! Back to Corner Records . . . In the Beginning Corner Records were for the benefit of preserving government corners. In the end, they are better than absolutely nothing, but not by much. Let's hear more response to Carl's great questions! - Ed ❖

CST Exam Goes Online



You can now take the NSPS/ACSM CST exam through web-based testing administered by Vincennes University (VU) in Vincennes, Indiana. Did you know that the very first online CST exam was conducted at Seminole Community College near Orlando, Florida? The first exam was given to Level 1 examinees in February of 2003. Six brave exam takers rode the shakedown cruise and helped identify problems with the new system. The second online CST exam was given to twenty-four freshman survey students at Vincennes which ran flawlessly. The VU students commented that one of the best features was that they could log out after the first hour and take a break or log back into the exam to continue with the next hour-long session.

The test is administered electronically by VU who provides Internet-based testing for many other programs. They have multiple web servers dedicated to online testing and instruction backed by a center staffed with experienced personnel. VU already uses over 700 online course sites and has a database of 24,000 users for online course access. CST exams are larger and more complex than the typical online exam due to graphic images and more questions. VU has done a terrific job of programming and capturing the diagrams built into the exam.

Online tests will be pre-arranged by CST staff for individuals or groups desiring to take an exam. The exam can be taken at any supervised workstation with high speed Internet access and meeting minimum hardware requirements. This technology makes it possible to give the test to one person at a time from a remote location. The greatest benefit to exam takers is the extended availability of the CST Program to locations in their

community, including survey offices (other than your own). Other benefits are: immediate exam results at the end of your test, and ease of use.

The Survey Technician Certification Board (STCB) sees the need to move to online testing as costs rise and examinees request test locations closer to their homes. Another responsibility of the STCB is to make the test easy to understand and current with technology. With the VU online system, the STCB will have greater ability to make changes and add new questions.

The Survey Technician Certification Board (STCB) sees the need to move to online testing as costs rise and examinees request test locations closer to their homes.



Currently, paper exams are still administered and conducted through NICET. We will continue our arrangement with NICET as we add online testing centers and "specials".

A "special" is a pre-arranged location having workstations sufficient to deliver the exam, in an environment suitable for testing and a proctor to supervise the testing. In order for the CST program to expand in this direction, we need the help of proctors and companies or community colleges to serve as testing centers. To offer the widest available CST testing, we are looking for help from technicians and professionals. We need to develop a network of coordinators, proctors and testing centers with computer labs at high schools, colleges and local business offices.

Having a proctor and location will help speed up the application process. A proctor is required by NSPS/ACSM to oversee the delivery of the exam and protect its integrity. Any college instructor, professional engineer, or registered land surveyor can be a proctor for a CST exam. Applicants requesting a paper exam can still take their exam at an existing NICET testing center on the regular schedule. However, if an applicant can suggest a testing center and knows an RLS or PE willing to proctor the exam, an online exam can be administered at a proposed location at a time chosen by the applicant and his/her proctor.

This is significant to the surveying industry. Here's why. Managers can use this program to help survey technicians with their career development. People familiar with the CST Program know that it becomes more than a test by training and development conducted by organizations in preparation for the exam. In studying for the exam, surveying technicians become familiar with the academic knowledge behind the field procedures they follow

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everyday. By using the stair-step CST Program, the technician moves progressively into more responsible positions. Some hit the books even harder and go after the Fundamentals of Land Surveying Exam. This grass roots movement can be a way to help technicians become professionals.

Now we need help from the surveying profession. Your help will benefit your business and our profession, be it private or government. To help, offer to be a proctor or arrange for your office to serve as a testing center for others. Volunteer to coordinate testing or help with a training program.

Questions can be directed to ACSM staff Trish Milburn or Susan Frank at (240) 632-9716 or you may call the CST coordinator in your state or your NSPS Governor. ❖

You Think You Have Red Tape?

A New Orleans lawyer sought a FHA loan for a client. He was told that the loan would be granted if he could prove satisfactory title to property offered as collateral. The title was not clear until 1803, and he had to spend three months running it down. After researching the abstract, doing a survey, and sending all this information to the FHA, he got his reply: "We received your letter today with enclosed loan application for your client, supported by abstract of title. Let us compliment you on the able manner in which you prepared and presented the application; however, you have not cleared the title before the year 1802, and therefore, before final approval can be accorded the application, it will be necessary that the title be cleared back of that year."

Annoyed, the lawyer replied: "your letter regarding titles in Case No. 189145 received. I note that you wish titles cleared further back than I have presented them. I was unaware that any educated man in the world failed to know that Louisiana was purchased from France in 1803. The title to the land was acquired by France by right of conquest from Spain. The land came into possession of Spain by right of discovery made in 1492 by a sailor named Christopher Columbus. Columbus was granted the privilege of seeking a new route to India by the then reigning monarch, Isabella. The good queen, being a pious woman and careful about titles, almost, I might say, as much as the FHA, took the precaution of securing the blessing of the Pope for the voyage before she sold her jewels to help finance Columbus. Now the Pope, as you know, is the emissary of Jesus Christ, the Son of God, and God who it is commonly accepted, made the world. Therefore, I believe it is safe to presume that He also made the part of the world called Louisiana, and I hope to hell you are satisfied." ❖



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ACSM Makes Congressional Record!

On September 9, ACSM received an honor, of sorts, by being mentioned by Congressman Tom Davis on the House floor near the end of the Van Hollen amendment debate. The context of our mention is important because Rep. Davis, the Chairman of the Government Reform Committee, specifically listed American Congress on Surveying and Mapping along with a few other groups as having a stake in the debate. Its nice to know that we are important enough to a Member as powerful as Davis that he mentions ACSM on the House floor, when he could have mentioned any number of groups.



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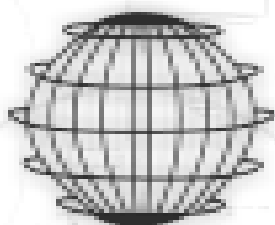


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The goal of the California Land Surveyors Association is to promote and enhance the profession of surveying, to promote the common good and welfare of its members, to promote and maintain the highest possible standards of professional ethics and practice, and to elevate the public's understanding of our profession. CLSA represents all Land Surveyors, whether they are employees or proprietors, whether in the public or private sector.

Representation

LOCAL: Your local chapter represents you in local issues. Through your chapter representative to the State Board of Directors, the individual member can direct the course CLSA will take. **STATE:** The Surveyor is represented at the state level through an active legislative program, legislative advocate, and liaison with the State Board of Registration. **REGIONAL:** CLSA is an active member of the Western Federation of Professional Surveyors. This Federation is composed of associations throughout the western United States and addresses regional issues. **NATIONAL:** Through institutional affiliation with the National Society of Professional Surveyors and the American Congress on Surveying and Mapping, CLSA is represented at the national level.

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CLSA presents annual conferences which provide technical and business programs, as well as exhibits of the latest in surveying and computing technology. Seminars and workshops are presented to assist in continuing education. CLSA publishes the California Surveyor magazine and the CLSA NEWS to keep the membership abreast of changing legislation, legal opinions, and other items which affect our profession.

Business and Professional Services

CLSA provides a fully staffed central office which is available to answer questions or to provide up-to-date referrals concerning legislation, educational opportunities, job opportunities, or other issues concerning our membership. Professional liability insurance programs are available to members.

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- 4. Surveying Level
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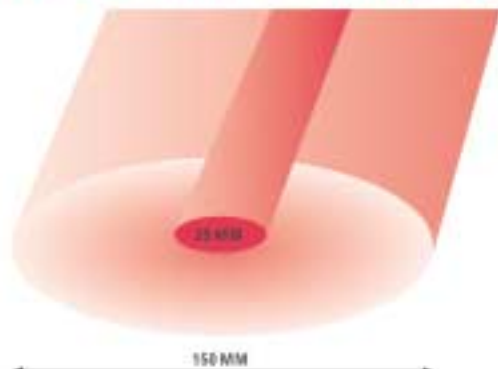
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