

Focal Point

A publication of the Sacramento Chapter
of the California Lands Surveyors Association



May 2024

The next Chapter meeting will be held at Logan's Roadhouse in North Natomas on May 2!

Come join us for an evening with Bob Hovorka, former police officer and graduate of McGeorge School of Law as he discusses the rules of evidence!

President's Message

Annette Hovorka, PLS

2024 Sacramento Chapter President

Beautiful Days

Aren't these Spring days just beautiful. I love them. It is among the few times during the year that I can venture out in the sunshine without layers of cover to protect me from the sun.

As the days lengthen and the sun shines brighter, summer calls to us to step outside and revel in nature's splendor. For many of us, this season also means engaging in outdoor work as the weather is cooperative for those outdoor activities necessary to our work. While the prospect of working under the sun may eventually be more of a chore, there are moments of great satisfaction that can come from working outdoors during the summer months.

One of the most captivating aspects of working outside in the summer is the opportunity to connect with nature on a deeper level. Being surrounded by blooming fruit trees or the sparkle of deep blue waters makes it difficult to keep our minds on the work at hand. Moments of deep breaths and contemplation invade work time far too easily. In such moments, the boundary between work and play blurs, and labor becomes a form of celebration.

However, working outdoors in the summer also presents its fair share of challenges. The intense heat of the sun can be relentless, sapping energy and testing endurance. Dehydration and heat-related illnesses are a constant consideration, necessitating adaptability and resilience in the face of unpredictable conditions.

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The **Focal Point** newsletter is a publication of the Sacramento Chapter of the California Land Surveyors Association. Check us out at <https://www.sacramento-clsa.org>

Who's Who in the Sacramento Chapter for 2024:

Annette Hovorka PLS	President
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Cameron Clark PLS	Board of Directors Representative
Andrew Tapley PLS	Board of Directors Representative
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Carl C.de Baca PLS	Editor Focal Point (He's back...)

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You can post job ads in the Focal Point for \$100 and they will run for a maximum of 1 year. And, you can take home one of our attractive slate CLSA coasters for a \$10 donation!

Contact the Focal Point editor at alidade.nv@sbcglobal.net

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Presidents Message (continued)

Yet, despite these challenges, there is a sense of satisfaction that comes from these days of work. We can find that corner that has escaped others' attention for years or we can be a part of creating new construction that will create improvements in the lives of our fellow citizens for years to come.

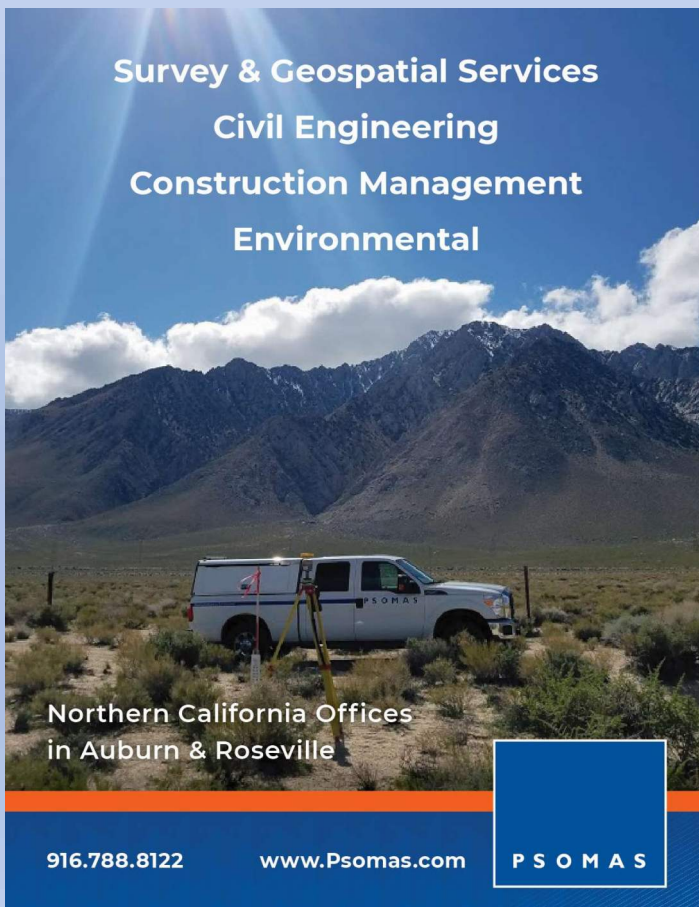
Let's not forget the stories. Working outside fosters a sense of camaraderie and community among our teams. Shared experiences of overcoming obstacles and braving the elements gives us a chance to have experiences worth remembering and sharing. I hope you take the opportunity to share your stories with your colleagues at chapter meetings or in articles and pictures in the Focal Point. Let's face it, our stories are what truly bring our profession to life.

Working outdoors in the summer is an opportunity for discovery, an chance to be one with the out of doors while confronting challenges. I trust you will find this opportunity a safe and wonderful time.

Annette Hovorka, PLS
2024 Sacramento Chapter President

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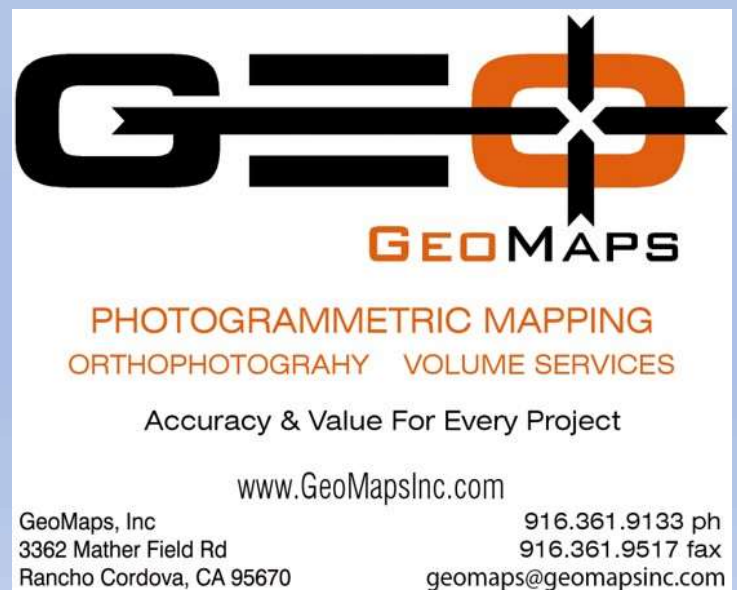
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2024 CLSA/NALS/WFPS CONFERENCE HIGHLIGHTS

By Dan Beaver and Carl C.de Baca

The 2024 CLSA / NALS conference, held at the Horseshoe Hotel and Casino in Las Vegas was actually a five-state affair, with Arizona, New Mexico and Wyoming also attending, along with the Western Federation of Land Surveyors. This expanded the conference into a gathering of nearly 900 attendees, plus students, vendors and spouses. The conference, which ran from March 23rd to the 26th, was a fun-filled series of events with a little something for everyone, including the Opening Ceremonies, a crowded vendor hall, an awards luncheon, bowling at the famous Brooklyn Bowl and peaked on Monday night with the annual live scholarship auction.

Scholarly Endeavors

The list of speakers was very impressive. John Stahl, Kris Kline, Gary Kent, Glen Thurow, Davey Edwards, Douglas Spotted Eagle, Dru Smith and many more opined on ethics, riparian retracements, railroad retracements, ALTA/NSPS Surveys, safe drone operations, courtroom preparation, aerial mapping, and on and on. Three and a half days of great workshops put on by great speakers! Kris Kline, a Surveyor and Legal Scholar from North Carolina who hosted workshops on conflicts involving state boundaries, railroad rights of way and how to prepare for and testify in a courtroom. Stephen Hughey, PLS, PHD spoke about surveying extending back to the early Mesopotamians canal building projects circa 5000 BC. Representatives from the regulation boards of all five states hosted a round table update and discussion of various laws and trends they are seeing.

-CRC

John Stahl gave a great presentation on ethics. The presentation was prefaced and based on the NCEES model rules of professional conduct, 240.15. The rules are the outline of the general purpose we are all aware of but perhaps don't think about daily, to protect the public and practice with high standards in a professional manner. Here in California, the specific code can be found in the PRC – Board Rules §476 and Land Surveyors Act §8780. Stahl's presentation didn't focus on any one aspect of ethics or run through "what would you do?" scenarios. Instead, he focused on the principles outlined in the model rules and perspectives to keep in mind and emphasized that most times it all comes down to one thing, communication. How this communication applies to a client's perception and understanding of the services requested and what to expect. How it applies to the interactions during the process and the results of that process. How all of this ultimately shapes the client's opinion of the services and, to an extent, the profession as a whole. Stahl discussed the importance of communication between professionals. This being important as a group of professionals in order to promote survey interests with regards to local or state regulations, as well as share knowledge through continuing education. As individual surveyors, this professional communication is important to perpetuate specific knowledge of local evidence and property history and more. There was much more discussed but the emphasis on communication was the biggest takeaway for me.

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2024 CLSA/NALS/WFPS CONFERENCE HIGHLIGHTS

(Continued from page 4)

Gary Kent was back again to present his years of knowledge on ALTA/NSPS land title surveys (don't call it just an "ALTA"). Having been a part of the development of the standards from the very beginning, you would be hard pressed to find any better authority on the specifics. So, if you missed it this year or years past, this is one that should be taken in at some point. He runs through the history and evolution of the standards and how the 2021 standards were arrived at. The current presentation takes the redline version of the current standards (2021) and Mr. Kent goes through the changes, explains the reason for any changes and what the intent of that section is with respect to the information being provided. He explains that fundamentally, an ALTA/NSPS land title survey, is a presentation of the property and insurance policy to the insurer and insured of what is, and what isn't covered by that policy.

Depending on the circumstances, it is either fortunate or unfortunate to have the experience of a court trial under your belt. Either way, there was the opportunity for the mock trial to get a version of this experience along with a discussion and review of the process. This included all aspects of a real case, the names and places have been changed to protect the innocent, the guilty, and those unlucky enough to be caught in the crossfire. The case was presented as it was in actual court, with some of our peers acting out the parts of the judge, plaintiff, defendant, lawyers for each, and even the bailiff. Those in attendance served as the jury and were split into groups for the deliberations. Personally, I found it difficult to deliberate on the evidence without making judgements about the surveys presented. Meaning, wanting to determine which survey was correct vs making a determination based on the presentation of the evidence. This was especially difficult because this mock trial illustrated that the presentation of the evidence can be as important, or more so, than the strength of the evidence. In this case, the lawyer with the weaker survey was much better at presenting and making a case than the opposing lawyer. At the end of it, what I took from it was that I will make sure that all my surveys will be those that can be defended in court.

-DB

Opportunities for Some Fun

Bowling night is a long tradition for CLSA attendees and some years ago we got NALS hooked on the activity as well. We outdid ourselves on opening night this year, with a fantastic venue and more bowlers than ever. Brooklyn Bowl Las Vegas is a short ten minute walk from the Horseshoe over to the LINQ Promenade which is sort of like the Strip's version of Fremont Street, but less grubby (not that grubby is bad...). The joint, which is also a very active concert hall, has 12 lanes (website says 32...?), each with a pair of leather sofas for lounging in style between frames. This year we had over 50 bowlers divided into 11 teams, some with as many as 6 or 7 bowlers on a team. Many gutter ball tickets were purchased!

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2024 CLSA/NALS/WFPS CONFERENCE HIGHLIGHTS

(Continued from page 5)

Sunday saw the annual awards luncheon where various officers, chapters, committee chairs, and representatives were recognized for their extraordinary efforts on behalf of the five states and WFPS. These people work hard for their organizations and deserve the recognition. Sunday also the Icebreaker Reception in the Exhibit Hall, followed by a visit to the no-host presidential suite which all the organizations shared and NALS very loosely presided over. Sssshhh – top secret!

Monday saw the close of the silent auction tables and of course the keystone event of the conference, the Live Auction, where people buying \$1200 compasses and \$3000 books have to keep telling themselves, “It’s for the students”! A lot of money was raised for scholarships and a lot of fun was had. If you’ve never gone to the live auction, you need to go to the next one and get in the groove! In the meantime, dig up your old books and instruments and donate to the cause.

Next year’s conference will be at the Silver Legacy in Reno – see you there!





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The 2024 conference was awesome and we could not have done it without the sponsors who made it all possible! Please reach out to these fine folks and thank them for their generosity!



Sacramento Chapter, CLSA

Minutes for meeting of April 4, 2024

The meeting of April 4, 2024, was held at Logans Roadhouse in Natomas. Annette Hovorka, Chapter President, called the meeting to order at 6:00 PM and provided instructions on how to order dinner and then asked for everyone to introduce themselves.

Following introductions, President Annette Hovorka called for officer's reports:

President's report - President Annette Hovorka reported:

1. The executive team has prepared and agreed upon draft language for the letter to the Sacramento County Board of Supervisors recommending the creation of a monument preservation fund.
2. The letter will be available for Chapter approval at the next Chapter meeting in May.
3. We may want to consider expanding the letter to include all adjacent counties that don't have a monument preservation fund.
4. Recommend every member hand deliver the letter to their County Supervisor.

Vice President's report:

1. Guest speaker for May meeting will be Sacramento County Surveyor, Jon Scarpa.
2. Suggestions for future guest speakers are desired.

Secretary's report – Secretary Andrew Tapley reported:

1. The Sacramento Chapter's March meeting minutes can be found in the Focal Point newsletter.

Treasurer's report:

President Annette Hovorka asked if anyone had any announcements and Sherrie Zimmerman announced that she has been planning a golf tournament of "glow golf" for October 4, 2024. More details will be provided in the May issue of the Focal Point, so the following details are still tentative:

- When:** October 4th, 2024. Time yet to be determined.
Where: Foothill Golf Course in Citrus Heights.
What: Teams of 4 playing 9 holes of golf in the daylight, breaking for dinner and business, then playing 9 more holes in the dark.
Why: Fundraiser for the College Fund. Looking for sponsors.

Continued on Page 10



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Minutes for meeting of April 4, 2024 (continued from Page 9)

It's still to be decided but this event might replace our monthly chapter meeting. Registration forms for teams (teams of 4) will be made available soon.

Guest Speaker Mark Counts gave a lecture on Caltrans innovations using Civil 3D, Arc GIS and other Surveying/Engineering/GIS software.

50/50 Raffle

1. Two tickets were selected, and two more cards chosen from the partial deck, but neither was the Joker, so there were no winners this month.

Meeting was adjourned by President Annette Hovorka.



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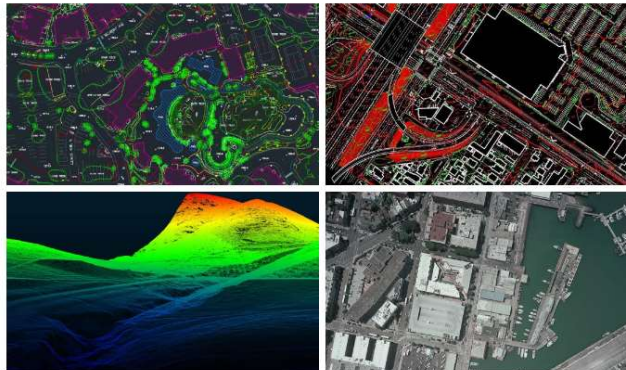
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Regulations We Know, (But Might Have Forgotten)

Everybody knows the Land Surveyors Act and the Subdivision Map Act and the Public Resources Code and the Streets and Highways Code, right? But what about the good old Board Rules?

California Code of Regulations, Title 16, Division 5 §§ 400-476. How familiar are you with those? It is a lot to keep up with. Let's take a look at just one of the rules, on disciplinary orders after a complaint, by using a simple excerpt - just a wee bit of Board Rule 419. This should help keep the average surveyor on the straight and narrow.

BR 419 (e) In addition to the conditions as may be ordered pursuant to subdivisions (c) and/or (d), the following conditions shall be included for the following specific violations:

(1) Incompetency in the practice of professional engineering and/or professional land surveying:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(2) Negligence in the practice of professional engineering and/or professional land surveying:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(4) Failure to file a record of survey and/or corner record in the practice of professional land surveying:

(A) For any records of survey and/or corner records found not to have been filed and recorded, the respondent shall file or record, as appropriate, the required record(s) with the appropriate governmental agency within 90 days of the effective date of the decision. The respondent shall provide the Board with verifiable proof that the required record(s) have been filed or recorded, as appropriate, by the governmental agency within 30 days of such filing or recordation. If an actual suspension of the respondent's license is ordered as a probationary condition, the record(s) required by this subdivision shall be the only professional land surveying work the respondent is allowed to perform during the suspension.

This excerpt is comprised of just three pieces of BR419, there is much more contained within this single board rule, and there are seventy-six other board rules available for your reading pleasure! So sit back, grab some coffee and start reading.

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How many of you saw this and responded by taking the Survey Monkey poll when you received the email from the BPELSG in January?

“In the interest of safeguarding the health, safety, and welfare of the public, the California Board for Professional Engineers, Land Surveyors, and Geologists is exploring the requirement for Continuing Professional Competency (CPC) through Professional Development Hours (PDHs) at the time of the biennial renewal. CPC will focus on the advancement, extension, and improvement of the technical aspects and professional skills of the licensee and on the enhancement of professional ethics. Your feedback is welcome and important. This survey is expected to be available until March 1, 2024 and should not take more than 5-10 minutes of your time and the Board appreciates your participation in the early stages of this evaluation.”

Now you would think this sort of thing would set off a rant, and maybe it will, for someone out there. But here inside the warm comfortable confines of the Focal Point HQ, this sounds like a sensible proposal and should be welcomed by all of us – that is, as long as we have some input into how it gets put together. Belonging to CLSA and attending meetings should warrant PDHs, since we already know that we who belong and participate are better off than those who can't be bothered. Oooh, I guess this turned into a rant after all...



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