

# angle points

## City of San Diego Responds to Grand Jury Report

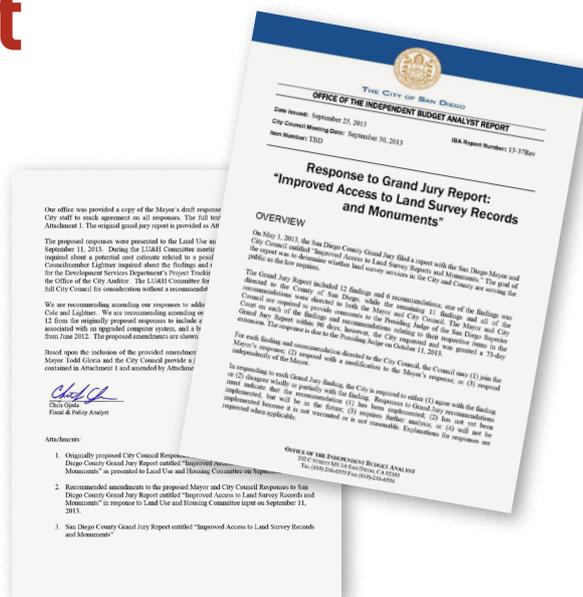
Following issuance of a detailed 15-page report outlining a number of concerns with the City of San Diego's Field Survey Group and related Records Department, in accordance with the State of California Penal Code, the city issued a court mandated response. (See American Surveyor Magazine [amerisurv.com/content/view/11790/](http://amerisurv.com/content/view/11790/)). The reply and recommendations were presented to the City's Land Use and Housing Committee on September 11, 2013 for adoption by the mayor and city council. For a complete review of the city's responses, see: [sandiego.gov/iba/reports/reports13.shtml](http://sandiego.gov/iba/reports/reports13.shtml)

Highlights of the report, in general, acknowledged the validity of the Grand Jury's criticisms and, in connection with the year-long investigation, the city implemented many new policy changes including creating the office of City Surveyor to oversee disparate departments, all the while the investigation was underway; the investigation itself served to implement change. Combined with the retirement of a contentious survey manager, the city was able to implement the much needed changes. Key points are as follows:

The Grand Jury noted that many of the allegations and accusations about access to survey records were aimed at the City Records Office located on the second floor of the City Operations Building at 1222 First Avenue. A division of the city's Development Services Department (DSD), the second floor is a repository for all of DSD's many different types of

records including, but not limited to construction plans, building permits, and survey records.

The records office serves as the starting point for most searches related to land use information. As such, the current process for handling requests for information is handled by public information clerks. Since public information clerks are not versed in all technical terminology and concepts, there are frequent delays in locating certain requested information. In those instances, where there has been difficulty in locating certain information, such confusion has led to the perception that the information has been lost. The city contends that these records have not been lost or misplaced, but that the exact location was not known by the public information clerk. "As the requests for information vary due to the broad range of information and different media sources used within the DSD Records Office, it is not feasible for the customer service staff to be "experts" in all the information available." In reality, many of the clerks are unfamiliar with technical records, particularly survey records and, in spite of their well-intended efforts, they are simply unqualified to perform this work. The city is analyzing this problem and it acknowledged that "additional training for staff in the various types of information and media sources would be beneficial and will continue to provide additional training for public information clerks."



The Grand Jury also found that the physical storage of maps and microfiche files at the Aero Drive Field Survey section and the second floor is "chaotic to the casual observer." Moreover, they found that "the filing system tends to depend on the memory of the clerks and relies on 1950's technology and library practice." In response and in a somewhat absurd statement, the city claimed that although "the various media sources may present an appearance of a "chaotic" record system, it "maintains some of the older record systems (aperture cards) as a courtesy for some customers." When one considers the legal obligations of the city and their duties under the California Public Records Act, the response is rather nonsensical. For further information regarding California's Public Records Act see: [thefirstamendment.org/publicrecordsact.pdf](http://thefirstamendment.org/publicrecordsact.pdf)

The city also stated that it “continues the dual system (digitized and aperture cards), as some customers are more familiar and have a preference for the older system” adding “the aperture cards are a by-product of the digitizing system, therefore maintaining the dual system does not present a significant operational impact.

One of the Grand Jury’s primary concerns also involves the city’s field survey department and its staff’s refusal to share and release the all-important city tie point sheets, in many instances claiming they did not exist. Thanks to the Grand Jury report and inquiries, the city has now made the tie sheet information available via the City of San Diego’s Public Works website.

Another cause of concern for the Grand Jury involves the difficulty in reviewing city field books, an otherwise tedious and painful endeavor. As with the tie point sheets, the notes are stored at the Aero Drive location where public interaction has been discouraged if not banned. Some of the notes had been scanned while many of the older notes are in field books written in pencil in the early 1900’s and cannot be scanned in a readable form. The City acknowledged that previously there has been some “confusion” as to that availability of these notes at the Records Office. Thanks once again to the Grand Jury’s efforts, the city has implemented a program to direct customers to Field Surveys where the notes are prepared and maintained.

The city also wisely created the City Land Surveyor position in September 2012 to implement some modern and progressive policies. Prior to this change, the land surveying duties were split between two senior land surveyors embedded in two different city departments. This presented issues of consistency in dealing with customers and developing surveying-related policies. The Grand Jury, as is the entire surveying community, is optimistic that city survey policy and practice will improve under the guidance of new leadership.

The city also implemented several new programs such as providing additional training to the public information clerks; establishing public semi-annual industry meetings for the professional community, digitizing all newly received land survey records, field notes and tie point sheets, and initiating the development of an indexed system. As to the issue of survey records, the city acknowledged that there

had been previous “misunderstandings,” however they have taken steps to address this issue, acknowledging the Grand Jury’s finding that “private sector surveyors want easier access to tie point sheets and field notes.” Moreover, and so as to make the information available, newly received field notes are now scanned in order to provide a digitized version. However, due to the inability to scan some of the older field notes into a readable form, the city maintains the field notes at the Field Surveys location to provide one defined location to view this information.

The Grand Jury report also states “Some documents, especially the quasi-legal documents such as field notes or tie point sheets, are not always available at the second floor. Documents held at Aero Drive are not available to the public, but are available to city surveyors and engineers.” Many practitioners disagree with this response. Nonetheless, and thanks again to the report, if a member of the public now contacts Field Surveys looking for field notes, they will be accommodated. Due to recent changes in personnel, it is hoped that the city’s reorganization will help alleviate the historical lack of communication between the city and industry workers. The city believes that “cooperation is likely to improve” and “regular conversations about issues are likely to dispel misunderstandings.”

Another concern involves the perpetuation of a system wherein non-survey personnel are put in charge of survey and engineering records, an issue that is more complicated due to the influence of modern technologies. The Grand Jury noted that it may be inappropriate to place IT personnel in charge of records. “Though IT is an important component of records keeping, an expert in IT may not have the expertise to implement a user-friendly records access system.” Many believe that to be an understatement considering the use of GIS in records maintenance.

As to the heavily covered topic of survey monuments, the Grand Jury made an important finding: The city has a responsibility to make sure survey monuments are being preserved as well as a responsibility in the plan-check and permitting process and by administering private contracts for public works to be sure existing monuments are accounted for and new monuments are placed and

properly recorded when needed. The city informed the Grand Jury that it “has made great strides to ensure that survey monuments are protected and will be replaced after construction has been completed and they are currently finalizing a city-wide procedure to ensure that all projects are sent to Field Surveys prior to bid, which will ensure that all of the monuments are shown clearly on the plans. This procedure is scheduled to be finalized in fall of 2013. Components of the procedure include:

*The monuments are actually shown on plan sets so that a contractor can see by simple inspection, the existence of a survey monument.*

*The plan sets include a note which states that the contractor will be responsible for any monuments destroyed by construction.*

*Final inspections, are placed on hold in DSD’s tracking system, which will keep the applicant from obtaining a final inspection of the property until the monuments have been inspected and replaced and either a Corner Record or Record of Survey has been filed.*

*Language is included in the private contacts for public works project with specifications indicating that individual contractor will be responsible for the monuments.*

*A standard monument note is placed on the plan set, (if any).*

*The Field Survey Section will physically inspect the monuments and make sure a Corner Record or Record of Survey has been filed prior to the inspectors signing off on the project.*

As is evident, the lesson to be learned is that public agencies are held accountable to the public they serve and things like survey maps and monuments are important. Public records are exactly that—public records and survey monuments are owned by the public at large. ■

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