

MEETING NOTES
SURVEYING ADVISORY COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

December 7, 2021
9 - 11 a.m.

Via Zoom

Discuss and Possibly Act on the Following Agenda Items:

- Call to Order – The meeting was called to order via Zoom at 9 a.m.
- Introductions / Agenda -Attendees
 - Jon Hodde, RPLS, SAC Chair
 - Davey Edwards, RPLS, LSLS, SAC Member
 - Heather Welch-Westfall, RPLS, SAC Member
 - Stan Piper, RPLS, LSLS, SAC Member
 - Paul Kwan, RPLS, SAC Member
 - Mary Chruszczak, RPLS, SAC Member
 - Manny Carrizales, RPLS, SAC Member
 - Coleen Johnson, RPLS, TBPELS Board Member Liaison
 - Bobby Balli, PE, TBPELS Board Member Liaison
 - Mark Neugebauer, RPLS, LSLS, TBPELS Board Member Liaison
 - Lance Kinney, PhD, PE, TBPELS Executive Director
 - Michael Sims, PE, TBPELS Director of Compliance and Enforcement
 - Rick Strong, PE, TBPELS Director of Licensing and Registration
 - Elissa Mazza, TBPELS Staff Attorney
- Exam Update – Dr. Kinney reported on the status of the Texas State Specific exam development process. The PAKS study process is ongoing, with over 200 responses from a statewide poll of RPLS concerning areas of practice that should be on a state-specific exam. Next is to review the content of the survey, evaluate the required areas and the relative ratio of content, determine exam length, determine exam frequency, compare item banks to new specification, and begin assembly of exams. This will most likely take the remainder of 2022. The April 2022 exam will be continue to be the current format.

Mr. Strong reported on the current examination performance and shared examination data with the committee.

Mr. Sims provided a summary report of TBPELS surveying performance measures.

- AG Opinion Update – Mr. Sims reported that the Attorney General opinion request concerning plats in counties near the Texas boarder and the practice of surveying and/or engineering related to those plats has been submitted to the AG office for a formal opinion. They report a response time of up to 6 months, which would be mid-2022.
- Surveying Technical Experts – SAC / Internal / Tech Expert List – Dr. Kinney reported that the agency occasionally has cases concerning technical surveying issues and need to consult with experienced practicing surveyors for evaluations and input on the specific situations. TBPELS has a database of volunteer RPLS to help with technical issues. Previously, TBPLS had 2 part time RPLS on staff to help with cases, but based on Sunset report feedback, this practice was discontinued after the merger. Staff asked the SAC members for their input on how to best address this need – use all technical expert volunteers, use members of the SAC as technical experts, or potentially attempt to hire an RPLS. Staff reported that the number of cases requiring an expert is not large so staffing may not be necessary. After discussion, the SAC recommended sharing the link with SAC members to become technical experts if they so choose, and then go with that model.
- SAC format (membership, number of members, applications, rotation, etc.) – Dr. Kinney started this discussion item with a background on the statutory requirements for the SAC and the original process for nomination and membership. Currently, there are no written requirements for membership, terms, or appointment process. During the merger, the process needed to occur quickly and include people with knowledge about the agency to facilitate the transition. The current SAC has served for several years and the SAC is now moving to a new phase of ongoing projects and activities related to surveying practice. We therefore need to develop a process to perpetuate the SAC.

Several ideas have been posted to the Basecamp site and feedback was received about the application process, membership number, and membership demographics. The SAC discussed this information, and developed the following model that will be posted again on Basecamp for a final review by the SAC with the intent to present to the Board for review and approval in February 2022.

Draft SAC Model:

- 9 members (currently 7)
- All RPLS
- 3 year rotating terms (every year 3 new / 3 rotate off)
- Members may be reappointed for additional terms
- Minimum of 1 LSLS member
- Board liaisons – RPLS member, GLO LSLS member, 1 additional board member (optional)
- Matrix of demographic information – while every position cannot be filled every time, attempt to balance across various factors to represent widest possible population of surveyors
- Factors:

- Years of Professional Practice - 5 years minimum, same qualification as Board Member per statute. The committee should have a balance of 5 to 10 year, 10 to 20 year, and 20 + year of license experience.
 - Age Range – The Board does not have a minimum age qualification. Considering that the new generation of RPLS is in their 20's it is important to include younger surveyors along with older surveyors. Demographics of the licensed surveyors will be considered to have a balance of age ranges represented.
 - Employed by Large / Small Firm - Different size of firm is important because a sole practitioner has a different point of view than the owner/principal of a large firm.
 - Area of State (by large sections) - Different regions have different focuses and common activities. An RPLS is licensed to practice statewide but can be specialized and local experience makes it important to include all areas.
 - Area of Practice (residential/industrial/government/agricultural / oil and gas / etc.) RPLS is registered to practice all of the above and should have a diverse representation of different general areas of practice.
 - Gender (optional) – The committee should be inclusive relating to gender.
 - Race / Ethnicity (optional) – The committee should be inclusive and diverse relating to race / ethnicity.
 - Public application form: reviewed by TBPELS staff → input from current SAC -→ Board Chair for nominations → Board approval at August Meeting (Nominating Committee / Full Board)
- Surveying FAQ – Discussion of what items to include. – Dr. Kinney and Mr. Sims mentioned that there are common questions asked about the practice of surveying and guidance re: laws and rules and enforcement. The committee concurred this would be helpful to the surveying community and discussed what items might be included in an FAQ. It was decided that the best use of time would be to post a draft to Basecamp and let the committee submit comments and additional items via that method.
 - Surveying Outreach – Content – Dr. Kinney stated that staff is looking to update the current ethics outreach presentation and possibly develop a surveyor specific version and wanted to get ideas for scenarios or information that would be relevant, applicable, and interesting to surveyors. It was decided to post this issue to Basecamp to gather ideas and feedback. The committee also recommended reaching out to some individuals in the surveying community such as Messrs. Ken Gold, Paul Kwan, and Ben Thompson for additional information and history.
 - Rules Updates
 - Firms – Dr. Kinney mentioned that the firm branch issue has been shared with TSPS and Mr. Piper reported that they are working on potential draft language to share with the board.
 - LSLS – Dr. Kinney reported that he and staff have worked with Mr. Neugebauer on issues related to LSLS stamping and the current rules. They all held a Zoom call with a number of LSLS to discuss options and will work with the Board to determine a best path forward.

- Other Possible Changes – TBPELS staff is reviewing all of the rules for clean-up and edits now that they have been in place for a period of time. There are some changes that will be recommended to the Board in 2022 to clean-up and clarify language.
- Issue re: corners / monuments (C. Johnson) – Ms. Johnson brought forward an issue about monumentation for subdivisions. Given that there seem to be different opinions of how to handle various situations regarding monumentation, it was noted that surveyors should consult with local officials on their requirements, including requirements for replacing / resetting monuments, reviewing local government code and county guidance (staff, ordinances, etc.) regarding technical surveying rules but also make local jurisdictions aware of the requirements in the Board rules. TSPS may also have information and guidance. It was a consensus that if a monument is replaced it should be clearly noted in any documentation provided. It was suggested that the Subdivision Statue may need to be reviewed for guidance and/or conflicts with the Surveying Act.
- Posting SAC Meeting Notes on TBPELS Website – Dr. Kinney reported that there have been requests from the public / surveyors about SAC meeting notes and if they were available to the public. There is not a formal requirement in the rules or statute, but in the interest of transparency and communication it would be a good idea to share meeting notes publicly. He noted that they are shared with the Board during board meetings for their review. The committee concurred and Dr. Kinney will work to post the historical SAC meeting notes and all meeting notes going forward after they have been presented to the Board.
- New Business – Mr. Carrizales noted that he likes the conversation of the committee via Zoom, but requested that we schedule an in-person meeting in the coming year. The committee agreed and staff will look for a suitable date and location.
- Adjourn – The meeting adjourned at 11 a.m.