

**Proposed Mayor & City Council Response to San Diego County Grand Jury Report:
Improved Access to Land Survey Records and Monuments**
(as presented to Land Use and Housing Committee on September 11, 2013)

Pursuant to California Penal Code Section §933 (c), the City of San Diego provides the following responses to the findings and recommendations included in the above referenced Grand Jury Report.

Responses to Findings and Recommendations

FINDINGS

FINDING 01: The County appears to perform a good job of serving the needs of the land surveying community.

The City agrees with Finding 01

FINDING 02: Many of the allegations and accusations about access to survey records were aimed at the City Records Office known as the 2nd Floor.

The City partially disagrees with Finding 02.

The Development Services Department's (DSD) Records Office, located on the 2nd floor of the City Operations Building at 1222 First Avenue, is a repository for all of DSD's many technical disciplines, including but not limited to Planning and Engineering. DSD's Records Office holds many different types of records including but not limited to construction plans, building permits, and survey records. Additionally, the records office serves many external customers, such as engineering firms, as well as internal customers such as the Public Utilities, Park and Recreation, and Public Works departments.

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. The public information clerks act in a librarian role to retrieve, serve, and replace records for the public, however; the clerks do not interpret the content of the retrieved information. Upon receiving a request, the public information clerk searches for the requested information and if technical assistance is required directs the customer to the appropriate subject matter expert.

Since public information clerks are not versed in all technical terminology and concepts, there could be a delay when locating certain requested information. An instance where there has been difficulty in locating certain information may lead 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.

The City acknowledges 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 City will monitor the number and types of requests it receives at the Records Office, and should it become clear that a large majority of the queries are related to a specific field, such as engineering or planning, DSD may consider adjusting the job classifications of customer service staff, considering both the potential benefits and the fiscal impact.

In addition to the availability of public information clerks and access to subject matter experts, the Records Office has a self-help area that has digitized survey records available through a computer terminal and survey records on IBM punch card-style aperture cards.

FINDING 03: Physical storage of maps and microfiche files at both Aero Drive and the 2nd Floor is chaotic to the casual observer. The filing system tends to depend on the memory of the clerks and relies on 1950's technology and library practice.

The City partially disagrees with Finding 03

The DSD record office stores records related to land surveys in various media sources, including digitized records, records on microfiche, and records on aperture cards. Additionally, some specific land survey information such as field notes and tie sheets are stored at the Field Engineering Operations facility (Field Surveys) located at 9485 Aero Drive.

Though the various media sources may present an appearance of a “chaotic” record system, the City maintains some of the older record systems (aperture cards) as a courtesy for some customers. The City has moved toward digitizing and geo-coding survey records – all new incoming records are digitized and geo-coded. While the County of San Diego has moved to an exclusively online system, the City continues the dual system (digitized and aperture cards), as some customers are more familiar and have a preference for the older system. The aperture cards are a by-product of the digitizing system, therefore maintaining the dual system does not present a significant operational impact. In addition to digitizing survey records, the City has made tie sheet information available via the City of San Diego’s Public Works website. Also, all new field notes received are digitized.

The City stores field notes at the Field Surveys location. The City has scanned many of these field notes; however, as many of the older notes come from field books written in pencil in the early 1900’s, many of the notes cannot be scanned in a readable form. The City physically stores these field notes at the Field Survey location and makes them available to the public at that location. The City acknowledges that previously there has been some confusion as to that availability of these notes at the Records Office, but DSD staff has now implemented a program to direct customers to Field Surveys. DSD staff has begun a public outreach program to the appropriate stakeholders advising them of the new program, in an effort to reduce any future mis-communications.

DSD, within their current workload and priorities, has been working to develop computerized indexing to facilitate searching the available land survey information. DSD anticipates that an indexed system of the digitized information would make this information more easily accessible not only to the public but also City staff.

FINDING 04: Because the professional land survey community is a small percentage of the population served by the City Records office, many members of this community accuse upper management of not listening to or caring about the private sector surveyors who do research in City Records.

The City partially disagrees with Finding 04

As stated in the Grand Jury report, as a result of restructuring within DSD, the City created the City Land Surveyor position in September 2012. 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 recently created City Land Surveyor position, with increased access to department directors, has begun taking steps to increase stakeholder input and has presented unified policies for better customer service.

The City Land Surveyor has established a goal of having public semi-annual industry meetings to discuss and receive input on various topics related to land surveying. DSD staff has developed a list of various potential stakeholders, including engineering and surveying firms, to inform them of the semi-annual meetings. In addition to the semi-annual meetings, the City Land Surveyor is developing four subcommittees, including one related to City records, which will meet and discuss narrower topics. It is anticipated that these subcommittees will be headed by non-City employees to allow for a wide perspective and will report to the public during the semi-annual industry meetings.

As stated in the Grand Jury report, “The Grand Jury is optimistic that City survey policy and practice will improve under the guidance of new leadership.” DSD has changed some policies dealing with monument perpetuation and is reviewing how to better serve customers regarding the issue of public records.

FINDING 05: The City land survey records system is difficult to use and results in extra work, costing both the private and public sectors additional money.

The City partially disagrees with Finding 05

The City acknowledges that there could be some benefit to expanding the capabilities of the current records system, such as providing certain information online. However, DSD has implemented several new programs previously mentioned, 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.

The cost of an upgraded system conversion cannot currently be supported by the fee structure which supports the DSD Enterprise Fund. The City would need to evaluate how to pay for such an upgrade – for example through the DSD Enterprise Fund, the General Fund, and/or through departments that initiate the creation of records. Considering whether to upgrade the system to a Geographic Information System that could be accessed online, for example, would require further analysis. The cost would need to be weighed against the benefits of a new system. As noted in the Grand Jury report, land survey records make up less than 5% of City records. General requests for survey records are about 15% of DSD’s walk-in customer transactions for records. Most requests for survey records are related to activity surrounding current and recent construction.

FINDING 06: This apparent lack of fire protection and personnel fire safety is disturbing.

The City partially disagrees with Finding 06

The Records Office, located on the second floor of the City Operations Building, was and is exempt from fire sprinkler requirements, based on the code at the time it was built and the current code (2010 California Building Code). The facility located at 9485 Aero Drive is also exempt from fire sprinkler requirements based on the current code. There are several fire extinguishers located throughout the areas where the records are stored at both locations. The City maintains hard and electronic copies and less frequently used originals offsite as a precaution.

FINDING 07: There appears to be no systemic problem with private surveyors seeking and obtaining copies of records they want. In the past there may have been failures of communication. There may have been misunderstandings about what the City can and should provide to the public to private surveyors.

The City partially disagrees with Finding 07

The City acknowledges that there have been previous misunderstandings, however the City has taken steps to address this issue. See responses to Finding 02, Finding 03 and Finding 04.

The Grand Jury Facts section states that the “private sector surveyors want easier access to tie point sheets and field notes.” The City has recently posted tie point sheets online (complete with an index sheet) so that the general public has free access to this information. <http://www.sandiego.gov/publicworks/edocref/index.shtml>

The Grand Jury Report Facts section also states that the “field notes are not included in the formal survey records.” The City Land Surveyor believes the field notes should **not** be included in their native state on the formally filed document. The information depicted on the field notes is what is used to construct the boundary, etc. on the formally filed survey records. Field notes,

although not required to be included in the formally filed map, may contain information valuable to land surveyor industry professionals. Sometimes this information is helpful for land surveyors in retracing the previous survey when evidence in the field has been destroyed.

As stated in the response to Finding 03, newly received field notes are 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.

Lastly, the Grand Jury report states “Some documents, especially the quasi-legal documents such as field notes or tie point sheets, are not always available at the 2nd Floor. Documents held at Aero Drive are not available to the public, but are available to City surveyors and engineers.” This statement is not correct. If a member of the public contacts Field Surveys looking for field notes, they will be accommodated.

FINDING 08: Recent changes in personnel may help alleviate lack of communication between the City and industry workers. Cooperation is likely to improve. Regular conversations about issues are likely to dispel misunderstandings.

The City Agrees with Finding 08

See response for Finding 04.

FINDING 09: The current City records access system is antiquated and cumbersome. The City needs to make changes to simplify the records acquisition process.

The City partially disagrees with Finding 09

See responses to Finding 02 and Finding 03.

FINDING 10: 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.

The City disagrees with Finding 10

The City is moving to digitizing the records it receives at the DSD Records Office. As such, the City is comfortable with an individual with IT experience and land development experience being in charge of developing and implementing changes or adjustments to the records system. The City has the benefit of having an individual managing the Records Office who has over 26 years of experience in working in land development departments and is familiar with records systems administration. This individual has been tasked with furthering automation efforts and creating accessible records and will be working with other staff, including the City Land Surveyor, as appropriate.

FINDING 11: The City has a responsibility to make sure survey monuments are being preserved properly. The City has a responsibility in the plan-check and permitting process and in 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 agrees with Finding 11

DSD has made great strides to ensure that survey monuments are protected and will be replaced after construction has been completed. The City is 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:

1. The monuments are actually shown on plan sets so that a contractor can see by simple inspection, the existence of a survey monument.
2. The plan sets include a note which states that the contractor will be responsible for any monuments destroyed by construction.
3. 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 a either a Corner Record or Record of Survey has been filed.
4. Language is included in the private contacts for public works project with specifications indicating that individual contractor will be responsible for the monuments.
5. A standard monument note is placed on the plan set, (if any).
6. 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.

FINDING 12: The City Records Office should make available on line access to all of the documents it manages related to development, permits and land surveying. City public documents should be available on line in a searchable database.

The City partially disagrees with Finding 12

See response for Finding 05.

RECOMMENDATIONS

The Grand Jury recommends the Mayor and the San Diego City Council:

13-13: Assign a specific individual to be responsible for identifying and implementing what type of electronic records system would be suitable for the needs of the City and serve the public by December 31, 2013.

This recommendation has been implemented.

As stated in the responses for Finding 04 and Finding 10, the City has identified positions and personnel that have been tasked with receiving input from the industry's professional community and furthering the City's efforts to automate DSD's record system.

13-14: Develop an action plan to identify suitable hardware and software to support a state-of-the-art digital geo-referenced GIS records system for city public documents related to development, permits and land surveying by June 30, 2014.

The recommendation requires further analysis.

As stated in the response to Finding 05, the cost of an upgraded system conversion cannot currently be supported by the fee structure which supports the DSD Enterprise Fund. The City would need to evaluate how to pay for such an upgrade – for example through the DSD Enterprise Fund, the General Fund, and/or through departments that initiate the creation of records. Considering whether to upgrade the system to a Geographic Information System that could be accessed online would require further analysis. The cost would need to be weighed against the benefits of a new system. As noted in the Grand Jury report, land survey records make up less than 5% of City records. General requests for survey records are about 15% of DSD's walk-in customer transactions for records. Most requests for survey records are related to current and recent construction.

As stated in the response for Finding 03, the City is currently digitizing and geo-coding records that are received by the DSD Record Office. DSD has initiated the development of a comprehensive indexing system, to be accessed through the City's current electronic technology, as a tool to provide a substantial improvement in accessing digitized records. Additionally, the City has identified steps to further improve customer service for land survey information requests. The automation efforts and improved customer service processes should provide adequate services to address future requests.

For the City to consider prioritizing the conversion of the City's current electronic record system, a comprehensive needs assessment, including input from various other City departments and outside stakeholders, would be necessary. An evaluation of the City's current capabilities, including the recently implemented automations and processes, would need to be conducted, as well as development of a list of desired capabilities that are available through either off-the-shelf systems or systems developed specifically for the City.

Once the current and desired capabilities have been identified, a cost estimate would need to be developed or acquired. At that point, an in-depth cost benefit analysis could be conducted, including identifying a funding source for the costs of the new system. As stated above, the current cost structure for DSD would not support the additional cost of a new records system. Additionally, the most appropriate funding source for such costs would need to be identified – which could potentially include the DSD Enterprise Fund, the General Fund and/or departments

that initiate the creation of records. The proposed costs for the new system could also be spread among the end users, such as customers requesting information including City departments.

DSD has taken steps to improve the records system using the City's current technology; however, should the City Council direct DSD to conduct further analysis for a new records system, DSD would need to either re-prioritize the current workload or potentially request additional funding to address the analysis.

13-15: Starting in the next budget cycle, and continuing over the next five budget cycles, allocate adequate funds to procure and implement a state-of-the-art digital, geo-referenced GIS records system for city public documents.

This recommendation requires further analysis.

See the response for Recommendation 13-14.

13-16: Develop an action plan to improve fire protection and personnel fire safety in areas where land survey records are stored by December 31, 2013.

Both facilities in which land survey records are stored meet the requirements of the current California Building Code with respect to fire protection. As noted in the response to Finding 06 the City has taken steps to protect records from disasters. There are several fire extinguishers located throughout the storage areas. The City maintains hard and electronic copies and less frequently used originals offsite from the Records Office as a precaution. DSD and Public Works will work with the Fire-Rescue Department to evaluate the need for additional fire extinguishers and conduct fire extinguisher training for personnel.

13-17: Implement improved fire protection in all areas where land survey records are stored by June 30, 2014.

See the response for Recommendation 13-16

13-18: Implement a program designed to improve customer service in the City Records and the Field Engineering Office with emphasis on providing knowledgeable, responsive customer assistance in land record survey requests by December 31, 2013.

The recommendation has been implemented.

See responses for Finding 02 which speaks to additional training for public information clerks, and Finding 04 regarding opportunities for increasing stakeholder input. Note that DSD has indicated that the Records Office is the second busiest service area at DSD and has the highest satisfaction of all service counters, as evidenced by customer service surveys.