

**Land Survey Advisory Board
And
Arkansas Geographic Information Systems Board**

Meeting Jointly

Arkansas Real Estate Commission
612 South Summit St
Little Rock, Arkansas 72201

Meeting Minutes

Friday, February 15, 2019
10:00 AM –2:00 PM

➤ **Land Survey Advisory Board Chair, Mr. James Montgomery called meeting to order – 10:05 A.M.**

➤ **Roll Call**

Land Survey Advisory Board Members Present:

Mr. James Montgomery, Chair
Mr. Tim Tyler
Mr. Tom Jacobs
Mr. David Hall
Mr. Roger Turner
Mr. Ivan Hoffman

Land Survey Board Members Absent: Mr. Van Winton

GIS Board Members Present:

Ms. Sharon Hawkins, Chair
Mr. Matthew Charton, Vice Chair
Mr. Marion Scott Foster
Honorable Beth Rush
Mr. Carder Hawkins, designee for Ms. Yessica Jones
Ms. Amy Whitehead
Mr. Russell Gibson
Dr. John Dennis

GIS Board Members Absent:

Honorable Rusty McMillon
Dr. Cody Decker

Division of Land Survey Staff:

Mr. John Thornton, State Surveyor
Mr. Daniel Phillips, Monument Program Coordinator
Ms. Ashley Vandiver, Plats Coordinator

AGISO Staff:

Mr. Shelby Johnson, Arkansas Geographic Information Officer
Mr. Jonathan Duran, AGIO Deputy Director
Ms. Amber Reynolds, AGIO Administrative Assistant

Guests:

Mr. Brad Nye, Arkansas Attorney General's Office
Ms. Heather Richardson, Arkansas State Board of Licensure for Prof. Engineers & Prof. Surveyors
Mr. Grant Grigg, Arkansas State Board of Licensure for Prof. Engineers & Prof. Surveyors
Mr. Michael Daniels, Arkansas Society of Professional Surveyors
Mr. Josh Hallenbeck, Attorney, Lobbyist Mullenix & Associates, LLC
Mr. Troy Laha, Surveyor

➤ **Land Survey Advisory Board Chair, Mr. James Montgomery Welcomes and Acknowledges Guests**

➤ **Opening Remarks**

- Mr. James Montgomery, Land Survey Advisory Board Chair
- Ms. Sharon Hawkins, GIS Board Chair

➤ **Approval of Minutes***

- Land Survey Advisory Board, October 12, 2018
Motion by Tim Tyler
Second by Ivan Hoffman
Motion Carried Land Survey Advisory Board October 12, 2018 meeting minutes approved
- GIS Board, December 5, 2018
Motion by Amy Whitehead to approve the GISB 12-5-2018 meeting minutes
Second by Honorable Beth Rush
Motion Carried GISB 12-5-2018 meeting minutes approved

➤ **Division of Land Survey Report, Daniel Phillips**

Daniel Phillips presented court case Arkansas v. Mississippi, 471 U.S. 377 (1985), where the Mississippi/Arkansas boundary was set and clarified by the U.S. Supreme Court. Additionally, he stated that the section corner budget has ran out since December, presented graphs showing restoration numbers by year and webpage hits per year regarding corners. Mr. Phillips also noted there is a simplified process for payment of PLSS corners restored because Arkansas Code § 15-21-101 does not require a contract between the state and certified land surveyors, which in turn, expedites payments. A special in house corner preservation and inspection was done after a notification by Ritter Communications of a bearing tree on their property they were wanting to remove. Upon inspection, a new corner certificate was created and new DLS BT tag was installed. Mr. Phillips also reported that Crafton Tull completed 20 PLSS Corners and surveyed them to +/- 0.1' precision with gps. We are using these to refine our GIS PLSS layer. The cost for the 20 corner certificates was \$8,600.00. In Searcy County, Gene Gorton will be surveying 60 sub 20 centimeter coordinates for high priority PLSS corners. This will be a \$12,000.00 contract. A state line refinement was conducted by the Missouri State Surveyor's office along a portion of Baxter County. The Arkansas State Surveyor reviewed and co-certified the plat and used the survey to refine the state line map boundary. Discussion ensued and a question was posed of if the state line was moved, and Mr. Phillips stated that is was not moved. Clay County had 24 corner certificates with precision coordinates along the state line. Benton County had 127 corner certificates with precision coordinates along the state line. There were 987 precision coordinates statewide, 600 from the corner database and 387 from separate projects. A graph showed that 8355 plats were filed in 2018 and plat filings are completely caught up. Regarding Plat FOIA, two plats were requested via FOIA on Friday, February 8, 2019 and State Surveyor, AGISO Director, Attorney General and Governor's Liaisons were notified. Plats were submitted to the requestor on the same day.

Discussion followed.

➤ **Old Business**

- **Land Survey Advisory Board**

Chair James Montgomery stated that plats filings had already been discussed in Daniel Phillips

presentation and there was no need for further discussion. He also included that after discussion with John Thornton and Daniel Phillips, other topics would be discussed in their second quarter meeting.

➤ **GIS Board**

- **Motion** by Matt Charton to postpone old business of the cadastral standard until the next GISB meeting March 13, 2019
Second Russell Gibson
Motion Carried

➤ **New Business**

- **GIS Board Agency Update – Mr. Shelby Johnson**

Shelby Johnson updated the GISB regarding Transformation House Bill 1272. The House Committee heard conversation on the bill, but they did not take it up as a business item, so it did not move out of the committee. At this stage, the Agency's movement to a cabinet level super department has not happened yet. Additionally, the Agency's appropriation has passed and has not changed since last year and funding is projected to stay the same. From the Legislative side, a bill for a procedural change for annexations was filed recently, however it did not impact our normal routine, as it was on the notification election. The Arkansas Association of Counties is advocating for reform of 911. The bill will be coming out soon, however at this point it does not have a bill number. There will be a new 911 board established under this legislation and the bill will be essential for 911 and public safety in Arkansas.

- **Land Survey Advisory Board – No new business**

➤ **FOIA Discussion – Mr. James Montgomery**

James Montgomery opened the discussion with comments regarding ongoing problem of the misuse of filing plats. He stated that "over time it has grown out of its initial intent, which was to identify who did the survey and they were not intended to be a basis for anyone's engineering project." He also said he believes that not filing plats would be "harmful to the public because of the conflicts it could cause." He then indicated that the Land Survey Advisory Board, Surveyors and AGIO are "stronger together" and added that surveyors use GIS every day as a tool to do surveys and that he was looking to come out of today's meeting with "some sort of solution if we can."

Shelby Johnson began by going over various codes in Act 1040 from 2007 as a reference for today's meeting, which was given in handout form to both board's members. He explained the Agency is bound by this act to this day and that if a survey is an instrument that is filed and recorded, it is then public record. He elaborated that once you file an instrument in the county, it is then your defense of title. The rationale and Agency's determination is that we look at FOIA requests with two questions. First, is it a proper request? For example, is this a citizen of Arkansas? Second, if the request is from a business, and is it a business in Arkansas? Arkansas Attorney General Liaison and meeting attendee, Mr. Brad Nye, also took time to explain laws in place regarding The Agency's duties as it relates to plat filings and its responsibility under the Arkansas Freedom of Information Act. Additionally, Mr. Nye also answered questions posed from board members. Ultimately, the Agency will continue to follow the law as it relates to plat requests.

Discussion Followed.

➤ **11:00 AM – Working Lunch for Board Members and Staff**

Additional Discussion Followed.

It was agreed by all board members on both boards that when AGIO receives an FOIA request for the entire database, AGIO will notify both the Division of Land Survey Advisory Board and the GIS Board.

- **Land Survey Advisory Board**
Motion by Tim Tyler
Second by Sharon Hawkins
Motion Carries

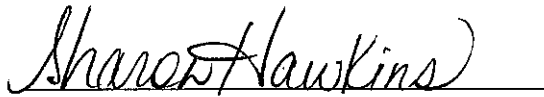
➤ **Adjourn**

Next Meetings:

Land Survey Advisory Board, May 17, 2019
GIS Board, March 13, 2019

*Requires Board Action

Minutes Adopted

A handwritten signature in cursive script that reads "Sharon Hawkins". The signature is written in black ink and is positioned above a horizontal line.

Ms. Sharon Hawkins, Chair (Signature)