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The Texas Surveyor | November 2018

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First things first...Thank you! Thank you for your dedication and commitment to the great profession of land surveying as shown by your membership in the Texas Society of Professional Surveyors. Thank you members for the opportunity to lead our organization as President for the next year. I’m grateful to be part of an organization that is dedicated “to aid and contribute to the education of its members and the general public in attaining high surveying standards, both technical and ethical; and to provide a central headquarters and a closer association of its members.”, as stated in Article I of the TSPS Constitution.

In August, I had the opportunity to lead our annual Strategic Planning Meeting with the help of TSPS Executive Director DJ Kyle and our Strategic Planning Consultant Cathy Hight. Our President-Elect and Co-Membership Committee Chairperson, Trisha Lund, was also closely involved with the planning and development of the strategic planning session with the idea that many of our goals would take more than one year to fully achieve and that unity and cohesion over several years was needed. Bill O’Hara, Government Affairs Committee Chairman and Jamie Gillis, Public Relations Committee Chairman, each assisted by leading break-out sessions centered on work that falls within the scope of each of those committees. Thanks to each of those committee chairs for their hard work and leadership. But, the real energy and drive of the Strategic Planning Meeting came from the eighty or so members in attendance. The great ideas, exciting discussion and passion for our organization and profession were truly inspiring.

As a group, the Strategic Planning Meeting identified the following Priority Areas, External and Internal Strategies and Strategic Objectives with tactics to accomplish these objectives to be included in committee assignments:

**Priority Area: Advocacy/Political Activity**
Overall Goal: Ensure a fair and ethical regulatory environment to protect the surveying profession and the citizens of Texas.
- External Strategy: Influence positively the regulatory, legislative and other elements that affect surveying profession.
  - Objective: Maintain the Texas Board of Professional Land Surveying (TBPLS) as an independent licensing board.
  - Objective: Increase SurPAC funds.
- Internal Strategy: Grow grassroots member involvement in the political and legislative process.
  - Objective: Develop local-level legislative relationships.

**Priority Area: Membership Value**
Overall Goal: Provide benefits and resources that help TSPS members grow and prosper.
- External/Internal Strategy: Communicate and increase member benefits and resources.
  - Objective: Identify and develop benefits and resources that members value.
  - Objective: Demonstrate Value of Investment (VOI) of TSPS membership.

The first Priority Area: Advocacy/Political Activity is of critical importance. Texas law requires that every state agency be reviewed every twelve years by the Texas Sunset Advisory Commission for efficiency, efficacy and need. The Sunset Commission’s recommendation is then brought to the following legislature in the form of an act to continue the agency for another twelve years. The Texas Board of Professional Land Surveying is currently undergoing its Sunset Commission Review.

In keeping with the above objective to “Maintain the Texas Board of Professional Land Surveying (TBPLS) as an independent licensing board”, the TSPS Government Affairs Committee has been hard at work in coordination with our Legislative Counsel, Mark Hanna. TSPS Government Affairs Committee members and TSPS members within the local districts of each of the five Senate members and each of the five House of Representative members of the commission as well as the two public members have been in communication regarding the TBPLS review. We have identified a TSPS member as the “Key Contact” for each of these officials to engage them on the importance of a well-regulated surveying profession and the need for the continuation of an independent licensing board. TSPS has engaged and met with the Sunset Commission staff who do the legwork of conducting a thorough agency review. Mark Hanna, Bill O’Hara, DJ Kyle and I had a very productive meeting with three members of the Sunset staff. TSPS Government Affairs volunteers have also coordinated closely with TBPLS staff and board members to support this effort. And, we’ve engaged other stakeholders like the Texas Department of Transportation and Texas Land Title Association to build alignment of interests and mutual support.

*continued on pg 7*
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The 67th Annual Convention & Tech Expo in Galveston was a huge success. Over 550 attendees participated in two days of education with highly rated speakers, visited with exhibitors in a sold-out hall and networked with peers in a variety of social events.

The convention opened with a presentation by Senator Larry Taylor; his insight into education was enlightening. Following Senator Taylor, members of TSPS conducted the business of the association. NSPS President Kim Leavitt joined us in Galveston and presented a State of NSPS Report. Tellers Committee Chair Mike Hoover announced the election results and the 2018-2019 Officers & Directors are listed on page 3 of the magazine. Congratulations to all!

The Young Surveyors outing to The Spot was one of the highlights of convention. The event was so well attended with estimates of over 150 people (of all ages!). Event coordinators Anna Rios and Nick Vann were excited to see so many having fun and making new acquaintances. More information about the Young Surveyors Network can be found on page 27.

The Annual Awards Gala was very special this year as the award recipients were “kept in the dark” till their names were announced during the presentations that evening. Award recipients are as follows:

- George Sanders, Hugh L. George Award
- Stan Piper, Surveyor of the Year Award
- Connor Brown, Young Surveyor of the Year Award
- Chester Varner, Jr., Eminent Educator Award

Thanks to David Postma at Genesis Photography, pictures from these events can be found at https://genesisphotographers.smugmug.com/TSPS and some are highlighted on pages 18-21.

With the Texas Gulf Coast serving as the setting for this year’s convention, the setting could not have been more beautiful. Watching the sunrise each morning, glancing at the waves during breaks and smelling the ocean air while strolling back to the hotel provided the serene beachy atmosphere that many enjoyed. Thanks to the Convention Committee and Chapter 9 members who volunteered their time and energy on this event.

As we plan for next year and a change in scenery, the Texas Hill Country and Lake Buchanan will be our backdrop for the 68th Annual Convention and Tech Expo at the Horseshoe Bay Resort. I hope you will save October 2-5, 2019 to join your fellow surveyors at convention.

Any legislative session is a fluid situation and the Sunset process only magnifies that. We’ve worked hard to lay the strategic ground work to achieve our goal. Now the hard part begins. We as TSPS members need to stay focused on our goal of continuing TBPLS and work together to stay informed and “on-message”. Depending on what we see in the Sunset staff report, Commission meetings or within the legislative session, we may need to adjust course and react as best we can. I can promise you that the TSPS members volunteering to be our voice in these matters are doing so with our profession’s and the public’s best interest at heart and that we’ll keep you informed every step of the way.

For the other two Priority Areas: Public Relations/Communications and Membership Value, the TSPS Board took an exciting step of allocating funds to bring real progress to these important areas. While the legislative activity feels very urgent right now, the other priority areas are just as important for our profession’s long-term health. To that end the TSPS Board of Directors passed a resolution to layout a process to apply funds generated as excess revenue in 2017 to these Priority Areas. Various TSPS committees will take on these tasks in the coming year.

I’m very excited by the continued potential of TSPS to do great things for our profession and our State. If there’s a way that you’d like to pitch in, please join us as a unified organization behind this effort. There’s a lot of work to do and we can only achieve our goals together.
So, what is SMBD? Sales is the activity of selling products or services. To be blunt, it consists of techniques for separating cash from the customer in exchange for your product or service. Marketing involves promoting and selling products and services including research and advertising. Business development is a bit like sales but is longer term, broader view and often strategic.

All three are interrelated, and function best when the other two activities are being done too. In small businesses there may not be a single person whose sole focus is SMBD. But it may be a part time activity that is shared across several people in the organization. It is possible that every person in the company may be involved in carrying out certain parts of SMBD, and thus may need to be clued in to what those are, perhaps trained in them, and told why those activities are important to the company.

Sales
Sales is the specific set of activities for telling potential clients about what the company does and why they should select the company to do the work. This means providing actionable information that is transmitted in a conversation and/or with written information such an introduction letter or brochure. The collection of information that is conveyed to the potential client is prepared by marketing activities.

Marketing
It’s the marketing activities that figure out how to breakout the various products or product groups that your company offers (boundary surveys, ALTA surveys, oil well plats, construction stakeout, monitoring and Q/A, etc.). The marketing function also provides the support to the sales function with well thought-out, concise and yet comprehensive-enough descriptions of the work that emphasize your company’s attributes. These attributes may be things like the ability for the client to have predictable schedules for the delivery of your work output, excellent communications with the client, good working relationships with allied professionals and industries such as lawyers, realtors, title insurance companies and lenders, adherence to specifications and budget, etc. There is always a feedback loop between sales and marketing so that the needs of sales are being supported by the marketing function.

The 4 Ps
Depending on the textbook, marketers often talk about the “4 Ps.” There may be more or less. But most commonly the four that are considered as the bread and butter activities of marketing are Product, Pricing, Place and Promotion.

Product refers to a conscious effort by your organization to define and identify your discrete products that you bring your customers. Many clients order surveys, but really don’t know what the value of what they are getting. Many times they are only interested in “checking the box.” The P of product may also refer to development of new products or rehabilitation of ideas associated with an existing product that allows you to relaunch it in a way that attracts attention of clients and potential clients.

Price refers to your pricing of the product. Many surveyors don’t see what marketing has to do with it. But coupling how you price with the features and attributes of the product is important. For example, when you price, if it is a boundary survey, do you say anything about complying with standards, and why that is important. Or that you set monuments when there are unmonumented corners, and why that is important, etc.

Place refers to the channel you use or design to communicate with your client base. It used to be the yellow pages and that was it. Today you have numerous options including your website, emails and social media. Place can also refer to an aggressive campaign of public speaking about the benefits of surveys (not necessarily your company’s surveys). When this is done, it also becomes part of the business development activities.

Promotion is the fourth P and we’ve talked about it already somewhat. But it means a concerted effort at implementation of your ideas with respect to sales and the other three Ps.

Business Development is concentrated on cultivating business opportunities with everything and everyone, wherever possible. It involves pursuing strategic goals, but to do that it means you need to have developed a coherent set of goals. Business development can also relate to developing partnerships with others such as businesses in allied fields. It can also relate to identifying new markets because of changes in technology, the business environment or success at developing some of those other business development ideas such as partnerships and accomplishing strategic goals.

In Conclusion
Many small surveying businesses don’t consider the activities of sales, marketing and business development (SMBD) to be highly important. Instead, they concentrate on getting the job done surveying-wise. Other aspects of the business: speaking with clients, determining their needs (not just a boundary survey, but why they need it), tracking job costs, invoicing, requesting payment, even delivery of finished products are all not directly related to the task of getting the survey done. But they are done, because it is part of “doing” a surveying business. With all these activities, SMBD often doesn’t get the deserved attention.

continued on pg 29
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TSPS Member Benefits

Education - Members have a variety of educational offerings to choose from throughout the year at discounted pricing for CEUs.

Publications - Stay in touch with the latest trends and topics through the two TSPS publications. The Texas Surveyor magazine and Metes & Bounds e-newsletter.

Chapters - More than 20 chapters are available around the state, each providing invaluable networking and education opportunities.

Networking - Connect with surveyors across the state via the annual convention, monthly chapter meetings, educational seminars, an online news feed via member profiles, and other meetings and events.

Career Advancement - Members can post and search resumes on the website as well as receive instant notifications of new job listings.

Communication - The TSPS website provides user-friendly communication opportunities. TSPS actively communicates with its members through various social media channels.

Texas Surveyors Foundation, Inc. (TSFI) - Formed to ensure the future of the surveying profession through scholarship awards, support for education programs, and dissemination of beneficial information to the interested public.

Legislative Representation - TSPS works closely with members of the Texas Legislature to keep them informed on issues that affect the Texas Surveyor.

Affinity Partners - Business Insurance, Education, Medical Insurance, Legal Services & ID Protection, Records/Documents, and Website Development/Branding are just a few of the partner relationships established by TSPS.

Public Relations - Members have access to professional materials to aid in Awareness as well in Recruitment of the surveying profession.

TSPS continually strives to bring value to your membership.

For more information or to join, visit www.tsps.org/page/benefits
NEW MEMBERS

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John Andricopoulos #6354 - Chapter 2
Halff Associates, Inc.

Wayne Beets, II #6039 - Chapter 4
By-Line Surveying

Richard Bonds #5559 - Chapter 20
R H Bonds Surveying Company

Saul Castillo #6192 - Chapter 11
Self Employed

Robert Ellis #4006 - Chapter 9
Ellis Surveying Services

Ryan Fuselier #5989 - Chapter 9
R.J. Fuselier & Associates, LLC

Michael Hall #5765 - Chapter 9
Civil-Surv Land Surveying, LLC

Mark Otto #6672 - Chapter 9
Cardno, Inc.

Jake Rodrigue #6685 - Chapter 9
T. Baker Smith, LLC

ASSOCIATE/SIT
Coy Glasscock - Chapter 2
Topographic, Inc.

David Griffin #110325 - Chapter 5
Nathan D. Maier Consulting Engineers

Jacob Hanson - Chapter 9
AGS Engineering & Construction

Mitchell “Thomas” Hail - Chapter 9
Damian & Associates, Inc.

Franklin Leamons #110352 - Chapter 21
Searchers Land Surveying, LLC

Levon Lynch - Chapter 2
Sempco Surveying, Inc.

Matt Salcedo #110097 - Chapter 5
Nathan D. Maier Consulting Engineers

David Shaheen - Chapter 9
E. Riley Surveying

Kyle Smith - Chapter 11
KFW Engineers & Surveying

Hollie Swoger #110352 - Chapter 5
Halff Associates

Matthew Taylor - Chapter 13
Chapparral Professional Land Surveying

Steven Unrue - Chapter 9
Cardno, Inc.

Daniel Villa, Jr. - Chapter 9
CSF Consulting, LP

STUDENT
Jewel Johnson - Chapter 8

Michael Joines - Chapter 9

Kevin Michael - Chapter 12

AFFILIATE
David Shane McCullah - Chapter 5
BGE, Inc.

James Putnam - Chapter 1
Geoshack, Inc.

Maritza Rodriguez - Chapter 9
KM Surveying, LLC

WELCOME!

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- UGTT
- AGS
- Aerotech Mapping Inc.
- ANCO
- Allen Precision Equipment
- Leica Geosystems
- Pro-Terra
- Surv-Kap
- Gateway
- DAS
- Texas File
- Bearing Tree
- Silicon Benefite
- Allterra
- EASY DRIVE
- Easy Drive
- Berntsen
- Graitec
Wow! Another convention is in the books. TSPSA President, Angela Strong outdid herself once again. We had a wonderful TSPS Convention this year (“Surveying USA”) and the Auxiliary had an amazing time too. The Auxiliary theme was “Reach for the Stars/Wish upon a Starfish” which encouraged us to all reach for the stars and never give up. As well as inspiring us to help others...even if it makes one small difference to a person, such as the starfish in the following poem:

A young girl was walking along a beach upon thousands of starfish which had been washed up during a terrible storm. When she came to each starfish, she would pick it up, and throw it back into the ocean. People watched her with amusement.

She had been doing this for some time when a man approached her and said, “Little girl, why are you doing this? Look at this beach! You can’t save all these starfish. You can’t begin to make a difference!”

The girl seemed crushed, suddenly deflated. But after a few moments, she bent down, picked up another starfish, and hurled it as far as she could into the ocean. Then she looked up at the man and replied, “Well, I made a difference to that one!”

The old man man looked at the girl inquisitively and thought about what she had done and said. Inspired, he joined the little girl in throwing starfish back into the sea. Soon others joined, and all the starfish were saved.

— Adapted from The Star Thrower by Loren C. Eiseley

The week started on Wednesday with the Open House hosted by The TPS Auxiliary members. Great food, fun and fellowship were enjoyed by all.

On Friday, the Auxiliary took a short bus ride to the Historic Strand area. We toured the Historic 1894 Opera House and learned of its rich history. We then had lunch at Fisherman’s Wharf before shopping the Strand. A reception was hosted at Tina’s on the Strand before we headed back to the hotel to enjoy the Beach Boys themed Gala festivities that evening.

Saturday, the Auxiliary held its annual meeting and luncheon. We opened with the business meeting then enjoyed a meatloaf lunch with key lime and pecan pie for dessert. Officers for the upcoming year were installed and door prizes were given. After the installation of the new officers, we created some unique wine bottle and glass art. A big thank you to Amanda Eaves and her husband for traveling from Fayetteville to Galveston to host this event. A great time was enjoyed by all.

We missed many of our “regulars” who were unable to attend this year, but we were blessed to have a couple new members (and some who haven’t attended in many years) join us this year. We greatly enjoyed having Kayla Gaines, Connie Neill, Cindy Ruiz, Donna Stevens, and Sheila Kelly as well as Gwen Leavitt (wife of Kim Leavitt – NSPS President) and Kay Turner (wife of Doug Turner – outgoing TSPS President) join us for the activities this year and hope they will join us again.

If you would like to volunteer to help or to be an officer of TSPSA, contact one the current officers. The auxiliary always has a wonderful time at convention each year and we encourage every spouse or significant other to join us. You can sign up when registering for convention. We look forward to old and new members joining us for our TSPSA adventures.

TSPS Auxiliary Officers for 2018-2019 are as follows:
President – Angela Strong
Vice President – Carol Keys
Secretary – Linda Clements
Treasurer – Kim Hodde
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J. Stan Piper, RPLS, LSLS
Piper Surveying Co.
Midland, Texas

"Piper Surveying Co., Inc. had been in business for 30 years in 2011 and had always used insurance companies in the Permian Basin for our commercial insurance. The cost continued to rise, and the service was slow. I had known Gina O’Hara and decided to give her a call for a quote from ANCO Insurance before our renewal. Her quote was less and for more coverage and continues to be in 2018. ANCO has always been knowledgeable, responsive and reasonable. I would highly recommend this company."

J. Stan Piper, RPLS, LSLS
Piper Surveying Co.
Midland, Texas
NEW GEOSPATIAL ENGINEERING & LAND SURVEYING PATHWAY AT KLEIN ISD

New pathway promises students an opportunity to earn a high school diploma, an associate’s of arts degree, a bachelor of science degree and 100% job placement.

On a cool fall Friday in Klein ISD, four high school students were greeted with cheers, balloons and presents as they were celebrated for being the first four students the Geospatial Engineering & Land Surveying pathway.

One of the newest pathways offered to Klein ISD students, Geospatial Engineering & Land Surveying provides an opportunity to explore a career path while earning college credits in high school. Students will be taught by high school teachers and industry experts, thanks to a partnership with S&V Surveying. “Isidro Garza from S&V Surveying serves on the CTE Advisory Council. It was from the Advisory that the idea of the pathway was born,” says Director of Career & Technical Education Programs, Deborah Bronner-Westerduin. “The Advisory Council plays an important role in helping us to identify pathways that are viable for students to be college and career ready.”

Upon graduation, students in the Geospatial Engineering & Land Surveying pathway will have earned an Associate of Arts degree from the Lone Star Community College system. Of the credits they’ve earned, 45 hours will transfer towards a Bachelor’s degree at a 4-year university. If they choose to attend Texas A&M University in Corpus Christi, they will only need 3 years to earn a Bachelor of Science in Geospatial Engineering. An opportunity Dr. Gary Jeffress, Texas A&M University-Corpus Christi Professor of Geographic Science and Director of the Conrad Blucher Institute for Surveying and Science, is thrilled to provide for students, “Texas A&M University-Corpus Christi is excited to assist Klein ISD to introduce Geospatial Technologies into their High School Curriculum to encourage bright young minds to consider developing skills in the creation of geospatial data and information.”

Taking advantage of these dual-credit courses not only saves families money through reduced college costs, they can also rest assured the likelihood of obtaining a job immediately after graduation is certain. “Right now, some universities are seeing 100% job placement rates for their graduates,” says Bronner-Westerduin. “There is a high-demand for jobs in the industry because of the aging workforce.” Dr. Jeffress agrees, “We have seen an explosion of unfulfilled careers in the geospatial sciences, which Klein ISD is allowing students to have access to these well-paid careers and business opportunities.” Students can also look forward to earning a beginning salary ranging from $43,000 for a GIS analyst to $70,000 for land surveyors.

Current 8th and 9th grade students will have the opportunity to enroll in the Geospatial Engineering & Land Surveying pathway in January as eighth graders choose high school pathways for the 2019-2020 school year. However, there are a few prerequisites. For more information about the Geospatial Engineering & Land Surveying pathway in Klein ISD, visit www.promise2purpose.net. You can also have any of your questions about the program answered by submitting them through the website.

The Klein Independent School District (ISD) is located in north Harris County and has more than 53,000 students in its 30 elementary, one early childhood/pre-K center, nine intermediate, and four high schools. Visit the district online at www.kleinisd.net, and follow Klein ISD on Facebook, Twitter or through KLeINTOUCH.
67th Annual TSPS Convention & Tech Expo

View more photos at www.tsps.org/ConventionPhotos
67th Annual TSPS Convention & Tech Expo

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Winter Driving Tips

Joe Breaux, RPLS, TSPS Safety Committee Chair

Fall is upon us, yet for many Texans winter is far away. At least the coldest part of it. With the arrival of fall many have seen heavy rains and even flooding. It was a surprise to me some years ago in a conversation with a Texas farmer & rancher, when he stated that October was one of the wettest months of the year. He was right. The Texas A & M AgriLife Research Center data shows that over a 50-year period from 1968 to 2018, October is the second wettest month of the year averaging 4.39 inches of rain, and it is exceeded only by May. Our other winter months are not far behind and some of them average over 4 inches per month. So this means that we experience a lot of precipitation in Texas during winter, and some of this precipitation includes snow and sleet. These fall and winter weather conditions can cause hazardous driving conditions.

Driving in the rain may not seem like such a big problem to some, especially in warmer months, but given that far too many drivers don’t slow down in rainy conditions, other drivers are exposed to additional hazards. When you add in the extra hazards of winter; fewer daylight hours, more moisture, and occasional snowy/icy road conditions, there is tremendous potential for driving problems during these months. As good of a driver as each of us hopes to be, there is also the other “crazy driver” that wants to pass everyone and zig and zag in and out of traffic in hopes of gaining a minute or two in their rush to the next destination.

So, what does one do to be as safe as possible when driving on wet roads, in rain, or when conditions are icy? We must get to work (at least enough to keep getting a paycheck); we have meetings to make; there are job sites to visit; there are supplies to pick up; there are errands to run, children to take or pickup; and we’d like to go home at the end of the day. So, travel is not always something that can wait, at least not too long. The following are some winter driving tips and suggestions. Keep in mind that some of these are good advice the entire year around, too.

Stay off your mobile device. You knew that this one would be mentioned since texting and driving is against the law in Texas as well as any hand-held device unless you are at a complete stop or better yet, after exiting the roadway completely and parking in a safe place.

This word of caution also applies to any form of distracted driving such as eating, changing your music, turning to converse with passengers or to discipline the kids, reading a map or anything that keeps the driver from devoting 100% of their attention to driving. These distractions are bad enough when conditions are normal, but they can be deadly when weather and road conditions are hazardous.

Think. Don’t drive out of habit as in subconsciously. Pay attention. When it rains, drivers must adjust their thinking and their actions. When conditions are less than ideal, drivers need to stay alert and stay focused on what’s going on around them. Stay alert, slow down and keep your focus on your main task- to drive safely and arrive at your destination.

Turn on your headlights. Sure, we know to do this at night. It is the law in all states to turn on headlights when visibility is low, as in rainy conditions or when fog has developed; or just to be safer. You as the driver need to see and oncoming traffic needs to see you and your vehicle, too. Some companies have a policy that company vehicles must always be driven with headlights on. It is a good habit even in your personal vehicle.

Check your wipers and wiper blades. Windshield wipers are a critical safety component for better vision while driving in rain and fog. Make sure that your wipers are in good condition by checking them frequently. Don’t wait until you need them to check them. Cold weather reduces the wiper blade’s flexibility, and this reduces the effectiveness of the wiping action. Experts and manufacturers of wiper blades recommended that wiper blades be replaced every 6 to 12 months. Lower quality blades can wear out in as little as 3 months while better quality blades can last up to 12 months. If your wipers won’t wipe the windshield clean in one or two swipes, it is time for new blades. In any case, blades should be replaced annually to perform at their maximum.

Beware of hydroplaning. That’s what happens when tires lose traction and a film of water develops between your tires the road itself. The result is that your car begins to slide uncontrollably. All you need is about 1/8 of an inch of rain on the road and a speed of more than 35 miles per hour to have the needed conditions. If you start to hydroplane, let off the accelerator slowly and steer straight until you regain control. Braking too quickly on wet or icy pavement can also cause a loss of control of your vehicle.

Check your tires. Worn tires can be dangerous in normal conditions, but they become especially dangerous on wet or icy roads. A driver’s ability to control a vehicle is dependent on the traction, or friction between the tires and the pavement. Tires with less than 2/32” tread depth (about the same as the space on a penny between the top of President Lincoln’s head and the edge of the penny) are considered worn (“flat worn out” to many Texans) and in need of replacement soon. Tires also have wear bars in the groove of the tread. When tires are worn to the wear bar, it is time to replace them. Some experts say that you should replace tires as soon as tread depth is at 4/32” depth. Why does this matter? Worn tires lose traction more quickly than good tires. Even under normal conditions, worn tires increase the braking distance. In a test conducted by experienced drivers, the stopping distance of a vehicle with good tire tread (4/32” or more) at a speed of 70 miles per hour was compared with a vehicle with tires having only 2/32” of tread depth.
The vehicle with minimum tread depth took an additional 100’ to stop and it was still traveling at 45 mph at the stopping place of the other vehicle. In rainy weather or on icy roads, the stopping distance and loss of traction are always major concerns that always call for reduce speed and allowance for more braking distance. Even at lower speeds, more following distance and more braking distance is required with icy conditions. This translates to needing as much as three times more stopping distance than under normal conditions.

Do not use cruise control on wet pavement or in snowy or icy road conditions. On wet or snow-slick surfaces, cruise control can cause you to lose control. If you hydroplane with the cruise control engaged, your car will go faster and likely cause you to spin out of control. Do not use cruise control on wet pavement or in bad weather conditions.

Slow down. Speed limits are determined for normal weather and normal pavement conditions not for wet or icy conditions. When conditions are less than ideal, driving at a reduced speed allows you greater reaction time to respond to poor and changing conditions. When conditions are at their worst we need more time to reach our destination safely. Remember that slow is better than the other possible situations.

If fog is present, wet road surfaces and poor visibility are also present; fog is a cloud on the ground. Slow down and turn on your head lights. Slowing your speed allows for more reaction time. The thicker the fog, the more your visibility is reduced. Oncoming traffic has visibility issues, too, and your lights help oncoming drivers to see you. Use only low beam headlights because the water droplets of fog disperse the light beams and reflect light causing excessive glare that reduces your visibility even more. Be prepared for quick stops due to other vehicles going slow or possibly being stopped on the side of the road. When driving in urban or rural areas use extra caution and look out for livestock or game animals. These creatures are sometimes difficult to see in normal conditions. With the wet pavement, reduced reaction time and limited visibility of foggy conditions, they become even more difficult to see. That makes them an even greater danger to a moving vehicle.

When temperatures are at or below freezing, icy road conditions may be present or can quickly develop. Slow down and use extra caution on overpasses, bridges, ramps, in shaded areas, especially during night time. These areas usually will freeze first and are always worthy of extra caution.

If your vehicle does begin to slide on wet or icy pavement, remove your foot from the accelerator and the brake. Steer in the direction of the skid until you regain traction. Then carefully straighten your vehicle. Don’t make quick turns of the wheel at any time as this could cause one to lose all control. A bad situation could quickly become disastrous and deadly. Driving is an important part of our personal and work lives. We have errands to run, we must get to work, even our work may require many miles on the road. When driving in fall and winter, we may often encounter poor driving conditions caused by rain, fog, snow or ice, and darkness. Any of these conditions creates additional driving difficulties or hazards, but a combination of them makes driving far more difficult and especially dangerous. Driving in fall and winter calls for extra caution. Think, plan, prepare, drive safely and arrive safely.
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At recent TSPS Convention, we offered something new. A videographer was hired to record interviews with several surveyors from across the state. Our goal for this series is to capture some advice and experiences from some of those who came before us and some of those that are just finding their way in their career. We had the opportunity to hear so many different stories about how individuals became surveyors.

Some choose surveying because of family members in the profession and many just happened on the surveying profession. One thing that was common among every person interviewed was the passion each held for the profession and even more so the people that they have met because of the profession. The surveying profession, although small in numbers, is a strong and generous community. As surveyors, the commitment to support and help each other is incredible. Through TSPS and the Texas Young Surveyors, there is a strong network of surveyors across the state that a young surveyor could reach out to for support.

The next generation of surveyors are more connected through social media and networking opportunities than ever before. The need for communication between the generations is constant. Through the Legacy & Leaders Video Series we are documenting the experiences of those in the profession both to promote land surveying and to share with those who follow the footsteps of those who came before us.

If you are interested in participating in the Legacy & Leaders please reach out to Anna Rios, annaintx@hotmail.com. Your story, your experience, is important to all surveyors and can help future generations of surveyors.

Convention Social & Sponsors
We had several generous sponsors for the convention and with their help we were able to show young surveyors a wonderful night. We estimated 50 would attend Young Surveyor event at The Spot and ended up with over 150 in attendance!

Special thanks to our generous sponsors this year!

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1. Executory Contracts


“Certain executory contracts for conveyance of Texas real estate that is used or is to be used as the purchaser’s residence or the residence of certain relatives of the purchaser are statutorily regulated. . . . Sellers under covered contracts must, among other things, provide to the purchaser, during January of each year during the contract’s term, an annual accounting statement with specified contents or pay liquidated damages and reasonable attorney fees.” Id. at 2. Bryant, Barfield and Everett sued Cady “claiming to be purchasers under covered executory contracts and alleging that Cady failed to give them the required annual accounting statement regarding their respective transactions with him. In none of these three transactions was any annual statement furnished; in each case, the dispute is whether the contract is an executory contract under the statute.” Id.

The transactions in question “involved three documents, a lease, a sale agreement, and a receipt. . . . The three transactions were structured essentially the same way, each involving a ten-year term lease of residential real estate followed by a discounted sale of the respective property to the lessee.

[The three plaintiffs] filed a joint declaratory judgment action, alleging that the documents signed by the parties amounted to executory contracts and that Cady had failed to provide them with the required annual accounting statements.” Id. at 3-4. Cady argued that the “sale agreements were not executory contracts because they lacked consideration and acceptance and were, therefore, unenforceable unilateral contracts.” Id. at 4. He also claimed that the “sale agreements were not options to purchase” and that the documents were typical real estate contracts rather than executory contracts. Id. The trial court ruled in favor of Cady. The court of appeals reversed, holding that the contracts were supported by considerations and that the contracts were executory contracts.

“Consideration is a fundamental element of every valid contract. . . . Consideration is a present exchange bargained for in return for a promise and consists of benefits and detriments to the contracting parties. . . . For consideration to exist, there must be either a benefit to the promisor or a detriment to the promisee. . . . A promisor ‘benefits’ when the promisor acquires a legal right to which the promisor would not otherwise be entitled in exchange for a promise. . . . A promisee suffers a legal ‘detriment’ when, in return for a promise, the promisee surrenders a legal right that the promisee otherwise would have been entitled to exercise. . . . Lack of consideration occurs when the contract, at its inception, does not impose obligations on both parties.

. . . Here, the leases call for a $1,000.00 security deposit, and the receipts acknowledge the receipt of” those amounts. Id. at 6-7. “Cady contends that the $1,000.00 noted in the receipts is nothing more than the security deposit required under the leases” and that the plaintiffs are not obligated to do anything under the agreements to sell. Id. at 8. The court disagreed. “While the receipts mention rent several times, they reference neither the lease nor a security deposit. The receipts plainly state that Cady’s receipt of the $1,000.00 from [the plaintiffs] obligates and binds ‘all parties’ to the ‘agreements’ or ‘paperwork’ signed on that date. Here, it is undisputed that the . . . leases were signed on the same date as their respective agreements to sell. The receipts also state that failure to make the first month’s rent payments on time means ‘all agreements are null and void.’” Id. So, the transactions were supported by consideration.

Cady then argued that the “documents were not executory contracts because the agreements to sell were not options to purchase. For purposes of the annual accounting requirement, the Texas Property Code provides . . . that ‘[a]n option to purchase real property that includes or is combined or executed concurrently with a residential lease agreement, together with the lease is considered an executory contract for conveyance of real property.’

. . . It is undisputed that the . . . leases, being signed on the same day, were executed concurrently with the agreements to sell. . . . An option contract has two components, (1) an underlying contract that is not binding until accepted and (2) a covenant to hold open to the optionee the opportunity to accept.
. . . The three agreements to sell are substantially similar. The agreements state that Cady, ‘agrees to sell’ a specific property to the buyer. . . . The agreements mandate closing dates shortly after the expiration of each . . . lease. . . . By the unambiguous terms of the agreement, as long as the [plaintiffs] live on the property for the ten years of the lease and make timely rental payments, Cady is obligated to sell them the property. By their actions, any of the three [plaintiffs] may elect or decline to purchase the property. If they live on the property for the ten-year lease period and timely pay all their rental payments, they have elected to purchase the property and, like Cady, are bound to the purchase/sale. However, if any of the [plaintiffs] choose not to purchase the property, they need only move from the property at any time, thereby rendering the sale agreement ‘null and void.’ Both Cady and the [plaintiffs] are bound to the agreements, but only the [plaintiffs] have the option to decline the purchase.” Id. at 10-11.

The court held that the “agreements are, in effect, options to purchase, and given that they were executed concurrently with residential leases, are executory contracts within the meaning of the statute.” Id. at 12.

SALES, MARKETING, AND BUSINESS DEVELOPMENT

JOE PAIVA, PhD, PS, PE

(CONTINUED FROM PG 11)

It depends on what you think your business’s purpose is from a financial point of view. The ability to weather business climate shifts can cause unneeded stress. This stress can be from changes in rules from government and non-government entities. There can also be other issues such as the need to invest in more technology, or to hire in more skill sets. Most commonly the stress occurs when there are shifts in the economy that cause your source of business to decline or dry up. The unneeded stress can seem financial, but rarely does it stop there; mental and psychological stress goes with it. Considering SMBD as important enough activities to justify time on the part of management and staff can help make the business more robust, improve the firm’s reputation and credibility, improve employee morale, and a host of other benefits.

The time to think about investing in creating the ability for your business to perform in the area of SMBD is now, before business stress. If you wait, it could be too late.
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2027 Airway Boulevard | El Paso, TX  79925

July 26, 2019
Annual Strategic Planning Meeting
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