



## CITY OF FOUNTAIN VALLEY

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THE OFFICE OF THE MAYOR

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July 7, 2016

The Honorable Charles Margines,  
Presiding Judge of the Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

Subject: ORANGE COUNTY GRAND JURY REPORT ON RECREATIONAL DRONES

Dear Judge Margines:

Thank you for the opportunity to respond to the most recent report issued by the Orange County Grand Jury entitled, "Drones: Know Before You Fly," which I received on May 24, 2016.

As required by Penal Code § 933 and 933.05, please consider this letter as my response to the Grand Jury's findings and recommendations.

### **Findings**

Finding #1: "Recreational drones have greatly increased in number since December 2015 and it is probable their unregulated use will pose significant threats to public safety and privacy in Orange County cities and unincorporated areas."

*The City agrees in part and disagrees in part. Speaking anecdotally, the City agrees that the usage of recreational drones has increased over time. As to the Grand Jury's characterization of recreational drone usage as posing a significant threat, the City believes any threat to public safety is de minimus and manageable at this time. The City's Police Department has responded to 14 calls regarding the usage of recreational drones in the last 20 months. Of course, the City cannot speak to the experience of other cities or the unincorporated areas of our County.*

Finding #2: "With the exception of the recent Federal Aviation Administration regulation rule, recreational drone owners are largely self-policed, which leads to a wide range of behavior."

*The City agrees.*

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Finding #3: "Most of the cities and unincorporated areas of the County of Orange do not have a drone ordinance, nor do they have any immediate plans to enact an ordinance in the near future."

*The City does not disagree; however, the Department cannot speak towards the Ordinances for cities other than for this City. The City of Fountain Valley has no plans to enact an Ordinance in the near future.*

Finding #4: "Most of the cities provide no educational programs for public awareness of the safety issues connected to recreational drones."

*The City does not disagree; however, the Department cannot speak towards the public awareness programs of other Departments other than this one. The City provides information to recreational drone users on the Police Department website.*

Finding #5: "Some Orange County cities, despite recognizing potential issues with drones, are awaiting drone-related legislative action or other guidance by the State of California or FAA before enacting local ordinances."

*The City disagrees with the premise of the finding which seems to intimate the City has been negligent in the face of a public safety crisis. This assumes facts not in evidence; as referenced above, the City does not characterize current recreational drone usage as a significant public safety issue at this time.*

Finding #6: "The FAA-required registration of recreational drones provides a useful tool for local enforcement of drone ordinances."

*The City agrees.*

Finding #7: "Orange County cities have not established a procedure for reporting drone incidents, which result in under-reporting of drone safety and privacy events."

*The City disagrees, once again based on the premise of the finding. The finding assumes that drone safety and privacy issues have been underreported. The Police Department monitors and responds to complaints by citizens regarding recreational drone usage. The data is insufficient to characterize this relatively new trend as either underreported, reported to the degree which represents an accurate picture of drone issues, or exaggerated.*

### **Recommendations**

Recommendation #1: "Each City Council should direct its City Attorney to provide a report to the city's police department and City Council on existing laws that can be

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applied to the use of recreational drones in the city's jurisdiction by December 30, 2016."

*This recommendation will not be implemented because it is not warranted. As mentioned previously, the City takes the position that at this time, additional recreational drone legislation is not necessary given the nature and scope of recreational drones usage in our City.*

Recommendation #2: "Each City should adopt a recreational drone ownership and operation ordinance, with regulations similar to those found in Los Angeles City Ordinance #183912, by March 31, 2017, to the extent not preempted or superseded by Federal law or Federal regulations."

*This recommendation will not be implemented because it is not warranted; please see comments for the previous recommendation.*

Recommendation #3: "Each City should inform its citizens about laws and ordinances that apply to recreational drone operators through print media, city-related web sites, social media sites and/or public forums by March 31, 2017."

*This recommendation has been previously implemented. The Fountain Valley Police Department posted FAA guidelines for operating recreational drones on its social media site in October 2015. The Department also referred residents to the FAA website for further inquiries regarding recreational drone usage.*

Recommendation #4: "Each City should establish and publish on its website a point of contact for drone-related citizen complaints by December 30, 2016."

*This recommendation will not be implemented. The City believes the current method to receive drone-related complaints is adequate; creating another point of contact outside the Police Department is burdensome and redundant.*

Recommendation #5: "Each City should post FAA drone ownership and operation educational links on city-related websites, newsletters, and flyers by December 30, 2016."

*This recommendation has been implemented; as mentioned in a previous recommendation, the Fountain Valley Police Department posted FAA guidelines for operating recreational drones on its social media site in October 2015. The Department also referred residents to the FAA website for further inquiries regarding recreational drone usage.*

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Recommendation #9: "The County and each City should formally gather data on recreational drone incidents within their jurisdictions and review those data annually and report the results publicly. The first analysis and publication should occur 1 year of the publication of this report."

*This recommendation will not be implemented because it is not warranted nor is it reasonable. The City maintains open and efficient procedures in response to requests for data by the public. Any inquiry related to recreational drone incidents would be provided under the normal course and scope of business.*

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl Brothers".

CHERYL BROTHERS  
MAYOR OF FOUNTAIN VALLEY