

The People are the City



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City Clerk:
PATRICK J. MELIA

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City Administrator
DAMIEN R. ARRULA

401 East Chapman Avenue – Placentia, California 92870

July 20, 2016

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

SUBJECT: City of Placentia response to Grand Jury Report: "Drones: Know Before You Fly."

Dear Judge Margines,

This letter is in response to the 2015-16 Orange County Grand Jury Report entitled, "Drones: Know Before You Fly." The Placentia City Council has reviewed the content of the report, and, on July 19, 2016, authorized the following responses. The Report required that the City of Placentia respond to Findings F.1 through F.7 and Recommendations R.1 through R.5 and R.9.

FINDINGS:

Grand Jury Finding 1 (F.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.

Response (F.1): The City agrees that the "unregulated" use *could* pose significant threats to public safety and privacy, but it has not experienced as many (documented) problems as similar size cities since recreational drones have become more popular. In fact, the City of Placentia has not experienced any "significant threats to public safety" as a result of drone incidents.

Grand Jury Finding 2 (F.2): With the exception of the recent Federal Aviation Administration (FAA) registration rule, recreational drone owners are largely self-policed, which leads to a wide range of behavior.

Response (F.2): The City agrees that most owners are not subject to rules and tend to behave differently depending on their motivations and intention when operating a drone.

Grand Jury Finding 3 (F.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.

Response (F.3): The City agrees there is no drone ordinance at this time for the City of Placentia, nor is there any future plan to address this issue within the next year unless there is a specific need.

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Grand Jury Finding 4 (F.4): Most of the cities provide no educational programs for public awareness of the safety issues connected to recreational drones.

Response (F.4): The City agrees that there is little government sponsored educational programs for safety or public awareness, but notes there is privately sponsored training and education available to those who are seeking assistance.

Grand Jury Finding 5 (F.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.

Response (F.5): The City partially agrees with the finding that many local governments are awaiting direction by the State of California or Federal Government, but this does not signify there are or has been an increase in "potential issues" for every Orange County city. Some cities may have a propensity to attract hobbyists or others who operate these unmanned aircraft because of locations within their jurisdictions to operate them or events that take place within their city, but there are cities that have little to no problems that would make enacting a local ordinance a priority.

Grand Jury Finding 6 (F.6): The FAA-required registration of recreational drones provides a useful tool for local enforcement of drone ordinances.

Response (F.6): The City partially agrees with this Finding. Although the registration of drones is FAA-required, it is estimated that less than a quarter of the drones sold in the United States have been registered since inception. This registration number could be a useful tool, but only if the drone and/or operator who were violative of a local, state or federal law was located.

Grand Jury Finding 7 (F.7): Orange County cities have not established a procedure for reporting drone incidents, which results in under-reporting of drone safety and privacy events.

Response (F.7): Drone incidents or calls for the City of Placentia are documented through the Police Department who respond based on the availability of units and what is being reported. Although there is no specific policy on reporting "incidents" to any particular agency, the Police Department would report observed or documented violations directly to the FAA in addition to investigating any known criminal offenses. At this time the City is not aware of any Orange County procedure or protocol that mandates or makes optional the reporting of drone-involved incidents, therefore only partially agrees with this Finding.

RECOMMENDATIONS:

Grand Jury Recommendation 1 (R.1): Each City Council should direct its City Attorney to provide a report to the city's policy department and City Council on existing laws that can be applied to the use of recreational drones in the city's jurisdiction by December 30, 2016.

Response (R.1): Although the City understands and appreciates the concerns over the increase in drone use and the potential for future problems, we do not believe the recommendation is warranted at this time and, therefore, will not be implemented. The FAA provides information on existing laws on its website and investigates violations of these laws

upon request. Additionally, the state has continued to introduce legislation that addresses more stringent laws to the hobbyist and business owners for drone use and is expected to review more this year. Lastly, the majority of drone violations noted have been for "near miss" violations that interfere with manned aircraft, which have not occurred or have been reported in the City of Placentia.

Grand Jury Recommendation 2 (R.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.

Response (R.2): The City believes that the imposition of local ordinances should address problems or potential problems that require government oversight. Even though there has been a significant increase in associated problems related to drone use throughout the state and nation, this does not translate to increased problems within the City of Placentia. In fact, the City has had only five drone-related calls to the police department since December 2015 and none of them are the result of "near misses" with manned aircraft. This recommendation will not be implemented for these reasons because it is not warranted at this time.

Grand Jury Recommendation 3 (R.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.

Response (R.3): The City of Placentia believes in providing as much information as possible as it relates to city news, laws, and city events to its citizens and those who work or travel within this community. With that in mind, it is not feasible to list everything that a person may or may not need information on through advertisements, web sites, or social media. This recommendation requires further analysis to determine the benefits of listing this information through the proposed methods prior to implementation. Prior to any decision being made on listing this information, the City will seek input to determine both the feasibility and cost to implement this recommendation.

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

Response (R.4): It is understood that a number of cities experience an abundant amount of calls generated by incidents involving drones and this recommendation would address the issue of what department or person would handle the complaint. The City of Placentia has not experienced an amount of calls that would require citizens be directed to a specific department or point-of-contact for complaints. Those who do call to report incidents are directed to the police department who handle the calls as directed and will contact the complainant if desired.

Grand Jury Recommendation 5 (R.5): Each City should post FAA drone ownership and operation educational links on city-related websites, newsletters, and flyers by December 30, 2016.

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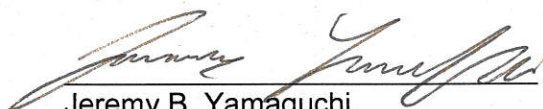
Response (R.5): This recommendation has not yet been implemented, but will require further analysis to determine the best approach to provide the most up-to-date information to the proper website and what cost, if any, would be required of the City to put into operation.

Grand Jury Recommendation 9 (R.9): The County and each City should formally gather data on recreational drone incidents within their jurisdictions and review these data annually and report the results publicly. The first analysis and publication should occur within 1 year of the publication of this report.

Response (R.9): Although the City does not "formally" gather data on drone incidents annually, the police department does keep information on the different calls generated by drone-related complaints. This recommendation would require further analysis to determine the benefits for collecting such data and to what government entity it would be reported. Prior to implementing such a process, the City will request information from the County and other cities on the different variables of information that would be needed and how the data would be reported.

Thank you for affording us this opportunity to comment upon the findings and recommendations of the Grand Jury. Should you have any questions or need clarification regarding the City's responses contained herein, please do not hesitate to contact my office at (714) 993-8186.

Sincerely,



Jeremy B. Yamaguchi,
Mayor

cc: Peter Hersh, Foreman
2015-2016 Orange County Grand Jury
700 Civic Center Drive West
Santa Ana CA 92701