



County of Orange

County Executive Office

July 26, 2016

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

Subject: Response to Grand Jury Report, "Drones: Know Before You Fly"

Dear Judge Margines:

Per your request, and in accordance with Penal Code 933, please find the combined County of Orange response to the subject report as approved by the Board of Supervisors. The respondents are the Orange County Board of Supervisors and the County Executive Office.

If you have any questions, please contact Jessica Witt of the County Executive Office at 714-834-7250.

Sincerely,

Frank Kim
County Executive Officer

Enclosure

cc: **FY 2015-16 Orange County Grand Jury Foreman**

Mark Denny, Chief Operating Officer, County Executive Office

Jessica Witt, Deputy Chief Operating Officer, County Executive Office

ORANGE COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

July 26, 2016

Submitting Agency/Department: County Executive Office

Approve proposed response to FY 2015-16 Grand Jury Report "Drones: Know Before You Fly." - All Districts

The following is action taken by the Board of Supervisors:

APPROVED AS RECOMMENDED OTHER

Unanimous (1) DO: Y (2) STEEL: Y (3) SPITZER: Y (4) NELSON: Y (5) BARTLETT: Y

Vote Key: Y=Yes; N=No; A=Abstain; X=Excused; B.O.=Board Order

Documents accompanying this matter:

- Resolution(s)
- Ordinances(s)
- Contract(s)

Item No. 35

Special Notes:

Copies sent to:

*CEO – Jessica Witt
Superior Court
Grand Jury*

7/29/16



I certify that the foregoing is a true and correct copy of the Minute Order adopted by the Board of Supervisors, Orange County, State of California.
Robin Stieler, Clerk of the Board

By: 
Deputy



AGENDA STAFF REPORT

Agenda Item

35

ASR Control 16-000865

MEETING DATE: 07/26/16
LEGAL ENTITY TAKING ACTION: Board of Supervisors
BOARD OF SUPERVISORS DISTRICT(S): All Districts
SUBMITTING AGENCY/DEPARTMENT: County Executive Office (Approved)
DEPARTMENT CONTACT PERSON(S): Mark Denny (714) 834-3028
 Jessica Witt (714) 834-7250

SUBJECT: Drones Grand Jury Response

| | | |
|-----------------------------|--|---|
| CEO CONCUR Concur | COUNTY COUNSEL REVIEW No Legal Objection | CLERK OF THE BOARD Discussion 3 Votes Board Majority |
|-----------------------------|--|---|

Budgeted: N/A **Current Year Cost:** N/A **Annual Cost:** N/A

Staffing Impact: No **# of Positions:** **Sole Source:** N/A
Current Fiscal Year Revenue: N/A
Funding Source: N/A **County Audit in last 3 years:** No

Prior Board Action: N/A

RECOMMENDED ACTION(S):

1. Approve proposed response to FY 2015-16 Grand Jury Report entitled, "Drones: Know Before You Fly."
2. Direct Clerk of the Board to forward this Agenda Staff Report with attachments to the Presiding Judge of the Superior Court and the FY 2015-16 Grand Jury no later than August 12, 2016.

SUMMARY:

Approval of proposed response to the FY 2015-16 Grand Jury Report entitled, "Drones: Know Before You Fly" will fulfill the County's required response to the Grand Jury.

BACKGROUND INFORMATION:

On May 26, 2016, the Orange County Grand Jury released a report entitled, "Drones: Know Before You Fly." The report directed findings and recommendations to the Board of Supervisors and the County Executive Office. Attachment B is the County's proposed response to the Grand Jury's findings and recommendations.

FINANCIAL IMPACT:

N/A

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A - Grand Jury Report

Attachment B - Proposed Grand Jury Response

Attachment C - Draft Transmittal Letter



**Responses to Findings and Recommendations
2015-16 Grand Jury Report:**

“Drones: Know Before You Fly”

SUMMARY RESPONSE STATEMENT:

On May 26, 2016, the Grand Jury released a report entitled: “Drones: Know Before You Fly.” This report directed responses to findings and recommendations to the Orange County Board of Supervisors, which are included below.

FINDINGS AND RESPONSES:

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: Disagrees partially with this finding. Although, the County acknowledges that the FAA required registration began in December 2015 and there were a number of people who registered small unmanned aircraft at that time, it is unclear what percentage were recreational versus commercial drones. Also, at this time, the County is unable to predict the future impact of recreational drones.

F.2. **With the exception of the recent Federal Aviation Administration registration rule, recreational drone owners are largely self-policed, which leads to a wide range of behavior.**

Response: Disagrees partially with this finding. In addition to the FAA registration rule, there are other laws that provide rules for operation of drones. Per the Grand Jury report, in addition to the registration requirement, the signing of AB 856 prevents individuals from flying drones over private property with the intent to “...capture any type of visual image, sound recording, or other physical impression of the plaintiff engaging in a private, personal, or familial activity and the invasion occurs in a manner that is offensive to a reasonable person.” Also, as referenced in the Grand Jury Report,

existing penal codes state that the interference with emergency responders is a misdemeanor.

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: Disagrees partially with the finding. The County of Orange is unable to fully respond to a finding that includes reference to the plans of the 34 cities within the County of Orange. Currently, the County of Orange does not have a specific drone ordinance and needs to research drone policies prior to moving forward with any consideration of an ordinance.

F.6. The FAA-required registration of recreational drones provides a useful tool for local enforcement of drone ordinances.

Response: Agrees with this finding.

RECOMMENDATIONS AND RESPONSES:

R.6. The Orange County Board of Supervisors should direct County Counsel to provide a report to the Orange County Sheriff-Coroner Department and the Board of Supervisors on existing laws that can be applied to the use of recreational drones in county-governed parks and unincorporated areas by December 30, 2016. (F.2., F.3., F.6.)

Response: This recommendation will be implemented in the future. With regards to county-governed parks, research is required to determine if the County ordinance (Sec. 2-5-42.) prohibiting radio controlled or other remotely operated model toy or similar device in parks, beaches and recreational areas sufficiently addresses the regulation of recreational drones. If directed, staff will work with the CEO and County Counsel to prepare the report for the Board of Supervisors within the required six months and report on the progress in the March 2017 Grand Jury follow-up.

R.7. The County should adopt a recreational drone ownership and operation ordinance similar to Los Angeles City Ordinance #183912 for the parks and unincorporated areas under its jurisdiction by March 31, 2017, to the extent not preempted or superseded by Federal law or Federal regulations. (F.1., F.2., F.3., F.6.)

Response: This recommendation requires further analysis. If directed, CEO staff will bring together representatives from the Orange County Sheriff's Department, Orange County Fire Authority, the Orange County City Managers Association and any other necessary stakeholders to research and determine the viability of development of a model drone ordinance. Similarly, research is required to determine if the current County ordinance that bans the use of remotely operated model toys or similar devices at parks, beaches or recreational area should be updated to incorporate elements of the City of Los Angeles ordinance regulating the use of drones. Also, staff will need to research and determine the impact of the existing state and federal laws. If directed, CEO and County Counsel will prepare the report for the Board of Supervisors. OC Parks will update procedures if the County adopts additional regulations on recreational drones that apply to property under the control of OC Parks.

R.8. **The County should inform its citizens about laws and ordinances that apply to recreational drone operators through print media, County-related web sites, social media sites and/or public forums by March 31, 2017. (F.4., F.6.)**

Response: This recommendation will be implemented in the future. If directed, staff will work to inform citizens to inform the public of rules and ordinances that apply to recreational drones.

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. (F.1., F.2., F.3., F.7.)**

Response: This recommendation will require further analysis. Additional research is needed to determine the right data to collect, analyze, and report. Also, staff will make recommendations as to whether it is available from a practical standpoint and what it would cost in County resources to monitor and collect the information.