



CITY OF NEWPORT BEACH

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August 9, 2016

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

RE: Report of the Orange County Grand Jury – *"Drones: Know Before You Fly"*

Dear Judge Margines:

The attached is the City of Newport Beach's formal response to the above-noted Grand Jury Report.

If you or any members of the Grand Jury have questions about our response, please do not hesitate to contact City Manager Dave Kiff at dkiff@newportbeachca.gov or 949-644-3001.

Sincerely,

Diane Brooks Dixon
Mayor of Newport Beach

RE: Report of the 2015-2016 Orange County Grand Jury – “*Drones: Know before You Fly.*”

FROM: City of Newport Beach, California

DATE: August 9, 2016

The Orange County Grand Jury’s recent report, “Drones: Know Before You Fly.” obligates the City to respond no later than August 24, 2016 to:

- Findings: F1 to F7; and
- Recommendations: R1 to R5, and R9.

City Manager Dave Kiff provides the following responses.

FINDINGS

F1: 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 of Newport Beach disagrees partially with the finding. The City does not have sufficient information to conclude that recreational drones currently pose a significant threat to public safety and privacy in the City, in all other Orange County cities, and in unincorporated areas of the County.”

F2: 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.

The City of Newport Beach disagrees partially with the finding. In addition to existing and proposed federal regulations and guidelines, the Governor of California recently signed AB 856 into law to expand the invasion of personal privacy to include invasions into the airspace above the land of another without permission. It is the City of Newport Beach’s understanding that the Governor felt that Penal Code sections 148, 148.1, 148.2, and 402 addressed concerns about a drone’s interference with first responders during emergencies.”

F3: 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 of Newport Beach agrees with the finding.

F4: Most of the cities provide no educational programs for public awareness of the safety issues connected to recreational drones.

The City of Newport Beach agrees with the finding.

F5: 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 of Newport Beach agrees with the finding.

F6: The FAA-required registration of recreational drones provides a useful tool for Local enforcement of drone ordinances.

The City of Newport Beach agrees with the finding.

F7: Orange County cities have not established a procedure for reporting drone incidents, which results in under-reporting of drone safety and privacy events.

The City of Newport Beach disagrees partially with the finding.

This finding implies that *all* Orange County cities have not established a procedure for reporting drone incidents, and we do not believe this is the case. For the City of Newport Beach, the established procedure for reporting drone incidents is to notify the police department. In the past, members of the public have called the police department and reported drone incidents, causing the response of on-duty police officers to investigate each of those incidents.

RECOMMENDATIONS

R1: 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 applied to the use of recreational drones in the city's jurisdiction by December 30, 2016. (F2, F3, F5, F6)

The recommendation has not yet been implemented and requires further analysis related to drone usage in the City of Newport Beach, which analysis shall be completed by the City Manager and City Attorney within six months from the date of publication of the grand jury report.

R2: 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. (F1, F2, F3, F5, F6)

The recommendation has not yet been implemented and requires further analysis related to drone usage in the City of Newport Beach, which analysis shall be completed by the City Manager and City Attorney within six months from the date of publication of the grand jury report.

R3: 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. (F4, F6)

The recommendation has not yet been implemented and requires further analysis related to drone usage in the City of Newport Beach to determine whether additional local laws regulating drone use are necessary, which analysis shall be completed by the City Manager and City Attorney within six months from the date of publication of the grand jury report.

R4: Each City should establish and publish on its website a point of contact for drone-related citizen complaints by December 30, 2016. (F4)

This recommendation has not yet been implemented, but should be implemented by December 30, 2016.

R5: Each City should post FAA drone ownership and operation educational links on city-related websites, newsletters, and flyers by December 30, 2016. (F2, F3, F6)

This recommendation has not yet been implemented, but should be implemented by December 30, 2016.

R9: 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 one year of the publication of this report. (F1, F2, F3, F7)

This recommendation has not yet been implemented, but should be implemented by May 27, 2017.

If the Grand Jury has any questions or concerns about this response, please contact City Manager Dave Kiff at 949-644-3001 or dkiff@newportbeachca.gov