



City of Villa Park

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August 10, 2016

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

RE: Response to 2015-2016 Orange County Grand Jury Report,
“Drones: Know Before You Fly”

Dear Judge Margines:

The City of Villa Park has reviewed the Orange County Grand Jury Report entitled, “Drones: Know Before You Fly.” As required by California Penal Code sections 933 and 933.05, the City of Villa Park is responding to the findings and recommendations included within the report. Each of the findings and recommendations is listed below in italics, followed by the City’s response.

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.

Response: Based on the information presented in this report, the City of Villa Park agrees partially with this finding. As stated on page 5 of the report, the Grand Jury “restricted examination of the topic of drones to the expanding recreational/hobbyist market and its consequences for Orange County’s emergency responders.” Accordingly, we cannot fully agree regarding the probability or significance of threats to privacy, as sufficient information regarding this specific topic has not been presented. However, complaints in Villa Park regarding drones primarily relate to privacy issues.

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.

Response: Based on the information presented in this report, the City of Villa Park agrees with this finding.

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.

Response: Based on the information presented in this report, the City of Villa Park agrees with this finding.

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

Response: Based on the information presented in this report, the City of Villa Park agrees with this 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.

Response: Based on the information provided, the City of Villa Park agrees partially with this finding. The data provided in the report is aggregated such that it cannot be determined if the same cities recognized potential issues with the drones and responded that they are awaiting drone-related legislation or guidance from the State of California or FAA.

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

Response: The City of Villa Park disagrees with this finding. The report does not demonstrate how the FAA-required registration provides a useful tool for local enforcement or drone ordinances. As stated in the report, the “registration requirement is a powerful tool for identifying owners of drones.” The City of Villa Park does not agree that the identification of drone owners would assist in any way with enforcing rules or imposing penalties.

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

Response: Based on the information provided, the City of Villa Park agrees partially with this finding. It has been established by the stakeholder research provided in the report that most Orange County cities do not have a procedure for reporting drone incidents. The only discussion of under-reporting in the report is expressed in terms of the opinion of the OCSD Bomb Squad on page 15. Accordingly, the City of Villa Park respectfully disagrees with this part of the finding based on a lack of evidence.

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.

Response: The City of Villa Park will not implement this recommendation because it is not warranted. The City of Villa Park contracts with the Orange County Sheriff’s Department (OCSD) for law enforcement services; we are confident that OCSD is aware of all existing laws that can be

applied to the use of recreational drone in the City. Further, County Counsel, not the City of Villa Park City Attorney's office, advises OCSD on such matters.

R2: Each City should adopt a recreational drone ownership and operation ordinance, with regulations similar to those found in Los Angeles City 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: The City of Villa Park will not implement this recommendation because it is not warranted. The City of Villa Park believes that regulation of drones should be left to, or directed by, aviation experts. We believe that pending proposed state legislation as well as the proposed FAA Reauthorization Act of 2016 cited in the Grand Jury report would more effectively address drone ownership and operation and provide a more uniform set of rules as compared to a patchwork of local ordinances. Additionally, the regulations recommended by the Grand Jury report do not address the most frequent concerns reported to the City of Villa Park and its law enforcement personnel, which is privacy. Finally, OCSD has adopted current best practices in the enforcement of existing laws that can be applied to the use of recreational drones in the City's jurisdiction.

R3: Each City should inform its citizens about laws and ordinances that apply to recreational drone operators through print media, city-related websites, social media sites and/or public forums by March 31, 2017.

Response: As stated below for recommendation R5, the City of Villa Park will implement this recommendation by December 30, 2016 by publishing at least one e-news article and at least one website posting recommending that drone owners and operators review the recommendations posted by the FAA on www.knowbeforeyoufly.org.

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

Response: The City of Villa Park has already implemented this recommendation. The City of Villa Park contracts with OCSD for law enforcement services. OCSD has assembled and trained a group of deputies capable of responding in the field to handle Unmanned Aerial Vehicle ("UAV" or "drone") complaints. This group has been established as a specific UAV Unit. Accordingly, the City of Villa Park has established the OCSD as the single point of contact for drone incidents. OCSD contact information is available on the City's website. Citizens can reach the UAV Unit by calling dispatch at (714) 647-7000 for non-emergency and 911 for emergencies.

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

Response: The City of Villa Park will implement this recommendation by December 30, 2016 by publishing at least one e-news article and at least one website posting recommending that drone owners and operators reviews the recommendations posted by the FAA on www.knowbeforeyoufly.org.

R9: The County and each City should formally gather data on recreational drone incidents within their jurisdictions and review these data annually and report results publicly. The first analysis and publications should occur within 1 year of the publication of this report.

Response: The City of Villa Park has partially implemented this recommendation. The City of Villa Park contracts with OCSD for law enforcement services. As noted above for recommendation R4, OCSD has assembled and trained a specific UAV Unit. The UAV unit collects and analyzes data regarding r recreational drone incidents. The City of Villa Park will not implement the portion of this recommendation that requires us to review and report the results annually. However, should the OCSD collect, analyze, and/or publish the data we would support that effort.

Should you have any questions or need any additional information, please contact me at (714) 998-1500 or via e-mail at gmills@villapark.org.

Respectfully,

THE CITY OF VILLA PARK



Greg Mills
Mayor

cc: Orange County Grand Jury
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