



CITY of LAGUNA NIGUEL

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CITY COUNCIL

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August 16, 2016

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

RE: City of Laguna Niguel Responses to 2015-2016 Orange County Grand Jury Report "Drones: Know Before You Fly"

Dear Judge Margines:

On May 27, 2016, the 2015-2016 Orange County Grand Jury issued a report entitled: "**Drones: Know Before You Fly**". The City of Laguna Niguel is required to respond to Findings F.1 through F.7 and Recommendations R.1 through R.5 and R.9. The responses from the City of Laguna Niguel are set forth below:

Finding 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.*

City Response: The City agrees in part and disagrees in part. The City agrees that the use of recreational drones is increasing. However, the City of Laguna Niguel disagrees with the Grand Jury's characterization that such increased use poses a significant threat to public safety. Only one (1) drone-related complaint was logged with the City in the past 24 months. The Orange County Sheriff's Department, who provides law enforcement services to the City of Laguna Niguel, received an estimated six (6) calls for service within the past 12 months related to drones.

Finding 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.*

City Response: The City agrees with this finding.

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.*

City Response: The City agrees in part and disagrees in part. Based on the information presented in the report, the City agrees that most Orange County cities do not have a drone ordinance. However, the City disagrees to the second part of the Finding as the City of Laguna Niguel cannot speak to the future plans of other jurisdictions to consider such an ordinance.

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

City Response: The City agrees with this finding.

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.*

City Response: The City disagrees with this finding. The City of Laguna Niguel cannot speak to potential drone issues in other cities, or whether other cities are awaiting state or federal regulations. The City also disagrees with the assumption that drone issues have been ignored. As stated in City Response to Finding F.1. drone use does not pose a significant threat to public safety at this time.

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

City Response: The City agrees with this finding.

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.*

City Response: The City disagrees with this finding. The OC Sheriff's Department who provides law enforcement services to the City has established a division to report and respond to complaints regarding the use of drones.

Recommendation 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)*

City Response: The City will not implement this recommendation. The OC Sheriff's Department provides law enforcement services to the City and has the ability to enforce existing laws, and recommend new laws, related to recreational use of drones as noted in the report.

Recommendation 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. (F.1, F.2, F.3, F.5, F.6)*

City Response: The City will not implement this recommendation. Regulations of drones should be left to aviation experts. The OC Sheriff's Department provides law enforcement services to the City and has the ability to enforce existing laws, and recommend new laws, related to recreational use of drones as noted in the report.

Recommendation R3: *Each City should inform citizens about laws and ordinances that apply to recreational drone operators through print media, city-related web sites, social media and/or public forums by March 31, 2017. (F.4, F.6)*

City Response: The City will implement this recommendation.

Recommendation R4: *Each City should establish and publish on its website a point of contact for drone-related citizen complaints by December 30, 2016 (F.7)*

City Response: The City will implement this recommendation.

Recommendation R.5: *Each City should post FAA drone ownership and operation education links on city-related websites, newsletters and flyers by December 30, 2016 (F4)*

City Response: The City will implement this recommendation.

Recommendation R.9: *The County and each City should formally gather data on recreational drone incidents within their jurisdiction and review these data annually and report the results publically. The first analysis and publication should occur within 1 year of the publication of this report. (F.1, F.2, F.3, F.7)*

City Response: The City will not implement this recommendation. The OC Sheriff's Department provides law enforcement services to the City and will be able to best review and analyze complaints received. While the data collected will be available and beneficial to help the City determine compliance with applicable laws, no other citizen type complaints are formally reviewed and reported to the public on an annual basis.

Thank you for the opportunity to respond to this Grand Jury Report.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rod Foster', with a large, sweeping flourish at the beginning.

Rod Foster
City Manager

Cc: OC Grand Jury