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August 17, 2016

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

Dear Judge Margines:

This letter serves as the City of San Juan Capistrano's official response to the 2015-2016 Orange County Grand Jury report, "**Drones: Know Before You Fly.**"

The Grand Jury report includes seven findings as well as nine recommendations, six of which apply to the City of San Juan Capistrano. The City responds as follows to the findings and recommendations:

#### **Finding #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.

*City Response: The City partially disagrees with this finding. The statistics provided in the report indicate an increase in the number of drones since December 2015; however, it is unknown as to whether or not unregulated use of drones probably "will pose significant threats" to public safety and privacy in the City of San Juan Capistrano, especially relative to other public safety issues.*

#### **Finding #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.

*City Response: Based on the information contained in the report, the City agrees with this finding.*

*San Juan Capistrano: Preserving the Past to Enhance the Future*

### **Finding #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.

*City Response: The City partially disagrees with this finding. While the report notes that most cities and unincorporated areas of the County do not currently have a drone ordinance, the City of San Juan Capistrano does not have information as to the intent of other cities (or lack thereof) to enact an ordinance.*

### **Finding #4**

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

*City Response: Based on the information contained in the report, the City agrees with this finding.*

### **Finding #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.

*City Response: Based on the information contained in the report, the City agrees with this finding.*

### **Finding #6**

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

*City Response: Based on the information contained in the report, the City agrees with this finding.*

### **Finding #7**

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 partially disagrees with this finding. Based on the information in the report, OC cities have not established procedures for reporting drone incidents; however, the City does not know for certain that this has led to the under-reporting of drone safety and privacy events.*

### **Recommendation #1**

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.

*City Response: This recommendation will be implemented by December 30, 2016. The City requests a copy of any report prepared by County Counsel that is provided to the Orange County Sheriff's office and the attendant contracting agencies.*

**Recommendation #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.

*City Response: This recommendation will be implemented but requires further analysis in light of the recently adopted FAA regulations. City staff is reviewing the new regulations and will be analyzing what to bring forward for the Council's consideration and adoption by March 31, 2017.*

**Recommendation #3**

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.

*City Response: This recommendation will be implemented by March 31, 2017.*

**Recommendation #4**

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

*City Response: This recommendation will be implemented by December 30, 2016.*

**Recommendation #5**

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

*City Response: This recommendation will be implemented by December 30, 2016.*

**Recommendation #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 (May 27, 2016).

*City Response: This recommendation will be implemented by March 31, 2017.*

Respectfully submitted,



Ben Siegel  
City Manager

CC: Mayor and City Council