



August 24, 2016

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

RE: Response of the City of Dana Point to Orange County Grand Jury 2015-2016 Report titled "Drones: Know Before You Fly"

This letter is in response to the Orange County Grand Jury report entitled "Drones: Know Before You Fly", with requisite responses provided below. The City understands the increase in usage of unmanned aerial systems (UAV) and recognizes the public safety concerns and privacy concerns. We fully support the Grand Jury's effort in addressing this issue and provide our responses in accordance with Penal Code Sections 933 and 933.05.

FINDINGS

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 to Finding #1:

The City partially agrees with the finding. Our own findings indicate that we have an increase in drone use, especially off our coastal areas. Most drone use in Dana point has been focused on landscapes, natural resources and real estate photography. We cannot verify that significant threats to privacy or safety have occurred based on the limited information available to date.

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 to Finding #2:

Based on the information presented in the report the City agrees with the finding.

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 to Finding #3:

The City partially agrees with the finding. As stated within the report the City of Dana Point has drone restricted flying areas over environmentally sensitive habitat areas.

F.4. Most of the cities provide no educational programs for public awareness of the safety issues connected to recreational drones.

Response to Finding #4:

Based on the data presented in the report the City agrees with the finding.

F.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.

Response to Finding #5:

The City partially agrees with the finding. The report does not make it clear that cities that feel drones could create potential issues are also waiting for Federal or State regulations. While some cities may be waiting for federal or state regulations, the City feels that any regulation(s) should consider using a regional approach that has the support of the Orange County Fire Authority and Orange County Sherriff's Department.

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

Response to Finding #6:

The City disagrees with the finding. The report does not make it clear how FAA required registration provides a useful tool for local enforcement of drone ordinances. The enforcement mechanism of identifying drone owners and imposing penalties is not clear and would require additional resources of local authorities.

F.7. Orange County cities have not established a procedure for reporting drone incidents, which results in under-reporting of drone safety and privacy events.

Response to Finding #7:

Based on the information provided in the report the City disagrees with the finding. According to the research provided most cities do not have a mechanism for reporting drone incidents. Without a reporting or enforcement mechanism the City cannot independently verify whether under-reporting is occurring.

RECOMMENDATIONS

R.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. (F.2., F.3., F.5., F.6.)

Response to Recommendation #1:

The City disagrees with Recommendation #1 and will not implement. The City of Dana Point contracts with the Orange County Sherriff's Department (OCSD) for law enforcement services. The City understands that OCSD is aware of all existing laws that can be applied to the use of recreational drones. Further, County Counsel, as opposed to individual City councils, advises OCSD on such matters.

Consequently, the City of Dana Point's position is that the County is the appropriate party to provide and coordinate such information, as well as enact ordinances at the County level to insure consistency across city boundaries in dealing with drones.

R.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. (F.1., F.2., F.3., F.5., F.6.)

Response to Recommendation #2:

The City will not implement this recommendation because it is not warranted. The City believes that regulation of drones should be left to the FAA or OCSD. 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 and we believe that the County is the more appropriate agency to adopt such an ordinance.

R.3. 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. (F.4., F.6.)

Response to Recommendation #3:

The City agrees with Recommendation #3. The recommendation has not yet been implemented, but will be implemented by March 31, 2017.

R.4. Each City should establish and publish on its website a point of contact for drone-related citizen complaints by December 30, 2016. (F.7.)

Response to Recommendation #4:

The City will implement Recommendation #4. The City contracts with OCSD who have a trained group of deputies capable of responding in the field to drone complaints. The City will therefor establish OCSD as the single point of contact for future drone incidents and make that information available on the City website.

R.5. Each City should post FAA drone ownership and operation educational links on city-related websites, newsletters, and flyers by December 30, 2016. (F.4.)

Response to Recommendation #5:

The City agrees with Recommendation #5. The recommendation has not yet been implemented, but will be implemented by December 30, 2016.

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 to Recommendation #9:

The City partially agrees with Recommendation #9. The City will defer data collection and analysis to the OCSD. The City will not implement the portion of the recommendation that requires the City to review

and report this information annually. Should OCSD analyze and report this data annually the City of Dana Point will support that effort.

On behalf of the City of Dana Point, I want to thank you for the opportunity to provide this response to the Orange County Grand Jury.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Chotkevys", with a large, stylized flourish at the end.

Douglas C. Chotkevys
City Manager

CC: Dana Point City Council
Dana Point City Attorney