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August 24, 2016

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

Subject: Response to Grand Jury Report

Dear Judge Margines:

Thank you for the opportunity to respond to the findings and recommendations from the Orange County Grand Jury Report "Drones: Know Before You Fly" published on May 26, 2016. The City's responses address the Orange County Grand Jury Report's findings and recommendations relevant to the report and are in accordance with California Penal Code Sections 933 and 933.5.

FINDINGS

Finding 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.

The City of Santa Ana substantially agrees. The City agrees that the usage of recreational drones has increased over time. Note that the City's Police Department has responded to 0 calls regarding the usage of recreational drones in the last 20 months. Of course, the City cannot speak to the experience of other cities or the unincorporated areas of our County.

Finding F.2. – With the exception of the recent Federal Aviation Administration regulation rule, recreational drone owners are largely self-policed, which leads to a wide range of behavior.

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The City of Santa Ana agrees with this finding.

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.

The City of Santa Ana does not disagree. However, the Department cannot speak towards the Ordinances for cities other than for this City. The City of Santa Ana has plans to enact an Ordinance in the near future.

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

The City of Santa Ana does not disagree. However, the Department cannot speak towards the public awareness programs of other Departments other than this one. The City of Santa Ana will provide information to recreational drone users on the Police Department website.

Finding F.5. – Some Orange County cities, despite recognizing potential issues with drones, are awaiting drone-related legislation action or other guidance by the State of California or FAA before enacting local ordinances.

The City of Santa Ana disagrees with the premise of the finding which seems to infer the City has been negligent. The City of Santa Ana has monitored legislation and market conditions in the development of its' local ordinance.

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

The City of Santa Ana agrees with this finding.

Finding 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.

The City of Santa Ana disagrees, once again based on the premise of the finding. The finding assumes that drone safety and privacy issues have been underreported. The Police Department is available to respond to complaints by citizens regarding recreational drone usage.

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RECOMMENDATIONS

Recommendation 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.)

This City of Santa Ana has not yet implemented this recommendation and is in the process of completing it with an estimated implementation date prior to December 30, 2016.

Recommendation 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 17, 2017, to the extent not preempted or superseded by Federal law or Federal regulations. (F.1., F.2., F.3., F.5., F.6.)

The City of Santa Ana has not yet implemented this recommendation. A proposed ordinance will be presented to the Santa Ana City Council for consideration prior to March 31, 2017.

Recommendation 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.)

This recommendation has not yet been implemented, but will be implemented in the future, prior to March 31, 2017.

Recommendation 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.)

This recommendation has not yet been implemented, but will be implemented in the future, prior to December 30, 2016.

Recommendation 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.)

This recommendation has not yet been implemented, but will be implemented in the future, prior to December 30, 2016.

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Recommendation R.9. – The County and each City should formally gather data on recreational drone incidents within their jurisdictions review this 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.)

This recommendation will not be implemented because it is not warranted nor is it reasonable. The City maintains open and efficient procedures in response to requests for data by the public. Any inquiry related to recreational drone incidents would be provided under the normal course and scope of business.

Should you need additional information regarding our responses please feel free to contact me at (714) 647-5200.

Sincerely,



David Cavazos
City Manager

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