



# CITY OF HUNTINGTON BEACH

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648-2702

## OFFICE OF THE CITY MANAGER FRED A. WILSON

July 21, 2016

(Amended September 8, 2016 – Amendments in ***bold italics***)

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 Huntington Beach to Orange County Grand Jury 2015-2016 Report, titled “Drones: Know Before You Fly”**

Dear Judge Margines:

This letter constitutes, in accordance with Section 933.05 of the California Penal Code, the response of the City of Huntington Beach (City) to the Orange County Grand Jury 2015-2016 Report, dated May 26, 2016, titled “Drones: Know Before You Fly” (Grand Jury Report). The enumerated items in this response correspond to the numbering of the Findings and Recommendations contained in the Grand Jury Report.

### Grand Jury Findings and Recommendations

The City of Huntington Beach is providing the following response to each of the findings and recommendations, in accordance with California Penal Code Sections 933 and 933.05 (a) and (b).

### **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.

*The City agrees with the finding.*

**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.

*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.

*The City disagrees wholly or partially with the finding. While at the current time most cities and the unincorporated areas of the County may not have an ordinance, the City is not in the position to opine on whether those areas have any immediate plans to enact an ordinance in the near future.*

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

*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.

*The City agrees with the finding.*

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

*The City agrees with the 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 agrees with the finding.*

## **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.)

*The recommendation has not yet been implemented, but will be implemented in the future. The Huntington Beach City Attorney's Office is in the process of drafting an ordinance based on existing laws related to the use of recreational drones. ~~It is expected that an ordinance will be effective by October, 2016.~~ **A proposed drone ordinance was not approved by the City Council at its September 6, 2016 meeting due to concerns over applicability and enforceability. The City will participate in a drone workshop put together by the Association of California Cities – Orange County at the end of September. The City Attorney and Police Chief will provide a follow up report to the City Council prior to December 30, 2016.***



**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.)

*The recommendation has not yet been implemented, but will be implemented in the future. The Huntington Beach City Attorney's Office is in the process of drafting an ordinance based on existing laws and review of similar ordinances for the regulation of drones. ~~It is expected that an ordinance will be effective by October, 2016.~~ **A proposed drone ordinance was not approved by the City Council at its September 6, 2016 meeting due to concerns over applicability and enforceability. The City will participate in a drone workshop put together by the Association of California Cities – Orange County at the end of September. It is expected that prior to March 31, 2017 a drone ordinance will be presented to City Council for consideration.***

**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.)

*The recommendation has not yet been implemented, but will be implemented in the future, **no later than March 31, 2017.** Along with the consideration by the City Council of a forthcoming drone ordinance, the City will implement educational efforts to inform recreational drone operators through various medium, to include, but not limited to print media, city-related web sites, social media sites, and/or public forums.*

**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.)

*The recommendation has not yet been implemented, but will be implemented in the future, **prior to December 30, 2016.** The City is in the process of adding a topic related to complaints about drone operations to its "Pipeline" citizen service request automated process.*

**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.)

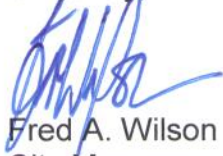
*The recommendation has not yet been implemented, but will be implemented in the future, **prior to December 30, 2016.** Along with the consideration by the City Council of a forthcoming drone ordinance, the City will have information readily accessible on its website regarding drone related guidelines, education, and federal regulations.*

**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.)

*The recommendation has not yet been implemented, but will be implemented in the future, **prior to May 26, 2017**. As part of future reporting to the City Council, the City can report on recreational drone permitting and reported incidents.*

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

Sincerely,



Fred A. Wilson  
City Manager

C: City Council  
City Attorney  
Chief of Police  
Assistant City Manager