



Office of the City Manager

Phone: (949) 361-8322 Fax: (949) 361-8283

E-mail: CityManager@san-clemente.org

October 17, 2016

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

RE: Response to 2015-2016 Orange County Grand Jury Report, "Drones: Know Before You Fly."

Dear Judge Margines,

The City of San Clemente has reviewed the 2015-2016 Orange County Grand Jury Report, "Drones: Know Before You Fly." As required, the City of San Clemente has prepared the below responses to the Findings and Recommendations for the Orange County Grand Jury.

Responses to Findings:

- 1) 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 respondent agrees with this finding.

- 2) 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 respondent agrees with this finding. A few years ago, the City received complaints from parents because a resident who lived adjacent to the private elementary school was flying his drone over the school at recess and lunchtime where children were outside playing.

- 3) 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 respondent agrees with this finding.

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

The respondent agrees with this finding.

- 5) 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 respondent agrees with this finding. The City awaits the outcome of SB 868 entitled, "State Remote Piloted Aircraft Act" in order to understand the local impacts, if any on the City of San Clemente's authority and jurisdiction over drone activity.

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

The respondent agrees with this finding. After an eight-month application process, the City of San Clemente Marine Safety Division received a license from the FAA to allow the lifeguards to operate the drone in their lifesaving efforts.

- 7) 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 respondent agrees with this finding. Unless the drone is used by Marine Safety Lifeguards in their normal public safety lifesaving role, there are no reporting procedures established for drone-specific incidents.

Responses to Recommendations:

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

This recommendation has not yet been implemented. City requests a copy of any report prepared by County Counsel that is provided to the Orange County Sheriff's Department. At this time, the City has been told that the FAA has jurisdiction over airspace and this legislation may provide much need direction.

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

This recommendation will be implemented 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 web sites, social media sites and/or public forums by March 31, 2017. (F.4, F.6.)

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. (F.7.)

This recommendation will be implemented by December 30, 2016.

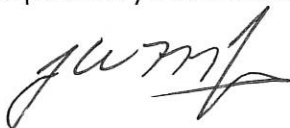
Recommendation #5 – Each City should post FAA drone ownership and operation educational links on city-related websites, newsletters, and flyers by December 30, 2016. (F.4.)

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. (F.1., F.2., F.3., F.7.)

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

Respectfully submitted,



James Makshanoff
City Manager

cc: City Council
Chief Dave Moodie, San Clemente Police Services
Chief Bill Humphreys, Marine Safety
Adam Atamian, Interim Code Compliance Supervisor