



July 23, 2008

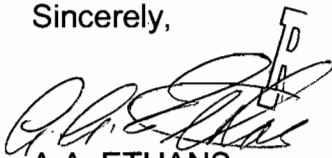
Nancy Wieben Stock  
Presiding Judge of the Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

Dear Judge Wieben Stock:

Enclosed is the City of Stanton's response to the Orange County Grand Jury report, "The Anatomy of Safe and Sane Fireworks Sales in Orange County", which was approved by the Stanton City Council at their regular meeting of July 22, 2008.

Please contact me if you require any additional information.

Sincerely,



A.A. ETHANS  
MAYOR

cc: Orange County Grand Jury

# Orange County Grand Jury:

F-1: Not all cities that allow the sale of legal fireworks require applicants to show proof of a valid Seller's Permit issued by the State of California Board of Equalization.

- The City of Stanton agrees and has in the past required the sellers permit issued by the state of California before vendors could open, but not part of their original application submittal process. Commencing in 2009 the Seller's Permit will be made part of the application submittal.

F-2: Cities have varying requirements for legal fireworks applicant's liability insurance amounts that need to be re-examined for appropriate coverage.

- The City of Stanton agrees. As part of a Joint Power Authority for liability insurance city staff does consult with them as to the adequacy of the liability insurance coverage required from vendors of safe and sane fireworks.

F-3: Cities do not require legal fireworks sellers to file a post-sales report to the city documenting gross and net sales of fireworks detailing the manner and in what amounts the net profits are spent to benefit the community and ensuring that the cities receive their one percent share of the sales tax.

- The City of Stanton agrees and in fact does require the submittal of a Fireworks Financial Statement. The statement does require reporting of both gross and net sales, as well as detailing how net proceeds are used to benefit the community. To the extent possible the city will begin verifying it has received its one percent share of sales tax.

F-4: Cities do not provide sufficient information and encouragement to fireworks sellers to seek other methods of fundraising.

- The City of Stanton disagrees that encouraging non-profits to seek other methods of financing is part of its mission. The non-profits an autonomous organizations (some faith-based) with their own policy making boards. Such unasked for advice could be viewed as unwarranted government intrusion.

F-5: Some cities are reluctant to put the issue of legal fireworks sales to the voters in their cities.

- The City of Stanton agrees with this finding. The City of Stanton has not received any request from any community organization or any individual(s) requesting that the issue of fireworks be put to a public vote.

F-6: Some cities are reluctant to sponsor free public displays of fireworks or to solicit sponsoring partners from businesses or neighboring cities in lieu of the sale of fireworks.

- The City of Stanton disagrees with this finding. As noted in the report, Stanton is unique among the cities named in the Grand Jury's Report in that there is no public space within the city limits that could accommodate a public display. It is unclear how such a display would affect desired change.

F-7: Fireworks sellers do not share the financial burden of added law enforcement, fire safety and public works costs incurred by cities, in large part due to the sale of legal fireworks.

- The City of Stanton disagrees with this finding. Fireworks sellers DO share in the financial burden of the sale and discharge of safe and sane fireworks through permit fees charged.

F-8: Cities do not require fireworks sellers to advise all purchasers that it is illegal to detonate legally sold fireworks in any area of Orange County other than in the incorporated city limits of Buena Park, Costa Mesa, Garden Grove, Santa Ana and Stanton.

- The City of Stanton agrees with this finding and commencing in 2009 will add this to city provided tote bags and booth signs.

F-9: Safety officials cannot enforce all laws and municipal ordinances regarding the illegal use of legal fireworks due to the large volume of activity on the Fourth of July.

- The City of Stanton disagrees in part with this finding. As with other major holidays, calls for Law Enforcement Services spike and thus stretch available resources. Having said that significant efforts are made to enforce all laws and municipal ordinances relating to the discharge of all fireworks.

F-10: The use of illegal fireworks is significantly greater in cities that allow the sale of legal fireworks.

- The City of Stanton disagrees with this finding since it has no basis of fact to agree or disagree with this finding. We are only familiar with our own set of circumstances.

F-11: The use of legal fireworks can mask the use of illegal fireworks.

- The City of Stanton agrees with this finding.

F-12: Safety officials are of the opinion that legal fireworks sales should be banned in the interest of public safety.

- The City of Stanton agrees in part that some safety officials are of the opinion that legal fireworks sales should be banned.

F-13: Safety officials can significantly curb the use of illegal fireworks in these cities within three years if the sale of legal fireworks were banned.

- The City of Stanton agrees in part that it is possible that safety officials might curb the use of illegal fireworks within three years if the sale of legal fireworks were banned. The City of Stanton has no direct evidence that illegal fireworks would be significantly curbed within three years of a ban on the sale of legal fireworks. It is possible just as it is possible that illegal use may spike following a ban or that it would take longer than three years.

## **O.C. Grand Jury Recommendations:**

R-1: Require all fireworks applicants, as part of the permit application process, to show proof of a valid Seller's Permit issued by the California Board of Equalization.

- The City of Stanton agrees and will implement this requirement prior to March, 2009.

R-2: Require all fireworks applicants, as part of the permit applications process, to show proof of current liability insurance in amounts not less than \$1,000,000.

- The City of Stanton has already implemented this recommendation.

R-3: Require all fireworks applicants to file an accurate after-sales financial report with the city documenting gross sales and net profits of fireworks detailing the manner and amount in which the net profit is spent to benefit the community.

- The City of Stanton has already implemented this recommendation.

R-4a: Require all fireworks applicants, as part of the permit application process, to file a detailed accounting of additional fundraising efforts conducted over the course of the previous year other than fireworks sales.

- The City of Stanton will not be implementing this recommendation as it constitutes an unwarranted intrusion into the affairs of charitable organization (including faith-based charities).

R-4b: Encourage cities to become more pro-active in encouraging fireworks applicants to find other fundraising options, in lieu of fireworks sales.

- The City of Stanton will not be implementing this recommendation unless specifically asked by any participating non-profit.

R-5: Let the issue of legal fireworks sales be decided by the voters in each city.

- The City of Stanton will not be implementing this recommendation in the known future due to budgetary constraints and the lack of any such requests from community organizations and individual(s).

R-6: Invite area businesses, civic groups and/or neighboring communities to join with the city to sponsor a public fireworks display in lieu of fireworks sales.

- The City of Stanton will not be implementing this recommendation since as noted in the Grand Jury's report no such adequate public space exist within Stanton's geographical boundaries.

R-7: Increase the permit fee to offset the extra costs of law enforcements services, fire services and public works in the enforcement of municipal codes and subsequent clean-up of debris of fireworks detonation in public areas.

- The City of Stanton will not be implementing this recommendation because it is not warranted. Policy makers and staff have reviewed the revenues associated with the Fourth of July versus costs and found them sufficient.

R-8: Require all fireworks sellers to advise all purchasers, both verbally and in written form that it is illegal to detonate legally purchased fireworks in any area of Orange County, other than in the incorporated city limits of Buena Park, Costa Mesa, Garden Grove, Santa Ana and Stanton.

- The City of Stanton will add language to all written material displayed by the vendors and on the tote bags provided to the vendors that safe and sane fireworks may only be discharged within the cities of Stanton, Buena Park, Santa Ana, Garden Grove and Costa Mesa! This will be a requirement for all vendors commencing in 2009.

R-9: Declare a moratorium of fireworks sales for at least three or more consecutive years in the cities of Buena Park, Costa Mesa, Garden Grove, Santa Ana and Stanton to allow law enforcement and fire officials in these cities the opportunity to curb the escalating use of illegal fireworks activity (This recommendation arises from Findings F-9 through F-13).

- The City of Stanton will not be implementing this recommendation since it lacks reasonableness in that no nexus can be shown to exist with the declaration of a three year moratorium and the ability to curb the use of illegal fireworks.