



TO: Honorable Mayor and City Councilmembers

FROM: Joan L. Flynn, City Clerk 

DATE: 9/16/2013

SUBJECT: SUPPLEMENTAL COMMUNICATION FOR THE SEPTEMBER 16, 2013, REGULAR CITY COUNCIL/PFA MEETING AND THE SPECIAL MEETING OF THE SUCCESSOR AGENCY

Attached is Supplemental Communication to the City Council (received after distribution of the Agenda Packet):

Public Hearing

#21. Communications received regarding adoption of Urgency Ordinance No. 3990:

Mary Jo Baretich, State President, Golden State Manufactured-home Owners League
Vickie Talley, Executive Director, Manufactured Housing Educational Trust
Gregory C. Hexberg, President, Del Mar Mobile Estates, Inc.
John R. Saunders, Manager, Huntington Shorecliffs, LP
Sandra H. Darling
Sam F. Parisi
Bill & Karen Reitz

Martin Van Genderen
Lisa C. McNeil

Janice Genelle
Pete & Jodie Wollman

Councilmember Items

#23. Communications received regarding State-approved Fireworks Ban:

Mike Williams
Linda Wickert
Richard & Shannon Smith
Frankie Vidales, Jr.
Edward DeMeulle
Shiple & Steve Marmion
Nancy Donovan
Chloe Pollock Mieczkowski
Dennis Bauer
John Grace
Brent Marchbanks
Robert Olszewski

Rachel Malone
Mary Ann Celnder
Jeri Polizzoto
Margaret Lacher
Christy Brodt
Sam & Karen Pinterpe
Stan & Elaine Anderson
Linda Sapiro Moon
Lori Anderson
David Yasutake
Cindy Minato

Margaret Lacher
Jesus Quesada
Donald Gabel, M.D.
Patrick Gillespie
Dave (no last name)
Jacki King
Jack & Lenore Kiriorn
The Ross Family
Jodi Aden
Al Hendricker
Suzanne Hart

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Sunday, September 15, 2013 12:13 PM
To: CITY COUNCIL; Agenda Alerts
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 15811 from the Government Outreach System has been assigned to Agenda Alerts.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Mary Jo Baretich

Description: Dear Council Members,

Regarding Item 21, I urge you to adopt Ordinance No. 3990, the Interim Urgency Ordinance extending the Moratorium on the conversion of any mobilehome park currently existing in the city from a park occupied primarily or exclusively by residents over 55 years (Senior Residents) to a mobilehome park allowing residents of all ages.

As you are aware, these seniors moved into their publicized Senior Park to live in an environment set up for Senior living. The amenities, safety, noise level, and total atmosphere are not the same as in an All-Age park. Seniors in their Senior Parks experience a quiet enjoyment of the Jacuzzi and pool without noisy teenagers or small tots jumping in next to them, quiet reading or games in the clubhouse and library, and leisurely walks around the park on roads without the worry of teenage drivers speeding down the street or skateboarders running into them and disabling their wheelchairs or walkers.

Living in a Senior Park is similar to living in the Huntington Landmark.

Please vote Yes on this Ordinance.

Unfortunately, I am currently in Washington State at this time and cannot speak at the September 16th City Council Meeting.

Thank you,

Mary Jo Baretich
State President, Golden State Manufactured-home Owners League (GSMOL)

Expected Close Date: 09/16/2013

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. ¹ 21



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Lifetime Achievement Award Recipients

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John Crean
R. J. Brandis
Robert N. West
Ed Evans
Logan A. Boyes
Jerry Golden
Harry E. Karsten
Jess Blaney
CMPA
WMA

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Stan Magill
Dan Jacobs
Paul Bostwick
C. Brent Swanson
Jim Martin
James Jones
Chelu Travieso
Keith Casenhiser
James B. Bostick

Executive Director
Vickie Talley

September 16, 2013

Sent via E-Mail to jflynn@surfcity-hb.org

SUPPLEMENTAL COMMUNICATION

Meeting Date: 9/16/2013

Agenda Item No. 21

Mayor Connie Boardman
Mayor Pro Tem Matthew Harper
Members of the City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

RE: City Council Item 21 – OPPOSE EXTENSION OF MORATORIUM

Honorable Mayor Boardman and Council Members:

MHET is a non-profit association dedicated to the preservation the manufactured housing lifestyle and to the protection of the property rights of the mobile home park business owners who provide housing in the seventeen privately owned mobile home parks in the City of Huntington Beach.

We are opposed to the City enacting any regulations that will restrict the property rights of the owners of these parks. This includes the enactment of any restrictions by the City that will require the private business owner to discriminate against potential customers based on age. Specifically, MHET opposes the adoption of any zoning ordinance, urgency ordinance or moratorium that would restrict a property owner from renting their property to any age group they choose.

We oppose the extension of the moratorium for 10 months.

Attached are letters from the owners of Huntington Beach mobile home parks urging the City to stay out of regulating how they manage their business.

Additionally the City needs to be aware of the risks involved in going down this path. I have attached an article which describes the City of American Canyon paying \$575,000 to a mobile home park owner who sued the City on the issue of regulating the conversion of parks from senior to all-age facilities. This is not a risk the City of Huntington Beach can afford to take!

As previously outlined and communicated with the Council, the following reasons support our request to not extend the moratorium and to not move forward with the adoption of regulations preventing parks from changing from senior to all-age communities.

- Findings cannot be made that there is a need to preserve the fewer than 1500 mobile home units in Huntington Beach mobile home parks that may be occupied by seniors. These 1500 units make up only 2% of the total 78,000 total housing units in the City that are available to seniors city-wide. Additionally, the seniors living in these mobile homes are an extremely small special interest group of only .03% of all of the 47,426 seniors living in the City. And, residency by families and children, per se, cannot possibly pose a serious or immediate threat to public health and safety.
- Prior to this issue being raised by the City Council, no mobile home parks in the City were contemplating changing the age rules. As a result of the City Council's action, at least one mobile home park owner has served legal notices to the park residents in order to vest their rights to change from a senior park to an all age park. This park owner has repeatedly stated on the record that they do not want to change to an all age park at this time, but under the circumstances they feel they have no choice but to take action to protect their property rights.
- This precipitous action to protect less than .03% of the seniors living in the City is a potentially extremely costly action for a City with far more important and pressing financial challenges and, as previously stated, is completely unnecessary. The City Attorney has already put on the Council's agenda discussions regarding the threat of litigation by mobile home park owners over this issue.
- The City should not be in the business of telling property and business owners how to run their business operations when it comes to who they must choose as customers. Would the City adopt a similar ordinance that would require apartment owners, restaurant owners, and other businesses to serve only seniors who make up only 25% of the City's population?
- There are many factors for a business to consider when choosing who its customers are. In Huntington Beach the City's mobile home parks are almost evenly split between all-age and senior communities. The free market system is working. The City does not have to "fix" it. Apparently, at this time, there are enough seniors interested in living in a mobile home in Huntington Beach.

However, as time changes and demographics change, the owner of a business should be able to modify the business to accommodate the changes. To the case in point, there may be increasing opportunity for seniors regarding housing options in the future and mobile homes may become less desirable for seniors than the other options. In that case, the owners of the mobile home parks that are currently senior would need to consider a change in their business.

- There is no need to force a very small segment of the City's housing providers to provide housing only for seniors. There are currently a significant number of senior housing opportunities in Huntington Beach to provide for the seniors. A quick search for "senior housing in Huntington Beach" resulted in a variety of senior apartments, condominiums, and other facilities. Of course, the vast majority of Huntington Beach seniors live in single family detached housing.
- A mobile home park that is designated a "senior" community or, "housing for 'older persons' over 55 years of age", are not required to have 100% of the occupants be 55 years of age or older. According to federal law, up to 20% of the residents of the community may be all-ages. Seniors living in the "senior" parks are not now living in communities that are all seniors. The City refers to parks with occupancy by eighty percent older persons; however, there is no mention of qualified parks for "older persons," which requires compliance with a comprehensive litany of requirements and conditions. Mere occupancy is not enough; the City cannot force owners to become "older persons" housing without establishing evidence of compliance with ALL federal requirements of the affected parks.
- When a park is a senior park, the mobile home owners who want to sell their homes are restricted to selling to only 25% of the buyers and are not allowed to sell to the other 75% of willing buyers who are not seniors. Countywide the senior population is only 16.5%. Without the senior restriction, the seller has access to 100% of the buyers. This is a dramatic disadvantage to the owners of mobile homes.
- Moreover, the elder communities in Huntington Beach parks all appear to be homogenous enclaves of Caucasian residency. Excluding families is to cause a disparate impact of shutting out families. Families are a disproportionately minority (protected classes under federal law). The disparate impact caused by the moratorium results in an unmistakable but clear secondary effect: the denial of housing based on national origin, color and race.
- When a park is designated as a senior park homes may only be sold to seniors. If an underage person inherits a mobile home upon the death of a tenant, the underage person may not move into the park and is forced to sell the home. This is only one example of the "unintended consequences" of the City trying to regulate who can and cannot live in mobile home parks. Who will police and enforce the regulations? Conduct required surveys? Qualify new tenants? Defend the park owners in housing discrimination complaints? Advertise housing to conform to zoning as required? Undertake all the requirements of the operation of the parks required of the city when a zoning law is proposed? The City assumes all responsibilities for intent to operate, yet there is no direction, budgeting, or manpower devoted to paying for these new city services.

We urge the City Council to reject the proposal to regulate mobile home park housing and to not adopt a moratorium or other regulations restricting who can live in the City's mobile home parks.

Sincerely,

A handwritten signature in cursive script that reads "Vickie Talley".

Vickie Talley
Executive Director

cc: Huntington Beach Mobile Home Park Owners

Attachments: "American Canyon settles mobile home suit for %575,000"
Letters from Scandia Mobile Country Club, Huntington Shorecliffs,
Brookside Manor and Del Mar Mobile Estates

American Canyon settles mobile home suit for \$575,000

JULY 01, 2011 7:48 PM • KERANA TODOROV

American Canyon will pay a Roseville-based mobile home park owner \$575,000 to settle a federal suit the owner filed last year, saying the city had violated federal fair housing laws, city officials said Friday.

The American Canyon City Council voted Tuesday in a special meeting to settle the lawsuit that mobile home park owner Ken Waterhouse filed on May 2010 after the city passed a law to prevent the conversion of senior-restricted mobile home parks into all-age facilities.

Waterhouse owns the business that runs Napa Olympia Mobilodge on American Canyon Road, a facility where the vast majority of residents were seniors.

In 2006, Waterhouse and his representatives said they would lift the age restriction at the park, whipping a storm of protest from the senior residents.

The residents pleaded with city officials to find a way to keep their mobile home park restricted to seniors, saying the facility was not designed for children and that they had moved there because it was an age-restricted facility.

The City Council, which wanted to preserve affordable housing, eventually took a series of measures to prevent the conversion of such parks into all-age facilities.

In the lawsuit, filed in May 2010 in U.S. District Court for the Northern District of California in San Francisco, Waterhouse's attorney, David Spangenberg, argued that the Napa Olympia Mobilodge had not been a senior-restricted park for years because past owners had not taken a census of the residents' age as required under federal law.

On June 6, U.S. District Judge William Alsup granted victory to Waterhouse, saying the city had violated the Fair Housing Act. On Monday, the parties met to discuss a settlement that resulted in Tuesday's vote.

Neither City Attorney Bill Ross, Spangenberg or Waterhouse could be reached for comment Friday.

Brookfield Manor, Inc.
9850 Garfield Avenue
Huntington Beach, CA 92646

Del Mar Mobile Estates, Inc.
19251 Brookhurst Street
Huntington Beach, CA 92646

September 12, 2013

Mayor Connie Boardman
Mayor Pro Tem Matthew Harper
Members of the City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

**RE: City Council Item 21
Oppose Extension of MH Park Moratorium**

Mayor Connie Boardman and Members of the City Council,

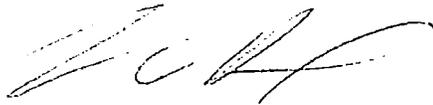
I am writing as a Huntington Beach mobile home park owner to urge you to not extend the moratorium and urgency ordinance regulating age restrictions in the city's mobile home parks. The owners of the city's mobile home parks are responsible business operators who offer housing to both seniors and families. We do not need to be regulated.

There is no need to have the City become involved in the management of our businesses by regulating who we can or cannot rent to. The free market place provides those business incentives and today the city's mobile home parks are almost evenly split between senior and all age housing.

While we have no plans to modify our current business plan, we believe that there is no place for government to step in and tell us how to operate our business.

We respectfully request that you do not extend the moratorium on mobile home parks.

Sincerely,



Gregory C. Hexberg
President

Huntington Shorecliff LP

4040 MacArthur Blvd – Suite 300
Newport Beach, CA 92660

949-251-0444
(fax) 949-251-0888

September 12, 2013

Mayor Connie Boardman
Mayor Pro Tem Matthew Harper
Members of the City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

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Oppose Extension of MH Park Moratorium**

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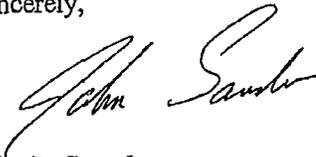
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While we have no plans to modify our current business plan, we believe that there is no place for government to step in and tell us how to operate our business.

We respectfully request that you do not extend the moratorium on mobile home parks.

Sincerely,



John R. Saunders
Manager
Huntington Shorecliffs LP

SKANDIA MOBILE COUNTRY CLUB
Division of HUBBELL FAMILY, LLC
1161 Bryant Road
Long Beach, CA 90815
562.498-2248 FAX 562.597-1958

September 12, 2013

Mayor Connie Boardman
Mayor Pro Tem Matthew Harper
Members of the City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, California 92648

RE: City Council Item 21
Oppose Extension of MH Park Moratorium

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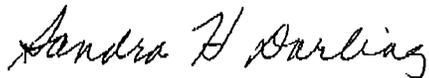
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While we have no plans to modify our current business plan, we believe that there is no place for government to step in and tell us how to operate our business.

We respectfully request that you do not extend the moratorium on mobile home parks.

Sincerely,



Sandra H. Darling
Owner, Skandia Mobile Country Club

Esparza, Patty

From: Fikes, Cathy
Sent: Monday, September 16, 2013 12:05 PM
To: Esparza, Patty
Subject: FW: Vote to preserve Senior Mobile Home Parks

From: Martin Van Genderen [mailto:maartienvg@gmail.com]
Sent: Friday, September 13, 2013 10:12 PM
To: Carchio, Joe
Cc: Fikes, Cathy
Subject: Vote to preserve Senior Mobile Home Parks

Dear Council Member Carchio,

Appreciative and mindful of your support in the past vis-a-vis issues affecting Seniors , I now earnestly request your support to extend the moratorium to preserve Senior Mobile Home Parks.

Martin Van Genderen
Rancho Huntington - Spc 126
Huntington Beach, CA 92646

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 21

Esparza, Patty

From: Fikes, Cathy
Sent: Monday, September 16, 2013 12:05 PM
To: Esparza, Patty
Subject: FW: Moratorium

From: Janice Genelle [mailto:genellejan@socal.rr.com]
Sent: Saturday, September 14, 2013 7:06 AM
To: Carchio, Joe
Cc: Fikes, Cathy
Subject: Moratorium

Dear Council Member Carchio,

Your vote to extend the moratorium to preserve senior mobile home parks is very important. I appreciate your support in the past and look forward to your continued interest and participation in the future.

Mr. Carchio, as a resident of Rancho Huntington Mobile Home Estates and as a voter living in Huntington Beach, I ask you to please vote in favor of the moratorium to keep the senior parks in HB senior.

The folks, who purchase a home in a Senior Park, do so with the full intent of living in community with other seniors. However, we are now fully aware that the term Senior Park is a loose term that can be altered at any time by the owners of a mobile home park. When a park is reclassified from a Senior Park to a family park, it has the same effect as would any residential area that is re-zoned in the city. If a family would purchase a home in a residential area, planning to live in community with other families, and then find out that the area they live in is to be re-zoned to accommodate a business, this family and other families would be rightly devastated. However, this would not happen on a whim like it has happened in a mobile home park because a residential area is zoned in such a manner as to provide protection for the home owners. Sadly, as seniors, we are aware that there is little protection provided to us, living as we do in a Senior Park.

I have supported you with my vote and I would appreciate your vote supporting me and my neighbors at Rancho Huntington.

Thank you, Council Member Carchio.

Janice Genelle
Space #89

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 21

Esparza, Patty

From: Fikes, Cathy
Sent: Monday, September 16, 2013 12:05 PM
To: Esparza, Patty
Subject: FW: Moratorium

-----Original Message-----

From: sparisi@socal.rr.com [mailto:sparisi@socal.rr.com]
Sent: Saturday, September 14, 2013 10:43 AM
To: Fikes, Cathy
Subject: Moratorium

Mr. Carchio, as a resident of Rancho Huntington Mobile Home Estates and as a register voter living in Huntington Beach, we ask you to please vote in favor of the moratorium to keep the senior parks in HB SENIOR PARKS.

Thank You for your consideration in this matter.

Sam F Parisi

714-655-9750

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 21

Esparza, Patty

From: Fikes, Cathy
Sent: Monday, September 16, 2013 12:04 PM
To: Esparza, Patty
Subject: FW: HB Senior Mobile Home Parks

**SUPPLEMENTAL
COMMUNICATION**

From: Lisa McNeil [mailto:lcmcneil39@gmail.com]
Sent: Sunday, September 15, 2013 2:15 PM
To: Carchio, Joe
Cc: Fikes, Cathy
Subject: HB Senior Mobile Home Parks

Meeting Date: 9/16/2013
Agenda Item No. 21

Dear Council Member Carchio,

I am writing to thank you for your vote on the temporary moratorium, and to ask you to support a long-term moratorium to protect seniors in Huntington Beach mobile home parks. I currently live in Rancho Huntington, as does my mother who will be 87 next month, and my cousin who is in the latter stage of early onset Alzheimer's disease. I am only in my early 50s and planned to continue working full-time until I was at least 67, but I have been diagnosed with an aggressive form of rheumatoid arthritis that has already required several surgeries and that I'm afraid may result in the loss of my job. I have already lost many months of pay in the past two years due to the surgeries.

I attended the city council meeting where you said that you thought we could negotiate a solution between Rancho Huntington owners and residents if all parties were sincere in what they want to do. I would like to believe it is possible to work out a reasonable compromise but I've lost all faith in that being feasible. Recently I received a call at work on my emergency-only contact number from Drieta Bronkey, a representative of the management company, who very aggressively tried to convince me to sign the all age lease and to persuade my mother to sign the lease. At that point we had not even seen copies of the newest version of the lease. I mentioned to Ms. Bronkey that many of the residents of these senior parks, like myself and my family, are dealing with serious health issues and/or are quite elderly, and we don't have the resources for the huge rent increase up to \$1500 a month or higher within a couple of years that is rumored and that has happened in some other parks. Ms. Bronkey then dismissively said "being elderly or ill has nothing to do with it. My parents are elderly and they are well off financially." I interpreted this to mean that the management company and the owners believe that senior park residents, because we are not wealthy, deserve whatever bad things may happen to us as a result of the park conversions and potential huge rent increases. I am frightened about people like my mother losing much of their life savings that was invested to purchase their homes, and about the limited options ahead that I see for many of us.

I don't expect Huntington Beach to be the same small town that my grandparents, parents, and my siblings and cousins and I once lived in, where working class families can thrive and even build or purchase their own homes. At this point all I'm trying to do is keep my mom and myself hanging on here to see my mom through the end of her life in a place she is familiar with, where she still has some surviving friends and family. I know there are many other seniors in these parks who are in similar situations, with modest goals to just live out the rest of their lives in the home that they have invested most of their life savings in.

Thank you again for your previous vote, and for taking the time to listen to the concerns of Huntington Beach senior mobile home park residents.

Lisa C. McNeil

Esparza, Patty

From: Fikes, Cathy
Sent: Monday, September 16, 2013 12:03 PM
To: Esparza, Patty
Subject: FW: Thank you for keeping our Senior mobile home parks Senior

To all Council

From: Jodie Wollman [mailto:jodiewollman@gmail.com]
Sent: Sunday, September 15, 2013 7:01 PM
To: Boardman, Connie
Cc: Fikes, Cathy
Subject: Thank you for keeping our Senior mobile home parks Senior

Good evening, Mayor Boardman,

My name is Jodie, and my husband and I live in Rancho Huntington Mobile Home Estates (RHMHE). I am writing to thank you for all of your support of seniors in Huntington Beach, especially in regard to the ordinance that Councilman Katapodis initiated and the moratorium that you had the foresight to bring to the table, to keep our park a senior community. Thank you, Mayor Boardman! I know that when the City Council votes on Monday, September 16th (Item No. 21 of the Public Hearing portion of the meeting) that you will continue to encourage the entire Council to get this vote right. Thank you.

It is imperative that the Council respect and support our senior citizens. Seniors in mobile home parks need you to help us maintain the lifestyle that we voluntarily chose when we purchased our homes—that of a senior community. We need the City Council's assistance to protect us from park owners who want to turn mobile home parks into all-age parks. The senior parks are what our financial situations allow and they afford us the living conditions favorable to seniors, especially those who are frail. Having children and the requisite environment they would produce would make our senior parks much less safe and less hospitable for the elderly.

Homeowners in mobile home parks own their individual homes, and we rent the small piece of ground that the home sets on. Even though they are most often known as "mobile homes," there is nothing "mobile" about these homes. Our current home, for example, is a 2007 triple-wide home with 1,740 square feet of living space. We upgraded from the original 1966, 900-square-foot home that was on the space when we moved into the park in 2000. Even if we were to move our home to another park within Huntington Beach, the cost would be at least \$50,000 to dismantle, move and re-set up the home. If the home is moved to Hemet, with mileage alone, I would venture to guess the cost would increase to \$100,000.

I know that you will vote to help seniors—a group that is often the underdog.

Thank you, Mayor Boardman, for continuing to do the right thing and voting for the moratorium to keep our mobile park as a senior community.

Jodie

Pete and Jodie Wollman
19361 Brookhurst Street, Space 84
Huntington Beach, CA 92646-2953

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 21

Esparza, Patty

From: Fikes, Cathy
Sent: Monday, September 16, 2013 12:03 PM
To: Esparza, Patty
Subject: FW: Vote to keep Senior Parks Senior

From: Billrhb@aol.com [mailto:Billrhb@aol.com]
Sent: Sunday, September 15, 2013 7:29 PM
To: Boardman, Connie
Cc: Fikes, Cathy
Subject: Vote to keep Senior Parks Senior

Good evening, Mayor Boardman,

My name is Bill, and my wife and I live in Rancho Huntington Mobile Home Estates (RHMHE). I am writing to thank you for all of your support of seniors in Huntington Beach, especially in regard to the ordinance that Councilman Katapodis initiated and the moratorium that you had the foresight to bring to the table, to keep our park a senior community. Thank you, Mayor Boardman! I know that when the City Council votes on Monday, September 16th (Item No. 21 of the Public Hearing portion of the meeting) that you will continue to encourage the entire Council to get this vote right. Thank you.

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SUPPLEMENTAL COMMUNICATION

Meeting Date: 9/16/2013

Agenda Item No. 21

Esparza, Patty

From: Frymire, Laurie
Sent: Saturday, September 14, 2013 4:47 PM
To: Esparza, Patty
Subject: Fw: Surf City Pipeline: Notification of new Request #: 15805

From: Surf City Pipeline [mailto:noreply@user.govoutreach.com]
Sent: Saturday, September 14, 2013 04:45 PM Pacific Standard Time
To: Frymire, Laurie
Subject: Surf City Pipeline: Notification of new Request #: 15805

Request # 15805 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment

Request area: City Council - Share a Concern

Citizen name: Mike Williams

Description: Please do not renew legalized fireworks. It is a war zone in the Downtown area.

Expected Close Date: 09/21/2013

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Esparza, Patty

From: Flynn, Joan
Sent: Friday, September 13, 2013 4:44 PM
To: Esparza, Patty
Subject: Fwd: Surf City Pipeline: You have been assigned a new Request #: 15791

For supplemental communications

Joan L. Flynn, City Clerk
Huntington Beach

Begin forwarded message:

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

From: "Frymire, Laurie" <lfrymire@surfcity-hb.org>
Date: September 13, 2013, 4:12:53 PM PDT
To: "Flynn, Joan" <jflynn@surfcity-hb.org>
Subject: FW: Surf City Pipeline: You have been assigned a new Request #: 15791

How is the best way for this to get to council? Should it be included in supplemental communications?

Laurie

From: Surf City Pipeline [mailto:noreply@user.govoutreach.com]
Sent: Friday, September 13, 2013 4:10 PM
To: Frymire, Laurie
Subject: Surf City Pipeline: You have been assigned a new Request #: 15791

Request # 15791 from the Government Outreach System has been assigned to you.

Request type: Comment

Request area: 4th of July Parade / Run / Expo / Fireworks

Citizen name: Malone

Description: Please vote either to lift the ban on fireworks or to extend the trial period for another year and then let the voters decide whether or not fireworks should be allowed in our city. I grew up enjoying the ability to light fireworks here, and really enjoyed being able to share that joy with my children this past July. The sale of fireworks also provides a much needed revenue opportunity for our local schools' sports and arts programs.

Thank you,
Rachel Malone

Expected Close Date: 09/17/2013

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

Esparza, Patty

From: Frymire, Laurie
Sent: Saturday, September 14, 2013 8:07 AM
To: Esparza, Patty
Subject: Fw: Surf City Pipeline: Notification of new Request #: 15798

From: Surf City Pipeline [mailto:noreply@user.govoutreach.com]
Sent: Saturday, September 14, 2013 07:02 AM Pacific Standard Time
To: Frymire, Laurie
Subject: Surf City Pipeline: Notification of new Request #: 15798

Request # 15798 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Complaint

Request area: Inquiry to a City Council Member

Citizen name: Margaret Lacher

Description: PLEASE DO NOT MAKE FIREWORKS LEGAL IN HUNTINGTON BEACH. The concept of legal fireworks is a huge fallacy, almost all of the fireworks in my neighborhood were illegal. I have asthma, and it became necessary to use my inhaler on the 4th of July because of the smoke and toxins in the air. I honestly believe that if fireworks become legal, they will be used year round, and the fireworks used will be illegal. I also believe this will result in a tragedy such as a fire and/or death. There are many elderly residents in my neighborhood, some are on oxygen, and these toxins in the air would be devastating for them. I guarantee that if fireworks become legal, and if illegal fireworks are used in my neighborhood (which is inevitable) I will sue the City of Huntington Beach and I will urge others to join my lawsuit, and I will also guarantee that many others will join me.

Expected Close Date: 09/24/2013

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Esparza, Patty

From: Frymire, Laurie
Sent: Sunday, September 15, 2013 8:58 AM
To: Esparza, Patty
Subject: Fw: Surf City Pipeline: Notification of new Request #: 15807

From: Surf City Pipeline [mailto:noreply@user.govoutreach.com]
Sent: Sunday, September 15, 2013 01:44 AM Pacific Standard Time
To: Frymire, Laurie
Subject: Surf City Pipeline: Notification of new Request #: 15807

Request # 15807 from the Government Outreach System has been assigned to Johanna Stephenson.

Request type: Comment
Request area: City Council - Share a Concern
Citizen name: Linda Wickert

Description: I urge you to restore the ban on "safe and sane" fireworks. For the safety of our residents and visitors, the public should refrain from buying, selling, and igniting fireworks inside the city of Huntington Beach. We can enjoy public fireworks displays that are controlled by professionals. Fireworks in the hands of our neighbors are turning the Fourth of July holiday into a painful ordeal for us and are putting us at increased risk for fires and accidents. PLEASE follow the advice of our firefighters and police force and restore order to our community. Thank you.

Expected Close Date: 09/22/2013

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Sunday, September 15, 2013 10:35 AM
To: CITY COUNCIL; Agenda Alerts
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 15809 from the Government Outreach System has been assigned to Agenda Alerts.

Request type: Question

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Mary Ann Celnder

Description: We would like to see the city reinstate safe and sane fireworks. We've gone up the hill to purchase and use fireworks for years. It has been nice to be able to once again celebrate the 4th in a traditional manner in our own neighborhood.

Expected Close Date: 09/16/2013

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Request: 15792 Entered on: 09/13/2013 5:06 PM

Customer Information

Name: Jesus Quesada
Address:
Huntington Beach, CA
92646

Phone:
Alt. Phone:
Email: mojo2cool@gmail.com

Request Classification

Topic: City Council - Agenda & Public
Hearing Comments
Status: Open
Assigned to: Agenda Alerts

Request type: Comment
Priority: Normal
Entered Via: Web

Description

Just wanted to let you know that my family really enjoys fireworks here in Huntington Beach. We enjoyed lighting fireworks ourselves, and we would love to have the opportunity to do this on a permanent basis. Please consider my email when voting on this issue.

I am a permanent resident in Huntington Beach, and have lived in the city for approximately 20 years.

Reason Closed

Date Expect Closed: 09/17/2013

Enter Field Notes Below

Notes:

Notes Taken By: _____ **Date:** _____

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Request: 15797 Entered on: 09/13/2013 10:22 PM

Customer Information

Name: richard smith
Address:
 Huntington Beach, CA
 92646

Phone:
Alt. Phone:
Email: ksinvest@hotmail.com

Request Classification

Topic: City Council - Agenda & Public
 Hearing Comments

Request type: Comment

Status: Closed

Priority: Normal

Assigned to: Agenda Alerts

Entered Via: Web

Address or Location:

SUPPLEMENTAL COMMUNICATION

Meeting Date: 9/16/13

Agenda Item No. 23

Description

Dear City Council members and Mayor Connie Broadman,

First, I want to thank each and every one of you for dedicating your time and energy to make our beloved Huntington Beach the greatest city on earth. I have lived here since 1986 when I relocated from Seattle Washington to attend college (USC). While the commute was tough it was way better than living in Watts. Anyways, I have never sent an email to the city council but in this case I felt compelled. As a child the Fourth of July was as important a family holiday as Christmas. My family would gather for a wonderful BBQ followed by our traditional fireworks show. This tradition has flourished in our family and in 1,000's of cities across America touching countless lives. Fireworks today are extremely safe and quite awe-inspiring for both young and old. Furthermore, the great state of California has experienced tremendous budget shortfalls affecting all areas of government services. This has been specially felt in the education department. Our public schools today are a far cry from where they were just 5 years ago. It seems that selling fireworks is a win win for Huntington Beach and its families. I mean kids these days are so wrapped up in video games, texting, television and other electronics that it's getting tougher and tougher to relate with them. The Fourth of July is a holiday that has not changed much over the past 50 years. It is a time when kids are out of the house, enjoying friends and family, and having memorable experiences that we can all relate to. The fireworks sale provides a much needed cash flow to the city, education and important nonprofits. And while the threat of injury is always present, it has certainly been minimized with safer fireworks and better parental supervision. I also appreciated that many small animals (dogs and cats) dislike the noises fireworks generate. But there are several options available to pet owners to minimize this effect (perhaps the firework stands could hand out literature on this topic). None the less, we should not deprive the next generation of Huntington Beach residences the opportunity to engage in this true American celebration. Please allow continuing sale of safe and sane fireworks to stay.

Sincerely,

Request: 15800 Entered on: 09/14/2013 08:42 AM

Customer Information

Name: Jeri Polizzotto
Address: Huntington Beach, CA

Phone:
Alt. Phone:
Email: jeri_darice@yahoo.com

Request Classification

Topic: City Council - Agenda & Public Hearing Comments
Status: Closed
Assigned to: Agenda Alerts

Request type: Comment
Priority: Normal
Entered Via: Web

Description

As a parent of a band member I feel it is important to keep Safe and Sane Fireworks in Huntington Beach. I would like to see you extend the trial period and then get it on the ballot for the voters to decide. The band made a lot of money on Fireworks. In the past our family has purchased fireworks in other cities and gone there for our celebration. Let's keep these funds in HB.

Reason Closed

Thank you for taking the time to send your thoughts to the City Council. A copy of your comments will also be forwarded to the City Clerk to be included in the record on this item. Thank you very much for writing.

Date Expect Closed: 09/24/2013

Date Closed: 09/16/2013 07:50 AM **By:** Johanna Stephenson

Enter Field Notes Below

Notes:

Notes Taken By: _____ **Date:** _____

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Request: 15801 Entered on: 09/14/2013 10:24 AM

Customer Information

Name: Donald Gabel
Address:

Huntington Beach, CA
 92648

Phone:
Alt. Phone:

Email: dgabelmd@gmail.com

Request Classification

Topic: City Council - Agenda & Public
 Hearing Comments

Request type: Comment

Status: Closed

Priority: Normal

Assigned to: Agenda Alerts

Entered Via: Web

Description

It is my understanding that Huntington Beach Municipal Code 5.90.200, that allowed for the experiment in "Safe and Sane" fireworks to expire on July 5, 2013, is to come up for review. It is imperative that this failed experiment not be repeated.

The original concept may have been well-intentioned. The Municipal Ordinance, as it was written, would have had fireworks sold under strict controls and used in designated areas, at designated times, under strict control. All this would have also allowed for respected non-profits to gain. This is NOT what happened in preceding July 4 Holidays in Huntington Beach.

The Ordinance defined times when fireworks could be used but they were exploded 24 hours per day.

The Ordinance prohibited use of fireworks in alleys and streets and yet, in densely populated "numbered streets" of downtown HB, fireworks were set off in the alley behind my house and in the street in front of my house. (I still look out at firework-paper projectiles on top of my garage).

The Ordinance called for parental supervision and yet I saw many unsupervised children setting off fireworks in my neighborhood.

Beside the obvious fire hazards at play, I worry for the physical well-being of my neighbors. I am a physician and I have personally cared for seriously burned children and young adults. The HB fire Department and Police Department are too "stretched thin" to be able to enforce the details of this Municipal Code on every street and alley. It is only a matter of time until kids are irreparably injured and homes are damaged through this ill-advised program.

I regret that I will not be able to address the council as I will be out of town at a Medical Meeting this week. Please review this note instead.

For the safety of our community I urge you not to allow this failed program to be resurrected.

Donald Gabel, M.D.

Reason Closed

Thank you for taking the time to send your thoughts to the City Council. A copy of your comments will also be forwarded to the City Clerk to be included in the record on this item. Thank you very much for writing.

Date Expect Closed: 09/24/2013

**SUPPLEMENTAL
 COMMUNICATION**

Date Closed: 09/16/2013 07:49 AM **By:** Johanna Stephenson

Meeting Date: 9/16/2013

Agenda Item No. 13

9/16/2013

Request: 15802 Entered on: 09/14/2013 11:59 AM

Customer Information

Name: Frankie Vidales Jr. **Phone:**
Address: **Alt. Phone:**
 Huntington Beach, CA **Email:** frankiev4s@yahoo.com
 92646

Request Classification

Topic: City Council - Agenda & Public **Request type:** Question
 Hearing Comments **Priority:** Normal
Status: Open **Entered Via:** Web
Assigned to: Agenda Alerts
Address or Location:

**SUPPLEMENTAL
 COMMUNICATION**

Meeting Date: 9/16/13
Agenda Item No. 23

Description

Hello City Council,

I've been a resident in Huntington Beach since i was born. I have always loved the idea of having fireworks on the fourth of july. When they were taken away, i was devastated. But when they came back...it brought the city back together and the fun was here again. My kids love fireworks and with that said, i would like for you to really think about bringing them back for the coming year (July 2014). This will help the city in many ways. Please bring the fireworks back.

Sincerely,
 Frankie Vidales Jr

Reason Closed

Date Expect Closed: 09/24/2013

Enter Field Notes Below

Notes:

Request: 15803 Entered on: 09/14/2013 12:42 PM

Customer Information

Name: Margaret Lacher
Address: Huntington Beach, CA
92647

Phone:
Alt. Phone:
Email: mlacher@verizon.net

Request Classification

Topic: City Council - Agenda & Public
Hearing Comments
Status: Closed
Assigned to: Agenda Alerts

Request type: Complaint
Priority: Normal
Entered Via: Web

Description

I sent you a complaint about legalizing fireworks earlier, and I would like to add that if fireworks become legal, and if there are illegal fireworks being set off in my neighborhood, which there will be, I will have the HB Police and Fire Department on my speed dial. I would like to request that only really cute cops and firemen come out when I call, probably daily.

Reason Closed

Thank you for taking the time to send your thoughts to the City Council. A copy of your comments will also be forwarded to the City Clerk to be included in the record on this item. Thank you very much for writing.

Date Expect Closed: 09/24/2013

Date Closed: 09/16/2013 07:48 AM **By:** Johanna Stephenson

Enter Field Notes Below

Notes:

Notes Taken By: _____

Date: _____

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Request: 15812 Entered on: 09/15/2013 4:45 PM

Customer Information

Name: Anonymous
Address:

Phone:
Alt. Phone:
Email:

Request Classification

Topic: City Council - Agenda & Public
Hearing Comments
Status: Closed
Assigned to: Agenda Alerts

Request type: Comment
Priority: Normal
Entered Via: Web

Description

Dear Council Members,
Thank you for your commitment to all of us in Huntington Beach.
As a parent who volunteers for a local non-profit youth sports program I would like you to vote in favor of renewing the fireworks sales in our city. The fireworks program provides a unique opportunity for the non-profits in our community to raise important funds for their continued success.
Thank you again,
Patrick Gillespie

Reason Closed

Thank you for taking the time to send your thoughts to the City Council. A copy of your comments will also be forwarded to the City Clerk to be included in the record on this item. Thank you very much for writing.

Date Expect Closed: 09/25/2013

Date Closed: 09/16/2013 07:47 AM By: Johanna Stephenson

Enter Field Notes Below

Notes:

**SUPPLEMENTAL
COMMUNICATION**

Notes Taken By: _____

Date: _____

Meeting Date: 9/16/13

Agenda Item No. 23

Edward DeMeulle
9441 Alii Circle
Huntington Beach, CA 92646
714-962-7661

September 15, 2013

Huntington Beach City Council
2000 Main Street
Huntington Beach, CA 92647

re: 09/16/13 Agenda item #23 – Fireworks Ban

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

My name is Edward DeMeulle and lived in Huntington Beach for most of my life. I am not a big fan of fireworks. Each year on the fourth of July I sit at home with our three dogs, one of whom barks incessantly and the other two sit on my lap shaking the entire evening. However, I'm even less of a fan of legislation that takes rights from others needlessly, so I pulled all of the Grand Jury (GJ) reports I could find, to try to understand their rationale. A copy of these reports are enclosed.

The June 1987 GJ report on fireworks, which precipitated the fireworks ban in Huntington Beach that September, attempted to determine if a fireworks ban was in order. They looked at the fire statistics of 27 regions, both cities and unincorporated. According to the text of the report there were 15 regions where fireworks were permitted and 11 that had banned them. The data tables for the report, however, only indicates two regions with a ban (Seal Beach and Tustin). From the report, I wasn't able to duplicate the reasoning that led to their recommendation for the ban. In the tables, Seal Beach & Tustin had no fires from legal fireworks, however neither did Brea, Fountain Valley, Laguna Beach, La Habra, Newport Beach, Stanton and Yorba Linda.

The June 1989 GJ report was a review of the ban recommendation of 1987 and the results. The data table on this report, however, only covered 13 of the 27 original regions; all but one of which had enacted a ban. The report concludes that there was a reduction in fire damage however there was also a reduction in the number of regions listed. Huntington Beach wasn't even listed in this report. Why the other 14 regions were not listed in the report was not mentioned. It doesn't appear to me that there was much discipline in the review of the data nor the conclusions. In one part, after noting a 21% reduction in OC Fire calls in one year compared to the prior, the GJ concluded that "This trend toward lower damage from fireworks indicates that progress is being made toward an injury-free and zero dollar loss from the use of fireworks." This is quite a stretch after only one year of data and only a 21% difference.

In my opinion, either the GJ reports were incomplete and left out important information that could be used to reproduce their reasoning or they were very much inadequate. I believe that illegal fireworks are a serious problem that should continue to be addressed. They are, of course, already illegal. I did not personally notice any difference in the

incidence of large, loud skyrockets, M-80's, etc. in my neighborhood before or after lifting the ban. This suggests to me that banning law abiding citizens from enjoying legal fireworks once a year is not the answer. I encourage you to permanently lift the ban and focus on illegal fireworks.

Sincerely,

Edward DeMeulle

Enclosures: 3

PS: I have a suggestion regarding illegal fireworks, which you may have seen posted elsewhere. Establish a few two-man teams of HBPD officers who move quietly through neighborhoods in plainclothes. When they encounter the use of illegal fireworks, fine the owner of the property \$1,000 and publish the offenders in the newspaper, website, etc. It seems to me that when word of this gets out there would be much self-enforcement from folks that don't want to be "unlucky".

THE ANATOMY OF SAFE AND SANE FIREWORKS SALES IN ORANGE COUNTY

SUMMARY

Last Fourth of July taxpayers in Buena Park, Costa Mesa, Garden Grove, Santa Ana and Stanton paid a total of \$188,000 for extra police and fire services, primarily for enforcement of both legal and illegal fireworks activity. Safety officials, specifically police and fire personnel, in these five cities are often overwhelmed in calls-for-service on this holiday and many refer to sections of their cities as resembling a “war zone” because of fireworks-related issues. Safety officials contend that the sale of State-approved “safe and sane” fireworks in these five cities contribute to a significant increase in illegal fireworks activity and add to the chaos of social disorder. This activity spills over into adjacent cities where all fireworks are illegal, causing safety agencies in those cities significant enforcement problems.

The 2007-2008 Grand Jury found the fireworks permit process in these cities flawed in several areas:

- Some city administrators believe non-profit organization sellers are exempt from collecting and remitting sales tax to the California Board of Equalization.
- Non-profit organizations that sell legal fireworks and the wholesalers that distribute them are not required to help pay the municipal cost of disposing of fireworks debris left on public streets, sidewalks and parks, nor the additional costs for police and fire services.
- No ordinances require sellers to advise fireworks purchasers that safe and sane fireworks are illegal in any area of Orange County other than in these five cities.
- Most cities’ ordinances do not require a post-sales period accounting from non-profit organizations detailing sales tax paid, net profit and the manner in which the proceeds benefit the community.
- Cities do not give non-profit organizations encouragement or guidance to use in other fund raising methods.

Most of these city councils are reluctant to put the issue of fireworks sales to a citizen vote and have been equally reluctant to encourage a public display of fireworks. Many safety officials believe it would take at least three years to significantly deter illegal fireworks activity if the sale of legal fireworks were banned. The Grand Jury recommends that these cities declare a minimum three-year moratorium on fireworks sale to allow the safety officials to better serve and protect their citizens on the Fourth of July.

REASON FOR INVESTIGATION

The sale of legal fireworks¹ is one of the most polarizing municipal issues affecting the five Orange County cities which continue to allow this activity. It has pitted neighbor against neighbor, and associations and senior groups against non-profit organizations. Municipal and County safety agencies are constantly trying to combat ever-increasing social chaos, injuries to citizens and destruction of property that are by-products of legal fireworks sales. The 1988-1989 Orange County Grand Jury study discussed much of what was wrong with selling legal fireworks in Orange County. The issues raised continue to be an annual problem. That Grand Jury

¹ The term “legal fireworks” will be used throughout this report in place of “safe and sane”

recommended that the sale of legal fireworks be discontinued and that cities take a more active role in encouraging local community non-profit groups in raising funds for their organizations. A few of the cities heeded the recommendations of the 1988-1989 Grand Jury, other cities did not. Since the rancor regarding this issue has not abated, the 2007-2008 Grand Jury decided that this issue should be revisited with a more in-depth study and with an emphasis on how regulations are implemented and sales are conducted in Orange County.

METHOD OF INVESTIGATION

- Interviewed administrative personnel and elected officials from Buena Park, Costa Mesa, Garden Grove, Santa Ana and Stanton.
- Interviewed law enforcement personnel and fire department personnel from Buena Park, Costa Mesa, Garden Grove, Santa Ana, Stanton and the Orange County Fire Authority, as well as some contiguous cities.
- Obtained and reviewed municipal ordinances, city council opinions, and safety agency "After Action Reports".
- Interviewed officials from the State of California Board of Equalization; obtained and reviewed related documentation.
- Interviewed an official of the County of Orange Animal Care Services and obtained and reviewed documentation.
- Obtained and reviewed city permits and applications from all non-profits to sell legal fireworks in the cities of Buena Park, Costa Mesa, Garden Grove, Santa Ana and Stanton.
- Obtained and reviewed recapitulation reports detailing gross and net profits for the sale of legal fireworks filed by non-profits.
- Interviewed personnel from a legal fireworks wholesaler and obtained and reviewed documentation.
- Interviewed an official from the County of Orange Resources and Development Management Department.
- Obtained and reviewed copies of Fair Political Practice Commission, California form 460 (campaign financial disclosures) filed by City Council members and candidates from city clerks' offices.
- Reviewed copies of Fair Political Practice Commission Form 461, Major Donor and Independent Expenditure Committee Statement as filed with the California Secretary of State, www.sos.ca.gov.

BACKGROUND AND FACTS

The annual sale of legal fireworks in local cities continues to be one of the most polarizing issues faced by city governments. This issue annually pits neighbor against neighbor and retirement associations and neighborhood watch programs against youth-oriented non-profit organizations, often leading to angry confrontations in city council meetings. Those against the sale of legal fireworks lobby city councils to place the issue before voters, a political process frequently avoided by most city councils. The anti-sales groups also complain that their communities suffer great disruption and peril during the Fourth of July holiday as a direct result of legal fireworks sales. Those in favor of continuing the sale of legal fireworks flood city halls with allegations that local sports programs will be undone and claim that youth organizations will be innocent victims and suffer the consequences. Political pressure is brought to bear from both sides. All

involved citizens have an opinion and the issue tends to be either black or white depending on one's point of view.

For years, local media have reported instances of citizens suffering significant injury or property damage as a result of fireworks activity. While many of these were caused by the use of illegal fireworks, others were caused by using legal fireworks or a combination of both. Fireworks in the hands of an unsupervised child, a reckless disregard for safety, or the alteration of legal fireworks are some of the causes of accidents related to legal fireworks sales. Interviewed law enforcement officers and fire officials are unanimous in their opinion that there is a very significant escalation of illegal fireworks activity in cities that allow the sale of legal fireworks. The detonation of illegal fireworks tends to be obscured when interspersed with the detonation of legal fireworks.

When the 1988-1989 Orange County Grand Jury studied the sale of legal fireworks, it recommended that the cities of Buena Park, Costa Mesa, Fullerton, Garden Grove, Orange, Santa Ana and Westminster take necessary steps to join the rest of the County in banning the sale of legal fireworks in their jurisdictions. It also recommended that those cities take a more active role in encouraging charities and civic groups to replace the selling of fireworks with alternate fundraising methods. Fullerton, Orange and Westminster subsequently followed the Grand Jury's recommendation and stopped the sale of legal fireworks in their cities.

Currently, the sale of fireworks in Orange County is legally conducted during the Fourth of July holiday period in five Orange County cities: Buena Park, Costa Mesa, Garden Grove, Santa Ana and Stanton. These cities have existing municipal ordinances legalizing the possession, sale and subsequent detonation of legal fireworks. Possession, sale and subsequent detonation of legally sold fireworks are illegal in all other Orange County cities and all unincorporated areas. Legal fireworks are sold in other southern California counties with the exception of San Diego County and any of its cities.

Permit Process

According to municipal ordinances, only a non-profit organization may sell legal fireworks from a code-approved fireworks booth. City requirements for fireworks sale permits vary slightly from city to city, but each applicant generally has to comply with the same basic requirements. The non-profit organization must:

- Obtain designation as a certified, legal non-profit from the State of California
- Pay a city permit fee and a sales booth inspection fee for building and safety, and State Fire Marshal compliance
- Pay an additional annual State Fire Marshal fee
- Show proof of insurance with various amounts of coverage in case of property damage or injury in the vicinity of the sales booth
- Obtain a sales site, usually in a strip mall or other commercial location
- Take delivery of the sales booth
- Attend a meeting with city officials to learn of any annual municipal code updates or city council policy changes relating to the sale of legal fireworks
- Obtain a Seller's Permit from the State of California Board of Equalization for required sales tax collection

- Take delivery of the product, supply a sales staff to sell the product and determine the price they will charge for the product.

In reality, a non-profit organization, though corporately responsible for compliance with all of the previously stated mandates, does little to meet these requirements independently and uses none of its finances upfront to pay for fees, services and products. With the exception of supplying the sales staff, attending a mandatory meeting and agreeing on a recommended sales price, all of the other requirements are satisfied as a “fee-for-service” by the fireworks wholesalers.

Suppliers

Legal fireworks wholesalers are professionally-operated, for-profit businesses that provide significant inducements and services to non-profit organizations. The wholesalers:

- Assist the non-profit with their 501 C (3) filings with the California Secretary of State to obtain non-profit status
- Pay all permit, inspection and other fees for the non-profit organization
- Assist the non-profit with the various government forms and procedures to secure a city permit to operate a fireworks sales booth
- Provide liability insurance for the non-profit
- Find a location in the city for a fireworks sales booth
- Deliver the booth
- Supply the product
- Provide all goods, fees and services at no up-front cost to the non-profit.

All sales of fireworks are based on consignment. The wholesaler removes the booth and retrieves the unsold fireworks inventory shortly after the close of sales on the night of July 4th or early the next day. Within seven to ten days following the close of the sales period, the wholesaler itemizes the cost of their services, fees and product sales and presents a bill for payment. After paying the wholesaler and remitting the sales tax collected to the California Board of Equalization, the non-profit realizes its net profit from the sales period.

When the non-profit takes possession of the legal fireworks for sale, the wholesaler suggests a retail price for each individual item or packaged items. The wholesaler charges the non-profit 50% of the suggested retail price for the fireworks. The non-profit may sell the legal fireworks for any amount over 50% of the suggested retail price. If the product is sold at the suggested retail price, the non-profit earns a gross profit of 50%. If the legal fireworks are sold for less than the suggested retail price, then the gross profit for the organization will be less. The non-profit is required to collect 7.75% sales tax on each sale and remit the sales tax to the California Board of Equalization. Of the 7.75% collected, the state retains 6.75% and 1.0% is subsequently remitted to the city.

The Grand Jury found that not all of the five cities mandate that non-profit sellers obtain a California Board of Equalization Seller’s Permit and show proof of doing so before being allowed to sell legal fireworks. The Grand Jury found inconsistencies and confusion when interviewing various city representatives. In one city the administration mistakenly believes that it is the California Board of Equalization, and not the California Secretary of State, which grants

non-profit status to the organization. In another city the administration mistakenly believes that non-profits are exempt from collecting sales taxes. Nevertheless, the California Board of Equalization mandates that a non-profit obtain a Seller's Permit, collect 7.75% tax on each firework sale and remit the collected taxes. It is illegal for a non-profit to fail to remit sales tax.

The Grand Jury found that different cities require different amounts of liability insurance coverage for each fireworks booth. One city requires a policy with limits of \$100,000 per event and a policy total of \$300,000. Other cities require liability insurance in the amount of \$1,000,000.

Sales Activities

Cities do not monitor the sales activity in the booths. Non-profits police themselves to accurately declare true and correct sale proceeds. Legal fireworks sales are largely a cash-and-carry business, although the wholesaler will facilitate the non-profit's ability to accept ATM and credit card payments for purchases. The Grand Jury found that most cities fail to mandate a complete and accurate itemization of sales and profits from the non-profit awarded a permit to operate a fireworks booth. This lack of mandated filing may lead to underreporting sales or diverting income derived from sales. City officials are quick to point out that they have long suspected that these violations probably occur with a few non-profits, but they believe that most non-profits are honest in their dealings.

Net profits are calculated after up-front service fees are paid to the wholesaler and unsold product and sales tax are remitted. The cost of these services can vary, depending upon the location of the sales booth, the amount of set-up monies paid out by the non-profit, the amount of inventory sold and the degree of ancillary services, such as helping obtain non-profit status or the installation of ATM/credit card machines in the booth. Those issues notwithstanding, the primary purpose of fireworks sales is to make as much money for an organization as possible. For most, if not all non-profits, the annual sale of legal fireworks is the most significant, or perhaps the only, fundraiser conducted in any given year.

The Grand Jury has learned of significant disparities in some reported net income as shown by actual non-profit sales in 2007:

Non-Profit	Gross Income	Net Income (Profit)	Profit Percentage
"A"	\$33,601	\$4,689	14%
"B"	\$19,026	\$6,623	35%
"C"	\$22,972	\$2,128	9%
"D"	\$34,561	\$556	2%
"E"	\$21,838	\$567	3%

Cities have long been suspicious about the stated purpose and goals of some non-profits. Some cities require information as to how non-profits spend their legal fireworks sales profits. Generally, to receive a city permit a non-profit must be located within the city limits and require a certain percentage of its members, usually more than 50%, to be citizens of the city. Each organization's stated goals must benefit the local citizenry. Cities often struggle with church-affiliated non-profits because some tend to use their entire profit for outreach programs that operate outside the city or even outside the country. The causes of a few non-profits are so vague

that cities sometimes question the organization's benefit to the local community. Each city tries to weigh each non-profit applicant on a case-by-case basis, with seniority often a deciding factor.

One non-profit earned a net profit of \$4,689 and spent \$3,000 of the profit for a "state convention." One church non-profit used its \$6,574 profit to pay the church mortgage. Another non-profit used its \$3,974 profit to pay its annual insurance renewal. Some did not list how profits were spent. Others gave vague and ambiguous answers as to how sales profits were spent.

Events occurred in Stanton last year that highlight the irony of fireworks sales. One city councilman was listed on the front page of two fireworks sales permit applications, as an officer of both Stanton Charities and the Stanton Kiwanis Club. The first application was dated April 30, 2007, and the second was dated May 7, 2007. This same councilman, then acting in his capacity as the Mayor of Stanton, signed a city declaration stating that legal fireworks sales were a major problem in Stanton: "Whereas, in recent years the City of Stanton, along with neighboring jurisdictions that permit the sale of safe and sane fireworks, have experienced a dramatic increase of complaints and disturbances associated with the discharge of fireworks, both legal and illegal, during the annual Fourth of July celebration." as per Ordinance No. 935, signed on May 22, 2007.

Politics

Both constituencies, those who support the sale of legal fireworks and those who oppose it, bring political pressure to bear on local elected leaders. The sale of legal fireworks is a controversial issue that will not go away anytime soon:

- On November 16, 1990, Costa Mesa had a citizen advisory vote regarding the ban of legal fireworks sales. The citizens voted to ban the sale by less than one percentage point, but the city council took no action because the vote was only advisory.
- On April 22, 2003, the Buena Park city council took action and voted 3-2 to ban the sale of legal fireworks. Immediately afterwards, various non-profit organizations formed a Political Action Committee (PAC), supported by a legal fireworks wholesaler to put the issue to a vote of the citizens. The PAC funded political mailers, signage in the city, phone banks and organized opposition at city council meetings. One fireworks wholesaler contributed \$112,800 in monetary support and \$62,029.73 in non-monetary support to overturn the city council's decision to ban fireworks sales.² The city had no legal authority to fight the referendum and the city council's action was overturned by popular vote in a special election on March 2, 2004.
- The city of Garden Grove has long been ground zero for political pressure on this issue. The American Association of Retired Persons (AARP) Garden Grove chapter, neighborhood watch groups, and community associations have continually called for the issue to be put before the voters. The non-profits have been extremely vocal on the opposite side of the issue, predicting dire financial consequences for local sports programs and charities. The city council has balked at allowing the issue to be put before the voters.
- Officials in all five cities agree that if the issue goes to a ballot initiative, the deciding vote will be extremely close. Most estimate the vote would be split almost 50/50.

² Per Form 461 Major Contributors filed with the California Secretary of State (www.sos.ca.gov)

The legal fireworks wholesalers are sophisticated business people and operate like any other large corporation. At least one of the wholesalers maintains a full-time lobbyist in Sacramento. They are responsive to the concerns of their clients, which tend to be the non-profit organizations. They are also sensitive to the concerns of opposition groups. In 2007, one wholesaler partnered with the Santa Ana Fire Department to help finance and produce a DVD along with printed information relating to fireworks laws and safe usage.

Wholesalers contribute to local elected officials' political campaigns. The Grand Jury obtained copies of Major Contributors forms filed with the California Secretary of State, as well as copies of solicitations from local politicians and/or their election committees, for campaign contributions in the following amounts:³

2004

Friends of Lori Galloway	\$100
Mark Leyes for Assembly	\$500
Mark Rosen for City Council	\$250
Bill Dalton for Mayor	\$250
Curt Pringle for Mayor of Anaheim	\$250
Claudia Alvarez for City Council	\$249
Jose Solorio for City Council	\$249
Carlos Bustamante for City Council	\$125
Broadwater for Supervisor	\$500
Van Tran for Assembly	\$500
Linda Dixon for City Council	\$249
Richard Carroll for City Council	\$250
Steve Berry for City Council	\$250
Rob Richardson for School Board	\$100
Rudy Bermudez for Assembly 2004	\$250

2005

Friends of Eric Bever	\$100
Bill Dalton for Mayor	\$250
Claudia Alvarez for City Council	\$249
Friends of Janet Nguyen	\$250
Friends of Allan Mansoor	\$249
Van Tran for Assembly 2006	\$1,000

2006

Friends of Janet Nguyen	\$500
David Shawver for Supervisor	\$500
Jose Solorio for Assembly	\$500
Fortino Rivera for City Council	\$500
Friends of David Benavides	\$249
Friends of Allan Mansoor	\$249
Committee for Patsy Marshall	\$500
Friends of Mark Rosen	\$250

³ Per Form 461 Major Contributors filed with the California Secretary of State for the years referenced

2007

Friends of Allan Mansoor	\$500
Jose Solorio for Assembly 2008	\$250
Friends of Janet Nguyen	\$150
Van Tran for Assembly	\$500

TOTAL REPORTED \$10,818

Alternatives

The 2007-2008 Grand Jury found that cities that allow the sale of legal fireworks do little to encourage non-profits in finding other forms of fundraising. Churches, youth groups, service clubs, and school districts in other Orange County cities use bingo games, band competitions, candy and cookie dough sales, car washes, sale of sport logo items and community solicitations and sponsorships to name a few methods. City officials are of the general opinion that it is the only reason for so much resistance by the participating non-profits is that they are reluctant to forgo the quick revenue of fireworks sales, since this revenue requires little effort and no up-front cost.

The Grand Jury found that the same city councils that allow the sale of legal fireworks and are hesitant to put the issue before voters are now reluctant to sponsor or allow sponsorship of any public display of fireworks. All these cities except Stanton have the public space available for such displays. In the past, there have been public fireworks displays in these cities. Most recently, Garden Grove helped sponsor a one-time fireworks display in 2006 as that city celebrated its fiftieth anniversary. Safety officials agree that a public display in lieu of the sale of legal fireworks is much safer and it is much easier to enforce traffic and crowd control. The detonation of pyrotechnics is managed by professionals. Public displays usually draw a friendly gathering of families and community members.

Public Safety Issues

Even the most ardent supporters of legal fireworks sales cannot deny that there is a dark side to the detonation of these fireworks. Law enforcement officials, firefighters, paramedics, public works employees and animal control officers deal with the worst results of legal fireworks sales. The Fourth of July is the busiest day of the year for all safety personnel, primarily due to the sale and use of legal and illegal fireworks. They are constantly "running from call to call" most of the day. Social disorder, injuries to persons and property, clogged streets where the free movement of safety vehicles and timely response to incidents are frustrated, littered public sidewalks and public streets, debris-strewn catch basins and unhealthy air that reeks of detonated fireworks are all significant results of the sale of legal fireworks. The most common characterization used by safety personnel when describing their community on the evening of the Fourth of July is "war zone." Another law enforcement official's description was "a two to three hour window of controlled anarchy."

The Grand Jury found that the additional cost of public safety services for the Fourth of July increased taxpayer burden which is not shared by the non-profit organizations. Most of the calls for service are firework related, for both legal and illegal fireworks. In 2007, the added safety-related cost for Fourth of July enforcement was as follows:

Buena Park	\$30,000
Costa Mesa	\$18,170
Garden Grove	\$100,000
Santa Ana	\$34,564
Stanton	\$5,217
TOTAL	<u>\$187,951</u>

The Grand Jury found that city and safety officials are unable to enforce some municipal ordinances due to the sheer volume of illegal activity. For instance, most cities have an ordinance prohibiting the detonation of legal fireworks on public streets, public sidewalks, city parks and public thoroughfares. Despite these ordinances public areas are where most fireworks are detonated. Unfortunately, a byproduct of detonation on public property is a significant amount of expended fireworks shells that are not properly disposed of, or that are thrown into storm drains, which accumulate in catch basins. Stanton's Public Works crews schedule no work for the entire week following the Fourth of July so that it can concentrate on cleaning debris from city streets, both mechanically and by hand. Other cities do not change the normal street sweeping schedule to clean the debris from the streets immediately. Regarding the debris one city official said that "eventually, the wind blows it away." Non-profits do not pay any of the cost for cleaning up the debris left in public areas.

Safety officials stated that roving gangs come from as far away as San Diego to ignite illegal fireworks in the five Orange County cities, all the while masking their activities by integrating with large crowds detonating legal fireworks. Most illegal fireworks are aerial. By the time safety officials follow the vapor trails to the site of the illegal detonation, the offenders have moved on to another area of the city. Public parks have become a prime location for the detonation of both legal and illegal fireworks. In response, cities have posted notices and closed public parks before sundown on the Fourth of July. The sprinkler systems are also activated to deter anyone from coming into the parks. Activating the sprinkler system in the public parks has been an effective method of deterring any fireworks activity at those locations. In 2007 legal and illegal fireworks caused a peaceful gathering in a park to be disrupted. Local residents had gathered in a public park in anticipation of viewing a public fireworks display in an adjoining city. While that gathering was peaceful and largely made up of local families, a separate gathering occurred in another section of the park. People began detonating fireworks, both legal and illegal. Their activity drew a response from the local police department and the park was evacuated. Subsequently, complaints were directed at the officers, instead of those who disrupted the lawful gathering by their detonation of legal and illegal fireworks.

In another city, rival gang members fashioned shoulder-mounted grenade launchers out of PVC pipe. The launchers were loaded with a combination of illegal fireworks and altered legal fireworks. The gangs blocked the street with stolen shopping carts to impede police response and proceeded to have a "fire-fight" against each other.

It is not unusual in some neighborhoods to see rows of step ladders in the streets used to elevate the detonation of legal fireworks for visual effect. According to one safety official, the smoke can be so thick from fireworks detonation in some neighborhoods that it resembles an "eerie fog." One senior citizen mobile home park was completely shut off from safety services because of persons detonating fireworks and blocking the entrance to the residences. Residents were unable to enter or exit the mobile home park because of these blocked entrances.

A non-profit organization in one city stopped selling legal fireworks as a fundraiser three years ago when bottle rockets were shot over and at their booth on the Fourth of July. According to the non-profit's manager, "Chemical bombs stronger than M80s exploded in the air and shook our booth." Most board members of that non-profit voted against selling fireworks as a result. This non-profit determined that the sale of fireworks was not worth the potential injury to a child and decided that it is safer to attend a public display in an adjoining city.

Most of the five cities allow non-profits to sell legal fireworks from stands which are literally on the border of a neighboring city where any fireworks possession is illegal. Law enforcement officials in one city prohibiting possession of legal fireworks often observe buyers purchasing these fireworks and attempting to bring them into their city. Usually, the legal fireworks are confiscated and the person in possession is issued a citation.

Safety officials in several municipalities abutting the five cities that allow the sale of legal fireworks were asked if their cities were affected by these sales during the Fourth of July holiday. It was their unanimous opinion that the sale of legal fireworks significantly impacts their cities. Last year, one city confiscated over 200 pounds of both legal and illegal fireworks. Although legally purchased in an adjacent city, every year there is an increase in the illegal detonation of fireworks in contiguous neighborhoods that ban the possession of all fireworks. Two beach cities incur added expenses annually for placing signs along major thoroughfares leading to and from an adjoining city that allows the sale of legal fireworks. Citizens are warned against buying legal fireworks in an adjoining city and bringing them into the beach cities. Even so, each year the beach cities are negatively impacted by the illegal detonation of fireworks on public beaches.

The Grand Jury found other situations where non-profits and cities seem to be immune from liability for allowing the sale of legal fireworks. Legal fireworks may only be sold to persons 18 years of age or older. Cities have no requirement to verify the age of a purchaser of fireworks by a valid government issued identification such as a driver license. Also, non-profits do not provide sufficient information to purchasers as to where these fireworks are illegal to possess or detonate.

Animal control officers see a dramatic spike in calls for services on the Fourth of July and in the days following because of an increase in runaway animals. The Orange County Animal Care Services agency is confident that the primary reason for the increase in runaway animals, particularly dogs, is the use of legal and illegal fireworks. Animals easily get confused and frightened and try to escape their homes when loud, shrill noises, such as the "Piccolo Pete" and other fireworks are detonated. It is natural for animals to seek shelter away from an area where any type of pyrotechnic is being detonated. When runaway animals are impounded their owners may incur significant costs to retrieve their pets.

The Grand Jury found safety officials to be unanimous in their opinion that the sale of legal fireworks should be banned. Their use contributes to the injury of persons, usually children, and the destruction of private and public property. Legal fireworks also masks the use of illegal fireworks in the community and often contributes to a disruption of public order. Police officials believe that they could significantly reduce the usage of illegal fireworks if the sale of legal fireworks were banned. Many estimate that it would take approximately three years to curb the current culture of public disorder on the Fourth of July if sales were banned.

The Orange County Fire Chief's Association incorporated their view of legal fireworks in their "4th OF JULY POST ACTION REPORT 2007." In it the President of the Association wrote:

"Even with aggressive public education and enforcement efforts, the public, as well as the public safety agencies and hospitals, continue to be adversely impacted by the use of State-approved (so-called "Safe and Sane") and illegal fireworks. Based on the data we have collected and evaluated, our surveys show little or no decline in property loss or injuries over several years. Instead, the use of non-State approved (illegal) fireworks continues to climb, and when combined with injuries and damage resulting from the use of State-approved consumer fireworks, has created a situation where the occurrence of property damage and personal injury exceed that of any holiday period. These consequences stretch public safety resource capabilities and adversely impact the ability to meet the emergency demands for service in a timely and efficient manner."

FINDINGS

In accordance with California Penal Code sections 933 and 933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2007-2008 Orange County Grand Jury has arrived at the following findings:

- 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.***
- F-2. Cities have varying requirements for legal fireworks applicant's liability insurance amounts that need to be re-examined for appropriate coverage.***
- 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.***
- F-4. Cities do not provide sufficient information and encouragement to fireworks sellers to seek other methods of fundraising.***
- F-5. Some cities are reluctant to put the issue of legal fireworks sales to the voters in their cities.***

- 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.***
- 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.***
- 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.***
- 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.***
- F-10. The use of illegal fireworks is significantly greater in cities that allow the sale of legal fireworks.***
- F-11. The use of legal fireworks can mask the use of illegal fireworks.***
- F-12. Safety officials are of the opinion that legal fireworks sales should be banned in the interest of public safety.***
- 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.***

Responses to Findings F-1 through F-13 are required from the mayors of Buena Park, Costa Mesa, Garden Grove, Santa Ana and Stanton.

Responses to Findings F-9 through F-13 are requested from the police chiefs of the cities of Buena Park, Costa Mesa, Garden Grove, Santa Ana and required from the Orange County Sheriff-Coroner Department.

Responses to Findings F-10 through F-13 are requested from the fire chiefs of the cities of Costa Mesa, Garden Grove, Santa Ana and required from the Orange County Fire Authority.

RECOMMENDATIONS

In accordance with California Penal Code sections 933 and 933.05, each recommendation will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. Based on the findings of this report, the 2007-2008 Orange County Grand Jury makes the following 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.***
- R-2. Require all fireworks applicants, as part of the permit application process, to show proof of current liability insurance in amounts not less than \$1,000,000.***
- 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***
- 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.***
- R-4b. Encourage cities to become more pro-active in encouraging and fireworks applicants to find other fundraising options, in lieu of fireworks sales.***
- R-5. Let the issue of legal fireworks sales be decided by the voters in each city.***
- 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.***
- 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.***
- 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.***
- 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)***

Responses to Recommendations R-1 through R-9 are required from the mayors of Buena Park, Costa Mesa, Garden Grove, Santa Ana and Stanton.

REQUIRED RESPONSES:

The California Penal Code specifies the required permissible responses to the findings and recommendations contained in this report. The specific sections are quoted below:

§933.05

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

FIREWORKS BAN

A FINAL REPORT
OF THE
1986-87 ORANGE COUNTY GRAND JURY

June 1987

Prepared by the
Transportation and Environment Committee

Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, California 92701
(714) 834-3320



ORANGE COUNTY GRAND JURY

700 CIVIC CENTER DRIVE WEST • SANTA ANA, CALIFORNIA 92701 • 714/834-3320

June 17, 1987

Board of Supervisors
10 Civic Center Plaza
Santa Ana, CA 92701

RE: FIREWORKS BAN

Dear Supervisors:

The 1986-87 Orange County Grand Jury has studied the results of the discharge of safe and sane fireworks. Damage from the discharge of these legal fireworks has resulted in thousands of dollars in property loss and a significant number of personal injuries.

Currently in Orange County there are fifteen cities plus the unincorporated areas that permit the sale and discharge of safe and sane fireworks, and eleven cities which have passed local ordinances banning their sale. The Grand Jury has found that there is a significant reduction in property loss and personal injury in those cities which have banned the sale of all fireworks.

In addition, this calls for large expenditures by the County Fire Department and local fire departments for the issuance of permits, inspections, extra patrols, manning a fire prevention bureau as well as the cost of fighting fireworks related fires.

In order to increase safety for the citizens of Orange County and to protect their property, the Orange County Grand Jury recommends that all Orange County governing bodies currently having no ordinance banning the sale of safe and sane fireworks take the following steps:

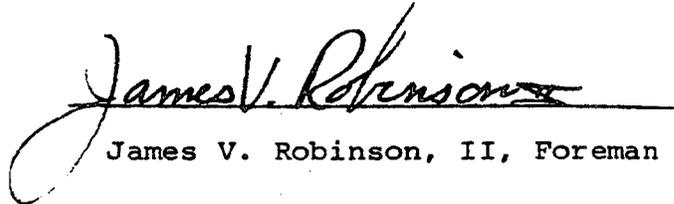
- ° By July, 1987, the Supervisors place this issue on the agenda of a regularly scheduled meeting of the Board of Supervisors.

June 17, 1987

- ° Hold a public hearing by August, 1987.
- ° Place the issue on the ballot of the next election to give the citizens of all unincorporated areas the opportunity to vote for or against the sale of safe and sane fireworks.

Very truly yours,

1986-87 ORANGE COUNTY GRAND JURY


James V. Robinson, II, Foreman

JVR:mlh
Attachment

cc: Larry Holms
Director of Fire Services



ORANGE COUNTY GRAND JURY

700 CIVIC CENTER DRIVE WEST • SANTA ANA, CALIFORNIA 92701 • 714/834-332

June 17, 1987

To: All Orange County Mayors

RE: FIREWORKS BAN

Dear Mayor:

The 1986-87 Orange County Grand Jury has studied the results of the discharge of safe and sane fireworks. Damage from the discharge of these legal fireworks has resulted in thousands of dollars in property loss and a significant number of personal injuries.

Currently in Orange County there are fifteen cities that permit the sale and discharge of safe and sane fireworks, and eleven cities which have passed local ordinances banning them. In addition, the unincorporated areas in the County still permit the sale and discharge of fireworks. The Grand Jury has found that there is a significant reduction in property loss and personal injury in those cities which have banned the sale of all fireworks.

In addition, this calls for large expenditures by the County Fire Department and local fire departments for the issuance of permits, inspections, extra patrols, manning a fire prevention bureau as well as the cost of fighting fireworks related fires.

In order to increase safety for the citizens of Orange County and to protect their property, the Orange County Grand Jury recommends that all Orange County cities currently having no ordinance banning the sale of safe and sane fireworks take the following steps:

- ° By July, 1987 the City Council place this issue on the agenda of a regularly scheduled City Council meeting.

Orange County Mayors

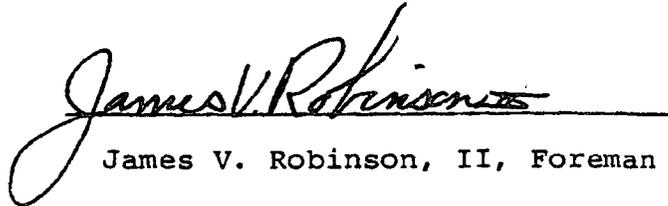
-2-

June 17, 1987

- ° Hold a public hearing by August, 1987.
- ° Place the issue on the ballot of the next local election to give the citizens of your city the opportunity to vote for or against the sale of safe and sane fireworks.

Very truly yours,

1986-87 ORANGE COUNTY GRAND JURY



James V. Robinson, II, Foreman

JVR:mlh
Enclosures

cc: Fire Chiefs

ORANGE COUNTY FIREWORKS STATISTICS
June 27 through July 6, 1986

CITY	FIRE											INJURY				
	TOTAL	TYPE				CAUSE			TOTAL	DAMAGE			TOTAL	INJURY		
		Structure	Vegetation	Vehicle	Other	Safe & Sane	Dangerous	Undetermined		Safe & Sane	Dangerous	Undetermined		Safe & Sane	Dangerous	Undetermined
Anaheim	8	3	4		1	1	7		\$ 2.5 ml		\$ 2.5 ml		2		2	
Brea	2	2					2		100,100		100,100		2		2	
Buena Park	3	1	2			3			50	60						
Costa Mesa	10	3	3		4	4	5	1	1,600		1,100	500				
Fountain Valley																
Fullerton	30	6	12	9	3	10	14	6	9,500	6,710	2,790					
Garden Grove	6	1	4		1	3	2	1	1,000	1,000			2	1	1	
Huntington Beach	14	4	9	1		10		4	935	735		200				
Laguna Beach	2		2				2									
La Habra	2		2					2								
Newport Beach	5	2	2	1			3	2	1,000		300	700	1		1	
Orange	4	1	2		1	1	3		16,000	16,000						
San Clemente	4		4			2	1	1								
Santa Ana	19	6	9		4	14	1	4	7,000	7,000			3			3
Stanton	1		1					1								
Westminster	9	2	6	1		1	1	7	1,650	50	1,600					
Subtotal page 1	119	31	62	12	14	49	41	29	2,837,835	30,545	2,805,890	1400	10	1	6	3

Exhibit A-1

APPENDIX A

TE-82

* Sale and discharge of Safe and Sane Fireworks is not permitted.

ORANGE COUNTY FIREWORKS STATISTICS
June 27 through July 6, 1986

ORANGE COUNTY
FIRE DEPARTMENT

	FIRE											INJURY				
	TOTAL	TYPE				CAUSE			DAMAGE				TOTAL	Safe & Sane	Dangerous	Undetermined
		Structure	Vegetation	Vehicle	Other	Safe & Sane	Dangerous	Undetermined	TOTAL	Safe & Sane	Dangerous	Undetermined				
Unincorporated	20	3	14		3	7	13		\$7,680	\$500	\$7,180		5		5	
Cypress	2		1		1	2			25	25						
Irvine	8	1	4		3	2	4	2	1,050	350	700		1		1	
La Palma	1		1			1			25	25						
Los Alamitos	1		1			1										
Placentia	1		1			1			1,500	1,500						
San Juan Capistrano	2		2			2										
* Seal Beach																
* Tustin	1	2					1	1	70,010		70,010					
Villa Park	1		1			1			75	75						
Yorba Linda	7	2	4		1		7		300		300					
Subtotal page 2	45	8	29		8	17	25	3	80,985	\$2,475	78,190		6		6	
Subtotal page 1	119	31	62	12	14	49	41	29	2,637,835	30,645	2,805,890	1400	10	1	6	3
Total 1986	164	39	91	12	22	66	66	32	2,718,500	\$3,020	2,694,080	1400	16			
1985 Total	117	31	63	14	9	55	36	26	\$333,535	\$38,890	\$294,545		18			
1984 Total	139	37	83	7	12	43	70	26	\$125,050	\$98,850	\$26,200		11			

* Sale and discharge of Safe and Sane Fireworks is not permitted.

Exhibit A-2

APPENDIX A . . . (Cont'd.)

TE-83

Special Fireworks Survey

June 16 - July 15, 1985

Fireworks Fires and Dollar Loss by County

COUNTY	TOTAL NUM	FIRES PER	LEGAL NUM	ITEMS PER	ILLEGAL NUM	ITEMS PER	UNKNOWN NUM	PER	DOLLAR LOSS
ALAMEDA	149	14	8	3	75	17	66	20	\$ 190,700
ALPINE	0	0	0	0	0	0	0	0	\$ 0
AMADOR	8	0	2	0	3	0	3	0	\$ 100
BUTTE	2	0	0	0	2	0	0	0	\$ 0
CALAVERAS	0	0	0	0	0	0	0	0	\$ 0
COLUSA	0	0	0	0	0	0	0	0	\$ 0
CONTRA COSTA	23	2	0	0	8	1	15	4	\$ 6,400
DEL NORTE	0	0	0	0	0	0	0	0	\$ 0
EL DORADO	0	0	0	0	0	0	0	0	\$ 0
FRESNO	15	1	3	1	8	1	4	1	\$ 50,500
GLENN	0	0	0	0	0	0	0	0	\$ 0
HUMBOLDT	14	1	6	2	6	1	2	0	\$ 710
IMPERIAL	1	0	0	0	1	0	0	0	\$ 0
INYO	0	0	0	0	0	0	0	0	\$ 0
KERN	69	6	16	6	6	1	47	14	\$ 66,840
KINGS	0	0	0	0	0	0	0	0	\$ 0
LAKE	3	0	2	0	1	0	0	0	\$ 0
LASSEN	0	0	0	0	0	0	0	0	\$ 0
LOS ANGELES	258	25	56	21	128	29	74	23	\$ 416,587
MADERA	0	0	0	0	0	0	0	0	\$ 0
MARIN	26	2	4	1	17	3	5	1	\$ 2,700
MARIPOSA	0	0	0	0	0	0	0	0	\$ 0
MENDOCINO	0	0	0	0	0	0	0	0	\$ 0
PERCED	9	0	6	2	3	0	0	0	\$ 1,500
PLACER	2	0	2	0	0	0	0	0	\$ 0
SONOMA	0	0	0	0	0	0	0	0	\$ 0

APPENDIX B . . (Cont'd.)

	5	0	1	0	1	0	3	0	\$	0
ALBERTA	1	0	0	0	1	0	0	0	\$	0
ALTA	6	0	5	1	1	0	0	0	\$	0
ARIZONA	85	8	40	15	25	5	20	6	\$	216,110
ARIZONA	5	0	4	1	0	0	1	0	\$	0
ARIZONA	0	0	0	0	0	0	0	0	\$	0
ARIZONA	7	0	1	0	5	1	1	0	\$	85,700
ARIZONA	112	10	41	15	45	10	26	8	\$	157,400
ARIZONA	3	0	1	0	2	0	0	0	\$	0
SAN BERNARDINO	28	2	13	4	9	2	6	1	\$	4,630
SAN DIEGO	7	0	0	0	6	1	1	0	\$	100
SAN FRANCISCO	0	0	0	0	0	0	0	0	\$	0
SAN JOAQUIN	0	0	0	0	0	0	0	0	\$	0
SAN LUIS OBISPO	0	0	0	0	0	0	0	0	\$	0
SAN MATEO	50	4	8	3	31	7	11	3	\$	4,550
SANTA BARBARA	0	0	0	0	0	0	0	0	\$	0
SANTA CLARA	21	2	6	2	9	2	6	1	\$	40,645
SANTA CRUZ	2	0	1	0	0	0	1	0	\$	0
SANTA	12	1	2	0	8	1	2	0	\$	0
SANTA	0	0	0	0	0	0	0	0	\$	0
SANTA	0	0	0	0	0	0	0	0	\$	0
SANTA	26	2	11	4	11	2	4	1	\$	610
SANTA	46	4	14	5	21	4	11	3	\$	41,550
STANISLAUS	1	0	0	0	1	0	0	0	\$	0
SUTTER	3	0	3	1	0	0	0	0	\$	1,050
TAMARA	3	0	0	0	0	0	3	0	\$	0
TRINITY	0	0	0	0	0	0	0	0	\$	0
TULARE	0	0	0	0	0	0	0	0	\$	0
TUOLUMNE	0	0	0	0	0	0	0	0	\$	0
VENTURA	9	0	4	1	2	0	3	0	\$	200
YUBA	7	0	5	1	1	0	1	0	\$	170
YUBA	2	0	0	0	2	0	0	0	\$	0
COUNTY ERROR	0	0	0	0	0	0	0	0	\$	0
COUNTY TOTAL	1,020	100	265	100	439	100	316	100	\$	1,288,752

FIREWORKS BAN UPDATE

A FINAL REPORT
OF THE
1988-89 ORANGE COUNTY GRAND JURY

June 1989

Prepared by the Administration Committee

Bill B. Wills, Chair

Edmund Blum Dalton Newland
Colleen Mongan Morris Spatz

Helen Veneman

Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, California 92701

TABLE OF CONTENTS

PURPOSE AD-13

BACKGROUND AD-13

METHOD OF INVESTIGATION AD-13

FINDINGS AD-14

RECOMMENDATIONS AD-15

APPENDIX AD-17

FIREWORKS BAN UPDATE

PURPOSE

The purpose of this report is to follow through on the recommendations of the 1986-87 Grand Jury regarding the use of fireworks in Orange County cities and unincorporated areas.

BACKGROUND

The 1986-87 Orange County Grand Jury studied the use of so-called "safe and sane" fireworks and found that the discharge of these fireworks had resulted in thousands of dollars in property loss and a significant number of personal injuries in Orange County. The study also found that there had been a significant reduction in property loss and personal injury in those cities which had banned the sale of all fireworks.

As a result, the 1986-87 Grand Jury recommended that all Orange County governing bodies that did not have ordinance banning the sale of "safe and sane" fireworks should take steps to forbid the sale of such fireworks or to place the issue before the voters. At the time, "safe and sane" fireworks were legal in fifteen cities and the unincorporated areas of Orange County.

Subsequently, the Board of Supervisors enacted an ordinance banning the sale of fireworks in the unincorporated areas of the County that became effective for the 1988 Fourth of July holiday. In addition, eight of the 15 cities that previously allowed fireworks have adopted ordinances banning their sale. The seven remaining cities that permit sale of fireworks are Buena Park, Costa Mesa, Fullerton, Garden Grove, Orange, Santa Ana, and Westminster.

In addition, the Boy Scouts and the Catholic Diocese of Orange have banned fireworks sales as money-raising ventures. Other organizations have discontinued the sale of fireworks or are planning to do so.

The fireworks industry has made efforts to educate the public in the use of fireworks. The industry has worked with fire departments in cities where the sale and use of so-called "safe and sane" fireworks are still permitted.

METHOD OF INVESTIGATION

This study commenced with a review of the findings and recommendations made by the 1986-87 Grand Jury and the statistics included in their report. Interviews provided additional input from fireworks industry personnel and Fire Department personnel. Data, reports and position papers were obtained from these same sources.

FINDINGS

The fireworks industry has contended that if so-called "safe and sane" fireworks were banned, illegal fireworks would be brought in to replace them. However, Orange County Fire Department statistics indicate a contrary result. When "safe and sane" fireworks are banned, the incidence of damage from illegal fireworks also decline. Statistics from the California Fire Incident Reporting System also indicate that over the past several years, there is a trend toward decreased incidence of fires caused by illegal fireworks. This data suggests that as "safe and sane" fireworks are banned, the use of illegal fireworks decreases.

Statistics made available by the Orange County Fire Department show a trend toward a lesser number of injuries and lower property damage in unincorporated territory and in cities served by this department following the ban of "safe and sane" fireworks. City and County statistics from previous years do not follow a uniform format. A uniform system of reporting has now been adopted, so that future statistics on fireworks injury and property damage will be more useful.

The three-day 1988 Fourth of July weekend was the first holiday when the sale of fireworks was banned in the territory served by the Orange County Fire Department. During this period, the Department responded to only 113 emergency incidents, a 21 percent decrease compared to the 1987 holiday. This was the lowest number of emergency calls for a July 4th holiday in recent history of the Department. This trend toward lower damage from fireworks indicates that progress is being made toward an injury-free and zero dollar loss from the use of fireworks.

Only eight of the 1988 emergency calls were related to the use of "safe and sane" fireworks. Property damage for these eight calls totaled \$400 and no personal injuries were reported. This contrasts with the 1987 Fourth of July experience in the same area when there were 12 calls related to "safe and sane" fireworks, property damage totaled \$86,700, and two personal injuries were reported.

In 1988, in the seven cities with available statistics that permitted the sale of "safe and sane" fireworks, there were eleven fires attributed to legal fireworks, three incidents caused by illegal fireworks, and 26 additional fires caused by unknown types of fireworks. In these seven cities, eight fireworks-related injuries occurred. Three of these injuries were caused by "safe and sane" fireworks, one injury was caused by illegal fireworks, and the type of fireworks causing

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the other four injuries was not identified. The most significant injury resulted from the improper use of a "safe and sane" firework. An 11 year old child suffered burns to over 25 percent of her body and required hospitalization and care at the UCI Medical Center.

The 1988-89 Grand Jury concurs in the findings of the 1986-87 Grand Jury that there is a significant reduction in property loss and personal injury in those jurisdictions which have banned the sale of fireworks. County fire officials report that the sale and use of so-called "safe and sane" fireworks in one city may constitute a danger to persons and property in an adjoining city. (See Appendix)

It is also apparent that where "safe and sane" fireworks are permitted, safety provisions are being violated, particularly the prohibition on the sale or use of such fireworks by children under the age of 16. County experience and data supporting these findings are persuasive. (See Appendix)

RECOMMENDATIONS

RECOMMENDATION 1 - THE ORANGE COUNTY GRAND JURY RECOMMENDS THAT THE CITIES OF BUENA PARK, COSTA MESA, FULLERTON, GARDEN GROVE, ORANGE, SANTA ANA, AND WESTMINSTER, WHICH STILL PERMIT THE SALE OF SO-CALLED "SAFE AND SANE" FIREWORKS, TAKE THE NECESSARY STEPS TO JOIN THE REST OF THE COUNTY IN BANNING THE SALE AND USE OF THESE FIREWORKS IN THEIR JURISDICTIONS.

RECOMMENDATION 2 - THE ORANGE COUNTY GRAND JURY RECOMMENDS THAT THE MAYOR AND COUNCIL MEMBERS IN THE CITIES OF BUENA PARK, COSTA MESA, FULLERTON, GARDEN GROVE, ORANGE, SANTA ANA, AND WESTMINSTER ASSUME AN ACTIVE LEADERSHIP ROLE IN THEIR RESPECTIVE CITIES BY ENCOURAGING CHARITIES AND CIVIC GROUPS TO REPLACE THE SELLING OF FIREWORKS WITH ALTERNATE WAYS OF FUND RAISING.

ORANGE COUNTY FIREWORKS STATISTICS
June 17 through July 16, 1988

ORANGE COUNTY FIRE DEPARTMENT	FIRE												INJURY						
	TOTAL	TYPE				CAUSE			DAMAGE				Total	Safe & Sane	Dangerous	Undetermined			
		Structure	Vegetation	Vehicle	Other	Safe & Sane	Dangerous	Undetermined	Total	Safe & Sane	Dangerous	Undetermined							
• Unincorporated	10	2	6	2		3	6	1		5400	200	5200				0			
• Cypress	4		3		1		2	2		10		10				0			
• Irvine	1		1					1		0						0			
• La Palma	2	1	1				1	1		50,000*		150,000*				0			
• Los Alamitos	1	1					1			5,000		5,000				0			
• Mission Viejo	0									0						0			
• Placentia	2	1	1				1	1		100		100				0			
• San Juan Capistrano	0									0						0			
• Seal Beach	1				1		1			50		50				0			
Stanton	2	1	1				2			0						0			
• Tustin	1	1					1			200	200					0			
• Villa Park	0									0						0			
• Yorba Linda	0									0						0			
1988 TOTAL	24	7	13	2	2		8	12	4	\$160,760	400	\$160,360				0	0	0	0
1987 TOTAL	28	5	14	3	6		12	7	9	\$364,200	86,700	\$276,000	1500			2	2		

• Sale and discharge of Safe and Sane fireworks is not permitted.

* This fire occurred one block west of Buena Park city boundaries which allows the sale and use of Safe and Sane fireworks.

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, September 16, 2013 1:13 PM
To: CITY COUNCIL; Agenda Alerts
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 15826 from the Government Outreach System has been assigned to Agenda Alerts.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Christy Brodt

Description: I run a local youth sports organization here in Huntington Beach with over a thousand HB residents. All that I have talked to feel the same. We just found out that you are going to discuss the future of fireworks in HB. I just wanted to voice how important it is for the community to allow this program to continue! Not only for the kids that should have the joy and memories of fireworks on the fourth of July but also for the non profit groups that it is helping. We did not have a booth but I know how important it was to the groups that did operate booths. These local groups do NOT have any funding any more from the city, state, or school district and now the high school programs are not even allowed to ask for money from their participants. It is crucial to these programs to raise funds or they will not be able to continue. These kids deserve to be able to have the programs that we all had growing up whether it is MUN, band, or athletics. It give these kids purpose and direction. Without funding for these programs you are taking this away from the kids. It is also good for the city... I know there was a city surcharge tax that had to raise a lot of money for the city. In todays economy... how can you even consider turning away much needed funds for the city and for these non profits. Please reconsider and allow fireworks in HB. I do not recall anything bad happening over the past 2 years during the trial.

Expected Close Date: 09/17/2013

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Esparza, Patty

From: Surf City Pipeline [noreply@user.govoutreach.com]
Sent: Monday, September 16, 2013 1:23 PM
To: CITY COUNCIL; Agenda Alerts
Subject: Surf City Pipeline: Comment on an Agenda Item (notification)

Request # 15827 from the Government Outreach System has been assigned to Agenda Alerts.

Request type: Comment

Request area: City Council - Agenda & Public Hearing Comments

Citizen name: Dave

Description: As a resident of HB, father of 2 boys and involved in many local youth groups... I know the residents of HB want fireworks. Don't take this away!!! Most people I have talked to did not even know that there is a possibility that they might not be allowed in the future. ... they thought it was voted in 2 years ago!!! The kids love it, it raises much needed funds for the city and for the non profits that run the booths. It is a win win situation... I do not see a down side to it. PLEASE keep fireworks in HB

Expected Close Date: 09/17/2013

[Click here to access the request](#)

Note: This message is for notification purposes only. Please do not reply to this email. Email replies are not monitored and will be ignored.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: Shipwrek [shipwrek@verizon.net]
Sent: Monday, September 16, 2013 12:22 PM
To: Shaw, Joe
Cc: Dombo, Johanna
Subject: Fireworks

Hello Councilman Shaw

I am writing to you in response to hearing that at our next council meeting, the subject of legalizing fireworks will once again be discussed.

As one of your constituents, I would like to let you know that I believe this is a terrible idea. The last 2 years, the week leading up to the 4th of July has been absolute hell living in the Harbour area. Our neighbors on all sides were shooting off M80's & mortar style fireworks at all hours, days before & after the 4th. Upon being told they were illegal, they replied "Fireworks are legal in HB now". Calling the police does no good and we were forced to dodge fireworks being thrown at cars as well as them being shot directly above our heads with no warning. This was being done in a very dry area that could easily could have caught on fire.

This was our 7th July 4th since buying our home in Huntington Beach, and the last 2 were by far the worst. Having some fireworks legal emboldens those who shoot off illegal ones, and makes it harder for the police to determine who is following the law & who is breaking it. Also, there was an instance of a house fire being caused by "Safe & Sane" fireworks this year. I would hate to see another year like 1987, with 10+ fires being caused by fireworks.

Please, let's use common sense & get a handle on our illegal fireworks problem before legalizing ANY.

Shipley & Steve Marmion

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: S Pinterpe [SPinterpe@socal.rr.com]
Sent: Friday, September 13, 2013 5:44 PM
To: CITY COUNCIL
Subject: fireworks

the last 4th of july on my block was a war zone. some battles made less noise. many of the explosions were made by illegal fireworks. the explosions actually started on july 1 and last until july 6 or 7. when fireworks were illegal in Huntington Beach, we rarely heard anything as loud as a cherry bomb or t-bomb. my wife and i did not appreciate being awakened at midnight or 1am during the first week of july. please ban the use of fireworks in HB.

regards,
sam and karen pinterpe
HB

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013
Agenda Item No. 23

Dombo, Johanna

From: Jacki [shanti5@verizon.net]
Sent: Friday, September 13, 2013 5:45 PM
To: CITY COUNCIL
Subject: legalization of fireworks

Honorable Mayor and City Council,

This is to address why I do NOT think fireworks should be legalized in Huntington Beach:

1) Pets: One week before the 4th of July, someone was setting off fireworks and my neighbor who works evenings came home to her missing dog. It had never jumped the fence but another neighbor said when the fireworks started, her Border Collie jumped the fence and was hit and killed by a car. Fireworks is life threatening to pets. Dogs and cats are frightened by loud noises. Even I thought I was going to have a heart attack as I was startled by the unusually loud fireworks at unexpected times. On the 4th of July, we can prepare but when it is every day there is no way to prepare our pets or even our elderly for such unexpected booms.

2) Fire Hazards: We live in a desert. Even Huntington Beach over the years has become drier. Water is now a commodity. With Fireworks legalized, there will be no control over when, where and how a fire may start. The legalization of fireworks will endanger many peoples homes and lives.

3) Home devaluation: The vandalism on Main Street in Huntington Beach recently has made people think twice about moving to our City. I presently have a friend in Rancho Santa Margarita who was considering buying in Huntington Beach but after the riot this year, changed her mind. Do you not think incidences with fireworks would make people re-consider a move to Huntington Beach? There will be incidences, costly incidences and it will be televised.

Whatever monies Huntington Beach may make due to the legalization of fireworks is not the worth risks of frightened pets to point of death, death of the our older relatives, injuries, death and property loss due to fire, nor devaluation of property. Legalization of fireworks should not even be a consideration. They should remain illegal and monitored.

Respectfully,
Jacki King

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: ndonaven@verizon.net
Sent: Saturday, September 14, 2013 4:23 AM
To: CITY COUNCIL
Subject: Fireworks in Surf City

Just want to let you kw that I d not enjoy fireworks in the hand of children.

I have been at my son's home on the 4gh and it is one smoky place!

Sincerely,
Nancy Donaven

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: Elaine Anderson [seander81@yahoo.com]
Sent: Saturday, September 14, 2013 10:54 AM
To: CITY COUNCIL
Subject: Fireworks

City Council members, We are opposed to fireworks in Huntington Beach. They are dangerous, life threatening, costly for clean-up. The community fireworks display at the beach should suffice for the Fourth of July celebration.

Stan and Elaine Anderson, Huntington Beach residents for 30 years.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: Jfk0480 [jfk0480@aol.com]
Sent: Monday, September 16, 2013 9:07 AM
To: CITY COUNCIL
Subject: Fireworks

City Council. As a retired Los Angeles City firefighter I can attest that ALL fireworks are dangerous. As a resident of Huntington Beach for 48 years, this past year was the worst for noise, left over debris in the streets, and rockets being shot in the neighborhood to the extent where I thought I was at the pier. Please do not allow ANY type of fireworks in our beloved City. My wife and I thank you.

Jack and Lenore Kiriorn

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: ot intere [ed777chloe@aol.com]
Sent: Saturday, September 14, 2013 12:33 PM
To: CITY COUNCIL
Subject: Fireworks

?There is no need to sell fireworks just to make money when there are other ways to do so which don't impact residents with noise, dirt, possible fires, etc., etc.

I don't live downtown, but I sympathize with those people who do. Why should they have to put up with more pandemoniam when they, too, are trying to enjoy the holiday? Particularly since our city fireworks go off at 9:00 P.M. on the fourth of July - safe & sane.

I, personally, stay home and celebrate because we have too many people coming in for the parade and all the other activites. However, the selling of fireworks is unnecessary and should not be resumed.

Chloe Pollock Mieczkowski
19556 Grandview Circle
HB 92648

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: Linda Moon [lsmoon4@msn.com]
Sent: Monday, September 16, 2013 11:34 AM
To: CITY COUNCIL
Subject: Please do NOT restore personal fireworks

As City Council members, you are charged primarily with protecting the health, safety and welfare of the residents of our city. Sometimes that requires making unpopular decisions.

Raising money for youth groups is not a justification for endangering our community. You are turning children into prostitutes and teaching them that any activity from which large amounts of money can be made is OK.

Personal ("safe and sane") fireworks cause thousands of injuries to children each year, almost all occurring on or within the days prior to and after July 4. Fireworks cause injuries (not all of which will result in reports to the FD or trips to the ER), pollute the air, cause trauma to our pets, disturb the peace of our community, endanger wildlife and cause fires (not just to wood roofs). There is no such thing as "safe and sane" fireworks and allowing the personal use of fireworks by non-professionals is neither safe or sane.

Your police and fire chiefs have provided well documented data. Ignoring it is just irresponsible.

LINDA SAPIRO MOON
CERTIFIED FAMILY LAW SPECIALIST
2134 Main St. Suite 140
Huntington Beach, CA 92648
(714) 960-8424

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013
Agenda Item No. 23

Dear Honorable Mayor and City Councilmembers,

Our family has lived in Huntington Beach for almost forty years.

We are opposed to permitting the sale and discharge of state-approved fireworks in the City of Huntington Beach.

Sincerely,

The Ross Family

Huntington Beach, CA 92646

BR
9.16.13.

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: Dennis Bauer [dbauer1@socal.rr.com]
Sent: Thursday, September 12, 2013 12:01 PM
To: Shaw, Joe
Cc: Dombo, Johanna
Subject: fireworks

Mayor Boardman asked me to inform the City Council members of my feelings about fireworks.
I am for legal fireworks in Huntington Beach.
Dennis Bauer

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: Lori [icepups@verizon.net]
Sent: Friday, September 13, 2013 11:11 PM
To: CITY COUNCIL
Subject: Firework Stands in Huntington Beach

Dear Mr. Shaw,

The marching band and colorguard programs from Edison High School were lucky enough to run a firework booth this year. The money raised will ensure that our teenagers will have the opportunity to participate in a strong music and colorguard program for many years to come, without having to significantly raise the donations made by parents. With decreasing school funds available, providing extracurricular school programs has become more and more challenging.

Allowing Huntington Beach non profit organizations the opportunity to raise significant amounts of money to fund their programs is truly a gift.

If residents are not able to purchase fireworks here, they simply drive over a city line and leave their dollars in Costa Mesa, or other adjacent cities selling fireworks. It would be a shame to take away this amazing fund raising opportunity from our Huntington Beach non profit organizations.

Please allow Huntington Beach access to this amazing fund raiser.

Thank you for your consideration,
Lori Anderson

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: jodi aden [annalia777@hotmail.com]
Sent: Saturday, September 14, 2013 12:13 AM
To: CITY COUNCIL
Subject: Fireworks

City council,

I would just like to say thank you for taking the time to read my email.

I have been made aware that the issue of legalizing fireworks is going to be reviewed on Monday. I would just like to say that I appreciate having the fireworks here in Huntington Beach. I have lived in Huntington Beach for most of my life. Every year we always have illegal fireworks, and that won't change with making the fireworks illegal in Huntington Beach. My children & I have enjoyed doing fireworks safely in front of our home for the past 2 years without incident. We get to stay off the street (where potential drunk drivers are traveling) & we get the comforts of home (which is nice with little ones).

This year my sons football team (Marina) was able to raise funds to run their football program. This means so much to our family because in this economy we would not be able to afford the cost of having him on the team. This football team has encouraged him to turn himself around & make graduation a priority & a college scholarship more possible.

Please, please, please keep fireworks legal in Huntington Beach!

Respectfully Yours,
Jodi Aden

Sent from my iPhone

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: John Grace [hbgraceman@gmail.com]
Sent: Saturday, September 14, 2013 2:29 PM
To: CITY COUNCIL
Subject: Fireworks

Dear Council Members,

I am privileged to provide you with my personal thoughts on the subject of fireworks in Huntington Beach thanks to the efforts of Joe Shaw. Joe regularly informs citizens of issues of interest and invited citizens through social media to provide this input. Thank you Joe.

My personal inclination is to occasionally pay to attend a large fireworks display or to watch one from a short distance away for free. I find firework displays both an attractive display of Americana and a mild nuisance that I happily accommodate. I can see public safety concerns that could be addressed in various ways.

What also occurs to me is that this is a display of patriotism mentioned in our earliest documents as an expression of patriotism and that an individual's ability to express their patriotism with fireworks needs to be protected. Leaving us with the competing concerns of public safety and individual expression of freedom and patriotism.

My suggestion is to go beyond a simple yes or no answer and regulate the issue to protect both competing interests. If we regulate access, opportunity and responsibility it seems to me we can address competing interests

Regarding the issue of access or sales: Perhaps some group would like to fundraise off the sales opportunity that patriotism creates. A limited ability to sell within the city does not create much of a nuisance. Other than that, supply and demand should govern sales.

Secondly citizens need an opportunity to express their patriotism. Why don't we allow individuals to take out a permit to have a fireworks display in front of their house and require individual sales of fireworks only with such a permit. Allow individuals to display on the Holiday only or on another permitted day preventing the non-stop war zone effect of the firecrackers that tortures our pets.

Permit holders would be required to clean the area of their display, indemnify all who handle their fireworks, and receive instruction on courteous and safe handling of fireworks and be required to pass that along to all who might handle their fireworks.

It seems to me that whenever we have had competing interests of individual freedom and public safety in Huntington Beach we have sought to preserve both with common sense agreements rather than one sided solutions. At least that is what I look for in my council members and I am very happy with those that I support even if we disagree on this issue.

Obviously this is a complex issue and each of the statements above could be expanded with examples. I kept this short for your benefit.

My suggestion: Fireworks with regulations.

Sincerely,

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: _____

Agenda Item No. _____

John Grace
6232 Larchwood Dr
Huntington Beach CA 92647

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013

Agenda Item No. 23

Dombo, Johanna

From: Yasutake, David [dyasutak@uci.edu]
Sent: Monday, September 16, 2013 10:07 AM
To: Shaw, Joe
Cc: Dombo, Johanna
Subject: Fireworks in HB

Councilman Shaw:

Please allow the sale and use of fireworks in HB!

An American tradition that citizens of HB will continue to celebrate with fireworks whether they are legal or not. I have been a resident of HB for 12 years and I have witnessed this first hand. If fireworks are legal to sell in HB, you are allowing many of the non-profits in the community to benefit by raising much needed money for their organizations. This money will be spent regardless whether in HB or Costa Mesa, Garden Grove, etc. People will buy wherever they can get it, so why not allow it in HB so that our community groups can benefit?

Our group, the Edison High School Band and Color Guard was fortunate enough to be one of the 10 groups given a permit this past summer and this opportunity turned out to be the single most successful fundraiser in our organizations history. The funds raised will help off-set the cost of the program that would otherwise be through family donations. Our group is almost completely self-funded based on suggested donation amounts for the families involved. With this fundraiser we will be able to continue to provide a quality program for our students and lessen the financial burden on the families involved. Without this opportunity, we were faced with the potential of cutting important components of the program.

The arts are a very important aspect of the growth and development of our youth. We need these types of programs as well as the many other community organizations to stay strong and vital to continue to serve our youth and our community. To think that by supporting an American tradition we can also provide this huge opportunity of financial support to our many non-profit organizations in the community, I just don't see how we can justify eliminating the fireworks program in HB and also see the non-profits suffer and potential die due to lack of funding...

PLEASE keep fireworks alive in HB!

Thank you!

Dave Yasutake
Edison HS Band and Color Guard

David Yasutake
Director, Food & Nutrition Services
UC Irvine Medical Center
101 The City Drive S, Bldg. 1, Rm. 1823 Mail Route 66
Orange, Ca. 92868
T: 714.456.5323
F: 714.456.8181
C: 714.300.3981

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/2013
Agenda Item No. 23

Dombo, Johanna

From: Al and Jamee Hendricker [hend2@msn.com]
Sent: Friday, September 06, 2013 9:10 PM
To: Shaw, Joe
Cc: Dombo, Johanna
Subject: Fourth of July Fireworks

In a recent article appearing in the Orange County Register, Mayor Boardman requested Huntington Beach residents contact the City Council members and provide input as to our feelings about the sale of fireworks within Huntington Beach.

This email is to advise you that I believe that the City Council should continue to allow the sale of fireworks within Huntington beach. Although some residents that feel annoyed by these fireworks, I believe that the majority of residents enjoy celebrating the Fourth of July with fireworks by local residents.

Please continue to support the sale of fireworks in Huntington Beach.

Al Hendricker
8452 Grace Circle
Huntington Beach

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Request: 15816 Entered on: 09/16/2013 08:45 AM

Customer Information

Name: Brent Marchbanks	Phone:
Address: Huntington Beach, CA 92647	Alt. Phone:
	Email: brent.marchbanks@gmail.com

Request Classification

Topic: City Council - Agenda & Public Hearing Comments	Request type: Comment
Status: Closed	Priority: Normal
Assigned to: Agenda Alerts	Entered Via: Web

Description

Please act to allow Safe and Sane Fireworks in the city of Huntington Beach on a Permanent Basis.

Thank you for your consideration.

Brent Marchbanks
brent.marchbanks@gmail.com

Reason Closed

Your comments have been received by the City Councilmembers. If you should want to speak to a Councilmember, please contact their assistant, Cathy Fikes, at 714-536-5553 or cfikes@surfcity-hb.org.

Thank you for taking the time to send your thoughts to the City Council. A copy of your comments will also be forwarded to the City Clerk to be included in the record on this item. Thank you very much for writing.

Date Expect Closed: 09/26/2013

Date Closed: 09/16/2013 10:20 AM **By:** Johanna Stephenson

Enter Field Notes Below

Notes:

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Notes Taken By: _____ **Date:** _____

Request: 15818 Entered on: 09/16/2013 09:11 AM

Customer Information

Name: Cindy Minato
Address:
Huntington Beach, CA

Phone:
Alt. Phone:
Email:

Request Classification

Topic: City Council - Agenda & Public
Hearing Comments
Status: Closed
Assigned to: Agenda Alerts

Request type: Comment
Priority: Normal
Entered Via: Web

Description

Dear Council Members,

Please allow Safe and sane fireworks in our city. It is obvious that citizens are willing to pay the price, so allow profits to support our local organizations and city.
I'm sure our neighboring cities would see a huge increase in sales, if the ban in HB is upheld.

Reason Closed

Your comments have been received by the City Councilmembers. If you should want to speak to a Councilmember, please contact their assistant, Cathy Fikes, at 714-536-5553 or cfikes@surfcity-hb.org. Thank you for taking the time to send your comments to the City.

Date Expect Closed: 09/26/2013

Date Closed: 09/16/2013 10:20 AM **By:** Johanna Stephenson

Enter Field Notes Below

Notes:

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Notes Taken By: _____

Date: _____

Request: 15824 Entered on: 09/16/2013 12:24 PM

Customer Information

Name: Suzanne Hart
Address:
Huntington Beach, CA
92648

Phone:
Alt. Phone:
Email: hb.diva@yahoo.com

Request Classification

Topic: City Council - Agenda & Public Hearing Comments
Status: Closed
Assigned to: Agenda Alerts
Request type: Comment
Priority: Normal
Entered Via: Web

Description

I would like to urge you to vote against continuing the sale and allowance of fireworks and putting the issue to a public vote in Huntington Beach. Thank you for your consideration.

Reason Closed

Thank you for taking the time to send your thoughts to the City Council. A copy of your comments will also be forwarded to the City Clerk to be included in the record on this item. Thank you very much for writing.

Date Expect Closed: 09/26/2013

Date Closed: 09/16/2013 1:48 PM **By:** Johanna Stephenson

Enter Field Notes Below

Notes:

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Notes Taken By: _____ Date: _____

Request: 15825 Entered on: 09/16/2013 12:54 PM

Customer Information

Name: Robert Olszewski
Address: Huntington Beach, CA
92646

Phone:
Alt. Phone:
Email: hbrider@gmail.com

Request Classification

Topic: City Council - Agenda & Public
Hearing Comments
Status: Closed
Assigned to: Agenda Alerts

Request type: Comment
Priority: Normal
Entered Via: Web

Description

Hi

I am writing to ask for your consideration tonight of approving the safe and sane firework program for the city. Our children thoroughly enjoyed us having fireworks for the last two 4th of July celebrations at home (only the adults were lighting them off of course). We also have several friends that were involved with the local non-profits organizations that benefited from the sales generated from the firework stand sales. The massive profit generated from the fireworks far surpassed their past efforts of fundraising and I would like to see more of this in the future. I feel that Safe and Sane fireworks are a big deterrent in keeping away the illegal fireworks from our neighborhoods which have been a major issue in prior years. I only see that returning again if we do not approve the sale and use of safe and sane fireworks. Thanks for your time and please consider making these legal for all future years.

Reason Closed

Thank you for taking the time to send your thoughts to the City Council. A copy of your comments will also be forwarded to the City Clerk to be included in the record on this item. Thank you very much for writing.

Date Expect Closed: 09/26/2013

Date Closed: 09/16/2013 1:49 PM **By:** Johanna Stephenson

Enter Field Notes Below

Notes:

**SUPPLEMENTAL
COMMUNICATION**

Meeting Date: 9/16/13

Agenda Item No. 23

Notes Taken By:

Date: