



City of Sunnyvale

Notice and Agenda - Final

Sustainability Commission

Monday, March 2, 2015

7:00 PM

Council Chambers, City Hall, 456 W. Olive
Ave., Sunnyvale, CA 94086

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

PUBLIC ANNOUNCEMENTS

Speakers are limited to 3 minutes for announcements of related commission events, programs, resignations, recognitions, acknowledgments.

CONSENT CALENDAR

[15-0263](#)

Draft Minutes of the Sustainability Commission Meeting of January 26, 2015

Attachments: [Draft Minutes of the Jan 26 2015 SC Meeting](#)

PUBLIC COMMENTS

This category is limited to 15 minutes, with a maximum of three minutes per speaker. If you wish to address the commission, please complete a speaker card and give it to the Recording Secretary or you may orally make a request to speak. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by commission members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the commission.

PUBLIC HEARINGS/GENERAL BUSINESS

[15-0169](#)

Leaf Blower Study and Findings (Study Issue ESD 14-01)

Attachments: [Study Issue ESD 14-01.pdf](#)
[Community Outreach Meeting Summaries](#)
[Summary of Comments Received by Staff](#)

[15-0170](#)

Annual Review of Code of Ethics and Conduct for Elected and Appointed Officials

Attachments: [2014 Code of Ethics and Conduct for Elected and Appointe](#)

[15-0264](#)

Discussion of the Commission's Strategic Direction

PUBLIC HEARINGS/GENERAL BUSINESS

NON-AGENDA ITEMS & COMMENTS

-Commissioner Comments

-Staff Comments

ADJOURNMENT

Notice to the Public:

Any agenda related writings or documents distributed to members of this meeting body regarding any item on this agenda will be made available for public inspection in the Environmental Services Department located at 1444 Borregas Avenue, Sunnyvale or can be accessed through the Office of the City Clerk located at 603 All America Way, Sunnyvale during normal business hours and in the meeting location on the evening of the Sustainability Commission meeting, pursuant to Government Code §54957.5.

Agenda information is available by contacting Elaine Marshall at (408) 730-7720. Agendas and associated reports are also available on the City's web site at <http://sunnyvale.ca.gov> or at the Sunnyvale Public Library, 665 W. Olive Ave., Sunnyvale, 72 hours before the meeting.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact Elaine Marshall at (408) 730-7720. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.106 ADA Title II)



City of Sunnyvale

Agenda Item

15-0263

Agenda Date: 3/2/2015

Draft Minutes of the Sustainability Commission Meeting of January 26, 2015



City of Sunnyvale

Meeting Minutes - Draft

Sustainability Commission

Monday, January 26, 2015

7:00 PM

Garden Conference Room, City Hall, 456
W. Olive Ave., Sunnyvale, CA 94086

Special Meeting

CALL TO ORDER

Chair Paton called the meeting to order at 7:01 p.m. in the Garden Conference Room.

SALUTE TO THE FLAG

Chair Paton led the salute to the flag.

ROLL CALL

Present: 6 - Chair Bruce Paton
Vice Chair Amit Srivastava
Commissioner Barbara Fukumoto
Commissioner Gerald Glaser
Commissioner Brian Glazebrook
Commissioner Petya Kisyova

Absent: 1 - Commissioner Dan Hafeman

Council Liaison-Gustav Larsson (present)

Commissioner Hafeman's absence is excused.

PRESENTATION

1 [15-0162](#) PRESENTATION - Georgetown University Energy Prize Challenge

Elaine Marshall, Environmental Programs Manager, provided a presentation about the City's participation in the Georgetown University Energy Prize Challenge, including an overview of planned actions and work with community partners.

No action was taken.

PUBLIC ANNOUNCEMENTS

None.

CONSENT CALENDAR

- 2 [14-0227](#) Draft Minutes of the Sustainability Commission Meeting of November 17, 2014

Commissioner Glaser moved and Vice Chair Srivastava seconded a motion to approve the minutes. The motion carried by the following vote:

Yes: 6 - Chair Paton
 Vice Chair Srivastava
 Commissioner Fukumoto
 Commissioner Glaser
 Commissioner Glazebrook
 Commissioner Kisyo

No: 0

Absent: 1 - Commissioner Hafeman

PUBLIC COMMENTS

None.

PUBLIC HEARINGS/GENERAL BUSINESS

- 3 [14-0226](#) Discussion of the Commission's Strategic Direction

The Commissioners discussed opportunities for aligning items that are reviewed and discussed by the Commission to ensure that the Commission continues to effectively serve the City Council and community. Commissioners agreed to organize the 2015 work plan around a set of key themes. Commissioners identified some initial themes and will identify additional themes at the next meeting. Commissioner Glazebrook agreed to develop evaluation criteria that the Commission can consider and use to prioritize the key themes at the next meeting. Chair Paton, working with staff, agreed to develop a framework for how the information on the key themes will be presented to the Commission. Once themes have been identified and prioritized, staff will work with the Chair and Vice Chair and the key departments to schedule the topics for future Commission meetings.

No action was taken.

NON-AGENDA ITEMS & COMMENTS**-Commissioner Comments**

Commissioner Glaser reported that he will be participating in an upcoming Horizon

2035 Committee Meeting. The Land Use and Transportation Element is scheduled for City Council consideration later this year. Commissioner Glaser further reported that the Mountain View Community Shuttles are operational. Google is running about 200 buses daily and this operation requires significant orchestration. The City may need to start thinking about daytime bus parking infrastructure. Transportation is an important issue for Sunnyvale. Commissioner Glaser also shared that a new Stanford study has estimated the social cost of carbon (CO2 emissions) to be \$220 per ton.

Commissioner Glazebrook reported that NetApp will be hosting a Business Forum on Community Choice Energy on January 29, 2015 targeting key local business. This event is sponsored by the Sunnyvale, Cupertino, Mountain View, and County of Santa Clara in partnership with Joint Venture Silicon Valley and Business for Clean Energy. Commissioner Glazebrook agreed that transportation is a critical issue for the area and would like to explore how the Commission/City can leverage and engage local companies to identify partnerships or sponsorship opportunities for new and creative transit options.

Commissioner Fukumoto posed a few questions about the Study Issues process: (1) What is the process for the Sustainability Commission to rank broader study issues that are not sponsored by or assigned to the Commission? Examples of 2015 Study Issues that may have been of interest to the Commission but were not included on the Commission's list included Multi-family Transportation Demand Management Programs, Smoking Prohibition at Multi-family Residences, and other transportation related issues. (2) Can the Commission influence which Study Issues are assigned for ranking and/or review, or possibly provide comment or input from a sustainability perspective? Commissioner Fukumoto provided the following comments related to Study Issues ranked by the Commission at its November meeting: PACE Program Study Issue – concerned that businesses will not have access to financing options as CA First is only available for home owners; Full Cost Analysis and Carbon Pricing on City Operations – still the right thing to do and not well represented in the CAP; and Early Adoption of Zero-Net-Energy Model Building Policies – State is running behind schedule on the its work on Zero Net Energy Building Code.

Chair Paton commented that he would like to see the Commission serve as convener of multi-agency conversations to advance transit.

-Staff Comments

Melody Tovar reported that reissuance of the City's Stormwater Permit was eminent and that staff will be bringing forward an update on new requirements in the next few months as the process advances.

Elaine Marshall provided information on the recent Leaf Blower Study community meetings. Elaine also informed the Commission about the new 'contact us' link on the City's website that allows community members to submit email inquiries to the Commission and the process that's been set up to respond.

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.



City of Sunnyvale

Agenda Item

15-0169

Agenda Date: 3/2/2015

REPORT TO SUSTAINABILITY COMMISSION

SUBJECT

Leaf Blower Study and Findings (Study Issue ESD 14-01)

REPORT IN BRIEF

Leaf blowers are commonly used to maintain landscape and hardscape by property owners or maintenance professionals. While they serve as a convenient tool for the quick removal of leaves and debris, they are also a source of air and noise pollution within the City and a minor contributor to climate change. Many communities have taken actions to restrict the use of leaf blowers ranging from banning gas-powered blowers either citywide or in specific areas to specifying allowable operating times or requiring training and certification of operators.

This Study Issue examines local concerns about leaf blower use in Sunnyvale, a review of actions taken in other communities, available alternatives, and impacts of potential actions.

Many community members have strong opinions about leaf blowers, either in support or opposition of their use. Gas-powered leaf blowers, especially older models, can be particularly noisy and highly polluting on a per-minute basis. Electric leaf blowers on the market today are quieter but have limiting factors including the need to be connected to an outlet, short battery life, and less power compared to gas-powered blowers. Because of these factors, electric leaf blowers are more suitable for light-duty conditions (residential and smaller areas).

Staff recommends Alternative 3: Direct staff to incorporate public education to Sunnyvale residents and landscape professionals regarding the current Municipal Code restrictions related to leaf blower use and education to leaf blower operators on best practices into the City's environmental education efforts as allowed within existing resources and priorities.

The Parks and Recreation Commission will consider this issue on March 11, 2015.

The City Council is tentatively scheduled to consider this item on March 24, 2015.

BACKGROUND

Study Issue ESD 14-01 (Attachment 1) was sponsored by the Sustainability Commission. As proposed by the Sustainability Commission, the objective of the Study Issue was to "examine banning two-cycle gas-powered leaf blowers in the City because, although they are popular among landscape management businesses and professionals, these gas-powered blowers are a major source of both air and noise pollution in Sunnyvale." ESD 14-01 was prioritized by the City Council during the February 7, 2014 Council Study and Budget Issues Workshop. At that time, Council amended Study Issue 14-01 to "clarify that, in addition to or as an alternative to banning, restrictions on use by hour or by zoning could be considered; in addition to gas-powered, electric could be

considered; staff could return with alternatives that vary from no ban and restrictions on gas-powered use by certain zonings or times to, on the other extreme, actual bans and present some alternatives after we've looked at that and gotten some public input from the businesses affected."

Leaf Blowers

Invented in the early 1970s, the leaf blower is now a widely used garden and landscape maintenance tool. It is considered an efficient alternative to rakes and brooms, and preferable to the use of a hose or pressured water in particularly water-scarce regions of the country. Leaf blowers are handheld, backpack-mounted, or walk-behind motorized devices capable of directing air in excess of 200 mph. The gasoline-powered two-cycle engine is the most popular type, with four-cycle engine, plug-in electric, and battery powered blowers becoming more common in recent years.

Gas-powered models are generally more powerful than electric leaf blowers but emit exhaust fumes that contribute to ozone levels, climate change, and possible health hazards. Four-cycle engine models have a lower power-to-weight ratio and are considered less harmful; however, they are more expensive. Corded electric models must be tethered to an outlet. Cordless electric models are less powerful and require batteries to be recharged. Electric models are quieter than gas, although low-noise options are available for both gas and electric. Unlike electric models, gas models require fueling and regular maintenance. All leaf blowers generate dust, including stirring up harmful fine particles.

EXISTING POLICY

Sunnyvale Municipal Code, Title 19 Zoning, Section 19.42 Operating Standards

- *Section 19.42.030 (d)* A "leaf blower" is a small, combustion engine-powered device used for property or landscape maintenance that can be hand-held or carried on the operator's back and which operates by propelling air under pressure through a cylindrical tube. It is unlawful for any person to operate a leaf blower on private property in or adjacent to a residential area except between the hours of 8:00 a.m. and 8:00 p.m. Effective January 1, 2000, all leaf blowers operated in or adjacent to a residential area shall operate at or below a noise level of sixty-five dBA at a distance of fifty feet, as determined by a test conducted by the American National Standards Institute or an equivalent. The dBA rating shall be prominently displayed on the leaf blower.

General Plan, Chapter 6: Safety and Noise

- Goal SN-9: Acceptable limits for community noise -- Maintain or achieve acceptable limits for the levels of noise generated by land use operations and single-events.
- Policy SN-9.1 Regulate land use operation noise.
- Policy SN-9.3 Apply conditions to discretionary land use permits which limit hours of operation, hours of delivery and other factors which affect noise.

General Plan, Chapter 7: Environmental Management

- Goal EM-11: Improved air quality -- Improve Sunnyvale's air quality and reduce the exposure of its citizens to air pollutants.
- Policy EM-11.1 The City should actively participate in regional air quality planning.

Climate Action Plan, Off-Road Equipment (OR) - Goal to minimize emissions from lawn and garden and construction equipment.

- OR-1.1 Partner with the BAAQMD (Bay Area Air Quality Management District) to re-establish a voluntary exchange program for residential electric lawnmowers and backpack-style leaf

blowers.

ENVIRONMENTAL REVIEW

Environmental review is not required under the California Environmental Quality Act (CEQA) because this is a study for possible future actions. (CEQA Guideline 15262).

DISCUSSION

Effects of Leaf Blowers

There are four main concerns relating to leaf blower impacts on the environment and community: local air pollution, particulate matter, greenhouse gas emissions, and high noise levels. The environmental impacts are well defined by research and are generally small in comparison to other sources of pollution. A literature review by the California Air Resource Board (CARB) in 2000 found that “potential health effects from exhaust emissions, fugitive dust, and noise range from mild to serious,” but the report did not “conclusively determine the health impacts from leaf blowers.” The possible impacts vary with leaf blower type. While only combustion engine (i.e. gasoline) blowers emit greenhouse gases and toxic fumes, all leaf blowers re-suspend and generate dust particles and noise.

Local Air Pollution

The two-cycle engines commonly found in leaf blowers are inexpensive but inefficient and highly polluting when in use. The simple design requires lubricating oil to be mixed with the fuel, and approximately 30% of the fuel undergoes incomplete combustion. Four-cycle engines are cleaner, but still lack exhaust controls found in vehicles. According to the CARB report, this causes gasoline-powered leaf blowers to be small, but real contributors to local air pollution, including ozone. Exhaust emissions from leaf blower engines, while high compared to on-road mobile sources on a per engine basis, are a small part of the overall emission inventory.

Small off-road engines, including those found in leaf blowers, have been regulated by the EPA and CARB since 1995, with increasingly stringent standards imposed in 2005 and 2008. As a result, newer leaf blowers produce fewer emissions compared to older units. Still, studies show that gas-powered leaf blowers continue to be much dirtier than modern vehicles on a per-minute basis. Comparing a late model two-cycle leaf blower with a late model ultra-low emissions vehicle, the leaf blower emitted 299 times more hydrocarbons, 23 times more carbon monoxide, and twice as much oxides of nitrogen.

Table 1. Comparison of Engine Emissions

Source	Engine		Emissions (grams/hr)		
	Type	Year	NMHC	CO	NOx
CARB	Pre-catalytic vehicle	1975	201.9	1310	--
CARB	Light duty vehicle	2000	0.4	16.0	--
Edmunds	Low emissions vehicle	2012	1.0	11.5	0.6
Edmunds	Ultra-low emissions vehicle	2011	0.3	16.6	0.3
CARB	Two-cycle leaf blower	2000	199.3	423.5	--
Edmunds	Two-cycle leaf blower	2011	89.7	386.7	0.6
Edmunds	Four-cycle leaf blower	2011	10.9	222.8	1.9

Particulate Matter

Along with moving leaves, grass, and other debris, leaf blowers contribute to airborne particulate matter (PM), a mix of small particles including acids, organic chemicals, metals, soil, and dust. Overall, CARB estimates that leaf blowers produce between 1% and 5% of statewide PM₁₀ emissions, a small but probably significant contribution.

Particulate matter emissions are heavily influenced by the type of surface being maintained. A study commissioned by the San Joaquin Valley Unified Air Pollution Control District in 2006 evaluated particulate emission rates of gas-powered leaf blowers, electric blowers, rakes, and brooms on various surfaces. The gas blowers, electric blowers, and brooms had similarly high PM emission factors on concrete surfaces, while brooms produced fewer emissions on asphalt, and rakes produced very few emissions on both surface types. All devices produced very few emissions on lawns, but power blowing of packed dirt resulted in high PM levels.

Greenhouse Gas Emissions (GHG)

Gas-powered leaf blowers emit carbon dioxide, a greenhouse gas that contributes to climate change. The Sunnyvale Climate Action Plan (CAP) estimates there are 5,738 gas-powered leaf blowers and 1,564 gas-powered lawn mowers in the City of Sunnyvale. As a long-term tactic, CAP measure OR-1.1 calls for a 50% reduction in gas blowers and mowers through a voluntarily exchange program offered in partnership with BAAQMD, which would mitigate 100 metric tons of carbon dioxide (MTCO₂) per year, a very small portion of the City's overall 2035 reduction target of 649,120 MTCO₂. Electric and battery-powered leaf blowers do not directly emit GHGs, but their use would indirectly contribute to climate change if the source of electricity is a fossil-fueled power plant. Overall, the 2010 BAAQMD Emissions Inventory found that off-road equipment, including industrial, commercial, and lawn and garden equipment, generates 3.0% of total Bay Area GHG emissions.

Noise

Exposure to leaf blower noise has not been widely studied but is a frequent complaint and the most common reason for restriction at the local level. Most gas-powered leaf blowers sound levels range from 62 to 75 decibels (dB), with an average of 70 dB (measured at 50 ft., according to the American National Standards Institute (ANSI) rating system), though some models have higher sound ratings. This level is comparable to the sound of a vacuum cleaner. CARB found that the sound produced by

gasoline-powered leaf blowers is more intense and higher in frequency compared to the ambient environment, such as an average home sound level of 50 dB, which contributes to their higher level of annoyance. Electric leaf blowers are generally less noisy, although sales of quiet gas-powered blowers (at or under 65 dB by ANSI standard) have increased in recent years. Comparison testing by Consumer Reports (2010 and 2013) found all electric models tested met a 70 dB limit and 45% met a 65 dB limit, while only 30% and 10% of gas blowers met those respective noise limits.

Stormwater Impacts

In addition to the four main concerns discussed above, leaf blower operations can also contribute to stormwater pollution as litter and trash can be blown into public streets along with leaves. This leafy debris and litter can be washed into storm drains and enter local waterways and degrading water quality and threatening wildlife. Additionally, during large storm events, City wastewater crews responded to storm drain flooding caused by the presence of significant amounts of leafy debris in the storm drain catch basins. Blowing of leaves off private property into the public right of way by leaf blower operators can exacerbate this issue.

Current Regulations and Enforcement Approach

Currently, the Sunnyvale Municipal Code restricts the use of leaf blowers in residential areas to between the hours of 8 a.m. and 8 p.m. The Municipal Code also specifies that all leaf blowers operated in or adjacent to a residential area shall operate at or below a noise level of 65 dBA at a distance of 50 feet, as determined by a test conducted by the American National Standards Institute or an equivalent, and that the dBA rating shall be prominently displayed on the leaf blower. This section of the Municipal Code is enforced by Neighborhood Preservation (NP) on a complaint basis.

Leaf blower complaints are normally reported by concerned residents via e-mail or a phone call. The majority of the complaints received by NP are time of use complaints. When responding to complaints, staff will solicit cooperation from a resident or landscape maintenance contractor who may be unaware of how to comply with the provisions of the ordinance. Staff will contact the operator or homeowner to educate him or her about the restrictions. If the complaint is specific to the noise level, which rarely occurs, staff will check the leaf blower to see if it has a sticker indicating its noise (dBA) rating.

Between 2012 and 2014, the NP staff responded to 23 complaints regarding leaf blowers. On average, staff spends about thirty minutes per complaint. With an annual workload of approximately 4,000 cases, complaints regarding leaf blowers are not a significant portion of NP's workload, nor are they among the priority issues which focus on health and safety, illegal construction, zoning violations, and neighborhood blight.

In addition to the complaints reported to NP, the City has also received public comments regarding leaf blowers through the City Council Answer Point and the City's Customer Response Management (CRM) system. Between 2012 and 2014, the City received 17 messages through these channels. These cited a variety of concerns including noise, dust, exhaust emissions, as well as irresponsible and ineffective use of leaf blowers. Eight of the complaints specifically requested a partial or complete ban of leaf blowers.

Actions in Other Communities

Many cities in California and around the country specifically limit leaf blower noise levels and restrict their operation to specific hours and/or days of the week. At least 24 cities in California have ordinances that further preclude the use of leaf blowers including 20 that have banned gasoline-powered blowers and four Southern California communities that disallow the use of any leaf blower, whether gas or electric. These are primarily smaller communities such as Del Mar, Hermosa Beach, Laguna Beach, and Santa Monica.

Three cities in Santa Clara County specifically prohibit the use of gas-powered leaf blowers. Since 2005, Palo Alto has banned gas blowers in residential zones. The City permits electric blowers in residential zones and gas and electric blowers in non-residential zones. Gas-powered leaf blowers have been banned throughout the City of Los Altos since 1991, and Los Gatos implemented a City-wide ban on gas-powered blowers effective July 1, 2014.

Effectiveness of bans vary based on the enforcement approach and priorities set by the governing body. Typical enforcement of leaf blower bans are complaint based and are generally handled as a low priority item, unless otherwise set by the City Council (i.e., Santa Monica). Los Gatos took a “soft enforcement” approach for its ban from July 1, 2014 to January 1, 2015. Beginning January 1, 2015, Los Gatos Code Compliance staff may issue citations for violations to bring the community, gardeners, and property owners into compliance. A challenge identified by Palo Alto, where only electric leaf blowers are allowed in residential zones, is that some gardeners use gas-powered generators to power an electric leaf blower. While this practice is technically compliant with the Palo Alto ordinance, it does not have the intended effect, which is to reduce noise or emissions released.

Gas-powered Leaf Blower Alternatives

Electric leaf blowers are a readily available alternative to light to medium duty gas-powered leaf blowers. According to Consumer Reports, the performance of corded, electric leaf blowers, which are quieter and less polluting than gas-powered blowers, are improving and these can be good alternatives for small properties. However, corded electric blowers require access to an electrical outlet and long, trailing cords must be managed for safety purposes. The typical battery life of cordless leaf blowers is 45 to 60 minutes, and they typically have less powerful motors. These factors limit the applicability of electric leaf blowers in heavy-duty applications and when maintaining large areas.

Manual clearing and collection of leaves using brooms and rakes is more time and labor intensive, and may not be viable for some homeowners due to advanced age or physical disability, or for those maintaining large commercial or public areas. Another common past practice of clearing leaves and debris includes washing with a hose and water. This alternative would be more efficient than sweeping, but comes with other environmental concerns including use of scarce water resources (especially during times of drought) and contribution to stormwater pollution as street pollutants are

washed into local waterways.

Leaf Blower Use in City Operations

Another consideration is the applicability of any action to City operations. The City's landscape maintenance programs maintain approximately 764 acres of open space, including 52 acres of hardscape (pathways, patios, and parking lots). Blowers are primarily used to clean hardscape and collect vegetative debris from turf. Public Works currently has approximately 40 handheld or backpack gas-powered leaf blowers that are used regularly. The City does not own any electric leaf blowers.

Estimates vary as to the time required to maintain a landscape with leaf blowers in comparison to electric blowers or manual equipment such as rakes and brooms. Results differ according to geography, time of year, and surfaces cleaned. An anecdotal study performed by the City of San Mateo suggests manual upkeep requires nearly twice as long as maintenance with gas-powered blowers. Since transitioning away from gas blowers in City operations, Palo Alto's parks maintenance contractor, which switched to mostly electric blowers plugged into gas-powered generators, found that the alternative equipment takes slightly longer and resulted in a slight increase in contract costs to account for the additional time and equipment needed to comply. Palo Alto parks staff maintain other public facilities primarily with electric blowers plugged into gas-powered generators, with limited supplemental use of push-behind blowers and battery powered blowers, and very infrequent use of gas blowers (allowed by an exemption permit). Palo Alto staff notes challenges including higher frequency of electric blower burnout, frustrated park visitors, and reduced time available for other maintenance tasks due to increased duration of blower use, increased risk of injury due to lifting generators, and extension cords that pose a tripping hazard to staff and park visitors.

Possible Actions

There is a range of possible actions the City could take in response to the environmental and community concerns regarding leaf blower use in Sunnyvale. These are summarized below.

Ban all leaf blowers citywide

This would result in eliminating the use of any leaf blower, gas or electric, citywide. While this action would address almost all of the environmental and noise concerns, it would be severely limiting for some homeowners who may be physically unable to manually manage leaves or have large areas, as well as for large, commercial and public properties. Additionally, this alternative would significantly impact landscape professionals working in Sunnyvale. Eliminating the use of blowers on City maintained properties, including parks, would significantly impact City resources and staff's ability to meet established service levels. City resources would be needed to educate the community about the ban. This could be enforced on a compliant basis as part of NP's regular code enforcement responsibilities with no additional resources needed to pursue compliance.

Ban gas-powered leaf blowers in residential zones only

This alternative would allow only the use of electric blowers in residential zones and continue to allow use of gas or electric leaf blowers in other areas of the City. It would address some of the environmental and noise concerns associated with gas-powered leaf blowers. This would allow for the use of electric leaf blowers in its most suitable application (i.e., smaller properties). With no comparably efficient and effective alternative among electric blowers, there would still be significant impacts on landscape professionals who primarily contract with homeowners. City resources would be needed to educate the community about the ban. This could be enforced on a compliant basis as part of NP's regular code enforcement responsibilities with no additional resources needed to pursue compliance.

Institute Additional Time of Use Restrictions

This alternative could address some of the noise concerns by codifying further restrictions to allowable times for leaf blower operations in residential zones, and/or expanding time restrictions to apply to additional zoning districts. Many cities ban leaf blowers on public holidays and further limit the hours of use on Saturday and Sunday. Opportunities may exist to align time-of-use restrictions with the policies of nearby cities which may improve adherence by professional landscapers. City resources would be needed to educate the community about new time of use restrictions. As with other ordinance options, this could be enforced on a complaint basis as part of NP's regular code enforcement responsibilities with no additional resources needed to pursue compliance.

Additional Education of Existing Regulations

This alternative includes broader education of residents, business, and leaf blower operators of the existing Municipal Code requirements with an emphasis on the proper times for operations and the current noise requirements. Education targeting leaf blower operators could also include information on best practices to address inappropriate use and blowing of leaves into the public right-of-way. Some communities have instituted training and certification programs for leaf blower operators. This may address some of the noise concerns as it would inform the community about proper operating hours for leaf blowers and could alleviate some of the dust and other operating concerns by educating operators on best practices. This could be done as a special education campaign, which would require additional resources, or a smaller scale effort integrated into existing outreach efforts.

Implement a Voluntary Gas-Powered Leaf Blower Exchange Program

The BAAQMD has no plans to offer a leaf blower exchange program similar to past events for lawn mowers in 2015. However, City staff is preparing to implement a small scale program rebate type incentive program to encourage homeowners and landscape professionals to exchange gas-powered leaf blowers for new electric models. (The modest budget of \$2,500 for this effort comes from the settlement of a 2012 air quality violation for the Water Pollution Control Plant.) This incentive program would be offered on a first-come, first-served basis and could result in the exchange of up to 50 gas-powered leaf blowers. It could potentially address some of the environmental and noise concerns.

The City Council is scheduled to consider this item on March 24, 2015.

FISCAL IMPACT

Depending on the potential action taken to address leaf blowers, the fiscal impact could range from modest to significant.

For implementing a citywide or zone specific ban, the costs would be approximately \$30,000 and include staff time to draft the ordinance and conduct public education about the changes to Sunnyvale residents, businesses, and landscape professionals who work in Sunnyvale. Enforcement would be conducted on a complaint basis and integrated into existing code enforcement resources. Additionally, if a ban is applied to City operations, the City would incur additional operating costs. Although staff has not completed cost comparison studies, based on experience, staff believes it would have a significant impact to operations, either fiscally to maintain service levels or by lowered service levels. Electric leaf blowers increase labor costs because they are not as powerful as gas-powered and therefore take longer to move material, battery operated blowers have limited run times, and corded electric blowers take longer due to cord movement and associated use of generators. Using manual tools, while maintaining the same level of service, would also cause significant labor costs increases. This may be minimized through lowering of service levels at parks and City facilities.

For implementing restrictions on blower use in addition to those already in place, the costs would be approximately \$30,000 and include staff time to draft the ordinance and conduct public education about the changes to Sunnyvale residents, businesses, and landscape professionals who work in Sunnyvale. This cost estimate includes up to 200 staff hours for drafting of the ordinance and to conduct the community education in preparation for implementation. Additionally, up to \$20,000 is allocated for direct outreach costs including utility bill inserts, advertisements in the Sunnyvale Sun, and direct mail letters to Sunnyvale businesses and landscape professionals with a Sunnyvale business license. Enforcement would be conducted on a complaint basis and integrated into existing code enforcement resources. Additionally, if the restrictions are applied to City operations, the City may incur additional operating costs or service level impacts depending on the nature of the restrictions implemented.

Proactive public education and implementation of the planned small-scale incentive program could be conducted with a lower cost impact. Additional outreach to residents, businesses, and landscape professionals would be integrated into other outreach efforts as priorities allow.

The source of additional funding to implement and enforce any leaf blower action would be the City's General Fund.

PUBLIC CONTACT

In addition to reviewing records of complaints received by the City, staff conducted two community meetings to gather resident and business feedback on leaf blowers and possible actions. These meetings were held on January 7 and January 8, 2015. Notices about the meeting were sent and advertised through the following channels:

- E-mail to Sunnyvale neighborhood associations groups, Sunnyvale Cool, Sunnyvale Garden Club, and other interested residents;
- Posting of meeting notices at the Sunnyvale Community Center, Library, and Lowes;

- E-mails and phone calls to industry groups including Santa Clara County Green Gardeners, the Bay Area Chapter of the California Landscape Contractors Association, and the Bay Area Gardeners Association;
- E-mails to landscape related businesses and Economic Development newsletter
- City's website

Additionally, there was media coverage promoting the community meetings by the San Jose Mercury News and KCBS radio.

The community was also encouraged to send comments via email or to contact staff directly. A summary of the comments received at the community meetings is provided in Attachment 2 and a summary of the comments received by staff is provided in Attachment 3. Almost 40 individuals attended the meetings, mostly Sunnyvale residents including several representing businesses and one landscape professional. Overall, the majority of the residents expressed concerns and frustrations related to the noise of leaf blowers used in their neighborhoods, often citing noise disturbance impacts throughout the day. In several instances, this is compounded for residents living in higher density areas such as townhomes and apartments. Dust from leaf blower use was also commonly cited as a concern among residents, especially during walks or while biking. While most of the residents supported a ban on gas-powered blowers or all blowers, a small group of attendees supported leaf blowers, expressing concerns and limitations with electric or battery powered leaf blowers or manual removal of leaves.

While staff attempted to reach out to professional landscapers and businesses to gather feedback on leaf blowers, response was limited. Property management companies expressed concerns about the lack of comparable alternatives for maintaining large areas and that electric leaf blowers are less effective than gas-powered blowers. Anecdotally, a professional landscaper shared his experience with using both gas-powered and electric blowers and stated that using an electric blower would take more time to maintain the same amount of area than gas-powered blower and that the battery used in cordless electric blowers is expensive and had a short battery life (in this case less than 30 minutes). Additionally, this landscaper shared concerns that any restrictions on gas-powered leaf blowers would result in added labor to complete service for his customers. While the increased labor cost could be passed onto the customer, it could also result in loss of customers and lowering the total number of customers that could be served on a daily basis.

Public Contact for this report was made through posting of the Sustainability Commission agenda on the City's official-notice bulletin board, on the City's website, and the availability of the agenda and report in the Office of the City Clerk. Information was also sent to community members that attended the community meetings or provided comments directly to staff.

ALTERNATIVES

1. Direct staff to prepare an ordinance modifying Chapter 19.42.030 of the Municipal Code to ban gas-powered leaf blowers or all leaf blowers in residential zones.
2. Direct staff to prepare an ordinance modifying Chapter 19.42.030 of the Municipal Code to amend the allowable operating times for leaf blowers.

3. Direct staff to incorporate public education to Sunnyvale residents and landscape professionals regarding the current Municipal Code restrictions related to leaf blower use and education to leaf blower operators on best practices into the City's environmental education efforts as allowed within existing resources and priorities.
4. Do not pursue any action on leaf blowers at this time.
5. Other actions as identified by the City Council.

RECOMMENDATION

Staff recommends adopting Alternative 3: Direct staff to incorporate public education to Sunnyvale residents and landscape professionals regarding the current Municipal Code restrictions related to leaf blower use and education to leaf blower operators on best practices into the City's environmental education efforts as allowed within existing resources and priorities.

Given the limitations of electric leaf blowers, including the lack of comparable heavy-duty electric alternatives, staff is recommending that additional education about existing Municipal Code requirements and best practices be incorporated into the City's environmental education efforts as allowed within existing resources and priorities. This could address some of the most common noise and dust concerns expressed by the community. Staff will leverage the upcoming small scale incentive program for gas-powered leaf blower exchange to provide outreach on existing requirements and best practices.

Additionally, staff may be better positioned in the future to act on this issue. The adopted Climate Action Plan includes activity scheduled for the longer term, with nominal targets for greenhouse gas reduction compared to the overall targets. It is possible that the performance of electric leaf blowers will continue to improve over time. Staff will also remain alert to grant or partnership opportunities to enhance outreach and incentive efforts.

Prepared by: Melody Tovar, Regulatory Programs Division Manager
Reviewed by: John Stufflebean, Director, Environmental Services
Reviewed by: Robert A. Walker, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Study Issue 14-01
2. Summary of Community Meeting Feedback
3. Summary Community Feedback Received by Staff

2014 Council Study Issue

ESD 14-01: Ban on the Use of Gas-powered Leaf Blowers

Lead Department Environmental Services Department

Sponsor(s) Sustainability Commission

History 1 year ago: 2 years ago:

1. **Scope of the Study**

a. What are the key elements of the study?

This study issue would examine banning two-cycle gasoline leaf blowers in the City. While popular among landscape management businesses and professionals, gas blowers are a major source of both air and noise pollution in Sunnyvale.

The California Air Resources Board (CARB) documents that gas leaf blowers emit 500 times the amount of hydrocarbons and 26 times the amount of carbon monoxide compared with newer cars. CARB also found that leaf blowers emit 8-49 times the particulate matter of a light duty vehicle. In addition to pollution from toxic exhaust fumes, gas leaf blowers blow mold, pollen, animal feces, pesticides and fertilizers into the air. Particulate matter remains suspended in the air for hours and is so small that it is easily assimilated into the lungs.

The Bay Area Air Quality Management District recommends nine things the public can do to make clean air choices every day. One of those is to "avoid using gas powered lawn mowers and leaf blowers."

California cities that have banned or restricted gas leaf blowers include Berkeley, Belvedere, Claremont, Del Mar, Indian Wells, Laguna Beach, Lawndale, Los Altos, Menlo Park, Malibu, Mill Valley, Piedmont, Santa Monica, Hermosa Beach, West Hollywood, Palo Alto and Los Angeles. Citizens in other cities such as Orinda and St Helena are working toward banning gas leaf blowers.

b. What precipitated this study?

This study issue was proposed by the Sustainability Commission.

c. Is this a multiple year project? No Planned Completion Year 2014

2. **Fiscal Impact**

a. Cost to Conduct Study

i. Level of staff effort required (opportunity cost)

☐ Major ☒ Moderate ☐ Minor

ii. Amount of funding above current budget required \$

☐ Will seek budget supplement ☐ Will seek grant funding

iii. Explanation of Cost:

The cost associated with this study would be the result of staff time to study, craft an ordinance, and conduct outreach to the community. ESD staff would lead the study and coordinate potential ordinance development with Community Development and Office of the City Attorney staff. It is anticipated that the study can be incorporated as part of staff's annual workplan.

b. Costs to Implement Study Results

- ☐ No cost to implement.
☒ Unknown. Study would include assessment of potential costs.
☐ Some cost to implement. Explanation:


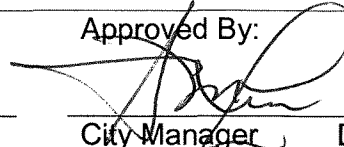
3. **Expected participation in the process**

- ☐ Council-approved work plan
☐ Council Study Session
☒ Board/Commission Review by the Sustainability Commission

4. **Staff Recommendation**

a. Position: Support

- b. Explanation: Staff supports the study to examine the feasibility of banning gas leaf blowers in Sunnyvale. Gas leaf blowers are a prevalent source of greenhouse gas emissions and contribute to overall air pollution as identified in the study scope. Alternatives exist in the marketplace to replace gas leaf blowers. An ordinance banning gas leaf blowers would be a proactive measure for reducing community greenhouse gas emissions and be consistent with goals and actions included in the draft Climate Action Plan. The CAP goal identified as Off-Road Equipment (OR) seeks to minimize emissions from off-road, lawns and garden and construction equipment.

Reviewed By:	Approved By:
	
10-2-17	10/8/13
Department Director	Date
	City Manager
	Date

ATTACHMENT 2: LEAF BLOWER STUDY ISSUE COMMUNITY OUTREACH MEETING SUMMARIES

Sunnyvale Neighborhood Association Quarterly Meeting at Community Center (November 17, 2014)

General Comments:

- Suggestion to restrict leaf blower use on Spare the Air days
- Question regarding enforceability of a ban, whether enforcement is feasible, and how successful enforcement has been in other communities
- Suggestion that noise is likely the most common complaint among residents
- Suggestion that the smell of gasoline engines is a concern
- Recommendation to reach out to commercial property owners for inclusion in discussion

Leaf Blower Community Outreach Meeting for Residents at Community Center (January 7, 2015)

Approximately 31 community members in attendance.

Comments in favor of restrictions:

- City should ban gas blowers, which are noisy and unhealthy
- City should ban all leaf blowers
- Bikers and pedestrians are frequently hit by dust and debris from leaf blower operators
- City could place restrictions on the frequency of gardening service to address concerns
- City should lead by example and not use leaf blowers in Parks
- Commercial landscapers always use their leaf blowers at full throttle to hasten service
- Commercial leaf blower operators are most affected by the hazards of leaf blower
- Commercial operators use very old and highly polluting leaf blower models that should be retired from service
- Dust from leaf blowers gets everywhere – indoors, on buildings, on clothes, on plants
- Gasoline is often spilled when gas powered blowers are refueled
- Leaf blowers are constant source of disruptive noise in residential areas; especially disruptive in higher density area such as apartments or townhomes where leaf blowers may be in use throughout the day
- Leaf blowers are especially harmful and a nuisance to people who stay at home during the day including the young, the elderly, and telecommuters
- Leaf blowers are ineffective, and same results could be achieved with rakes and brooms without the harmful effects
- Leaf blowers produce a bad smell
- Leaf blowers produce particulate matter and dust, which is harmful to health
- Leaf blowers should be registered and certified to verify compliance
- Restrict leaf blower use on weekends and/or specific days of the week

Comments opposed to restrictions:

- Ban on leaf blowers will cause increased use of hose and water to clean landscapes
- Ban would constitute government over-reach
- Comparisons between gas blower and on-road vehicle emission rates are deceiving
- Continue to allow use of electric blowers
- Do not ban or restrict leaf blower use
- Electric blowers are not suitable for use on commercial properties, and a ban on gas blowers would be harmful to businesses
- Emissions are small compared to other sources, such as on road vehicles
- Gas blower alternatives are cost prohibitive, especially for large properties and commercial operators
- Individuals should have the right to operate gas-powered leaf blowers
- Noise level is measured at full throttle, but leaf blowers are rarely operated at full throttle
- People should try to resolve their issues by appealing to their neighbor who is operating the leaf blower rather than creating new laws
- There is a very small environmental benefit to placing a ban on leaf blowers

Additional comments:

- If a ban on two-stroke leaf blowers is being evaluated, the City should consider bans on other two-stroke engines in use in Sunnyvale
- Leaf blowers have vacuum mode that is less harmful
- Stronger enforcement and greater awareness of existing ordinances is needed
- Sunnyvale and Silicon Valley should encourage or incentivize technological advancements in leaf blower design through a contest or other means
- The primary issue that should be addressed is education and awareness on the proper use of leaf blowers

Leaf Blower Community Outreach Meeting for Businesses and Professional Landscapers (January 8, 2015)

Three community members in attendance including one landscape professional.

Comments in favor of restrictions:

- Restrictions will incentivize industry to develop leaf blowers that address concerns

Comments opposed to restrictions:

- For commercial landscapers, battery models are insufficient in power and battery life to serve as a replacement for gas blowers
- Gas ban would harm landscaping industry due to high price of replacement equipment and reduced service efficiency
- Residential ban would hurt neighborhood aesthetics, cause leaves to accumulate on lawns and exacerbate storm drain blockage issues

- Risk of electrocution with electric blowers around pools

Additional comments:

- City will have difficulty using electric blowers in the large, open spaces that it maintains
- Disagree with any ban but amenable to enhanced time of use restrictions
- Education programs targeting commercial operators, if used, must be ongoing initiatives in order to be effective
- Instead of a ban of gas-powered blowers, City should encourage use of new, low-noise gas models, which are just as quiet as electric and battery models
- Sunnyvale should offer an exchange program to assist commercial landscapers in covering equipment change costs

ATTACHMENT 3. SUMMARY OF COMMENTS RECEIVED BY STAFF

Staff received direct comments regarding the Leaf Blower Study via phone calls and emails. These comments fall into the following general categories:

	In Favor of Restrictions on Leaf Blowers	Opposed to Restrictions on Leaf Blowers	Total
Total	42	6	48

Excerpts from comments received in favor of leaf blower restrictions are listed below:

I support the movement to ban two-cycle leaf blowers from Sunnyvale. They are very noisy and stir up a lot of dust. In the summer one cannot even go out in the morning without hearing the noisy leaf blowers all over the neighborhood. It would be nice to have breakfast outside but it's always accompanied by the noise. Not pleasant.

I would like leaf blowers banned for the following reasons. Air pollution – large amounts of carbon pollution is dumped into our air. Noise pollution in many hours of the day. There is a decibel limit but this is never policed and many blowers are much louder than allowed. Dust! Especially during our drought, the amount of dust stirred up by leaf blowers is very unhealthy. Overall, they degrade our quality of life and are used irresponsibly, as I see gardeners blowing leaves, etc. down the street without raking them up!

I kindly request that you ban leaf blowers. Gardeners all over Sunnyvale blow dirt in my eyes. They caused me to have a scratched cornea. I live on the second floor and my apartment is covered in dirt that is blown in through the windows by workers using leaf blowers.

I support the proposal for the city's ban on gas leaf blowers, and in fact I would like to see all leaf blowers banned for their noise, nuisance of dirt and pollution, besides being quite useless devices that shift leaves which are shifted back by the wind anyways. At a minimum, all pollution creating (non-electric) blowers should be banned.

I would love it if leaf blowers, of all types, would be banned. They are noisy, pollute the air, and blow dust, fumes, and dirt into the eyes and noses of the many people who walk in our neighborhoods. Other cities are banning them. Let's make Sunnyvale leaf blower free.

While walking this morning, I had the non-pleasure of having dust, dirt, and litter sprayed all over me by an unwitting, earphone wearing worker operating a very noisy leaf blower. Leaf blowers are noisy and cause extreme air pollution from both the emission of the two-stroke engine and the particulate matter blown into the air. They create extreme noise pollution. In addition, they are used to direct materials into the sewer drain. I am requesting an ordinance to ban leaf blowing.

Gardeners using leaf blowers blow dirt in my eyes as I use the city streets. In one instance, a gardener intentionally aimed his leaf blower at my eyes and kept it aimed at my eyes as I was riding past in the street on my bicycle.

My neighborhood is the noisiest I've ever lived in. Sick people are more sensitive and more likely to be home when leaf blower use occurs. People who work from home may find it impossible to talk on the phone. Shift workers are often woken. Those without air conditioning may have to choose between a 100 degree room and unbearable noise, dust, and fumes. It's difficult to create citable regulations if you don't ban them completely.

Please ban leaf blowers! They are illegal in Los Angeles. They generate as much carbon dioxide in one hour as a car driven for 100 miles. They produce a noise level of 70 to 90 decibels. What does that mean? Healthy daytime noise levels should not exceed 55 decibels. They kick up dust and whatever is in that debris, and get it into our lungs.

I am strong supporter of a leaf blower ban for the following reasons: 1. They pollute the air we breathe, creating a health hazard. 2. Whether gas or electric, leaf blowers blow particulate matter into the air, so that when I walk or bike past them, I have to close my eyes and nose and ears to avoid getting dust and dirt into them. This is especially hazardous when I'm biking. 3. They are very loud, which disturbs otherwise quiet neighborhoods. 4. They are useless at what they do. Gardeners just blow plant matter and dirt into neighboring properties, leaving the next property owner to deal with it. 5. I can't hang my laundry out to dry because my clothes become dirty and smelly.

Please ban leaf blowers at least on spare the air days. I'm sick of being sick breathing all the filth stirred up into the air by leaf blowers and rude people.

A leaf blower ban is sorely needed. Most of the homes around me hire gardeners who use gas powered leaf blowers. The fumes make it difficult for me to breathe. In a given week I would estimate I am in earshot often of leaf blowers. They run for almost thirty minutes each, and the result is a lot of dust, noise, and gas fumes. Other cities have banned leaf blowers and we should too!

In my opinion leaf blowing is a classic example of an externality. The leaf blowing practice is a quick and easy way to redistribute/distribute litter from a private concern to a public one or vice-versa. Leaf blowing litter almost always ends up in the public domain - streets, sewers - which becomes a shared cost. Leaf blowing places ground blown particulate including allergens and pathogens into the air that is public. Leaf blower motors are typically 2-cycle with no emissions controls and serious air polluters. Leaf blowing typically saves time and money for a private property owner, or private interest at community expense. Leaf blowing presents significant noise pollution, disrupting both people and animals and quality of life in general. Actually sweeping up provides a job, is quiet, non-polluting, and can remain a private concern/cost. Sweeping presents an opportunity for the litter to be composted or re-utilized for the potential of private opportunity. Sunnyvale has an opportunity to establish good policy that can be easily replicated to other communities.

Thanks for your efforts to make Sunnyvale a better city! Los Altos, Los Gatos and many other cities have banned the use of leaf blowers.

Since there seems to be no enforcement, I'm wondering what would be accomplished by a change in written rules. Might it be more effective to license gardeners after attending a class or two on noise hazards, most particularly to themselves? In principle I would not object to a ban, but please figure out how to make it work for everyone concerned.

I would like to see gas leaf blowers banned!

I urge the city to please ban the leaf blowers. Our neighbors use a professional gardening service that is quite over-the-top in using leaf blowers. Every week, their gardener blows prodigious amounts of dust directly into our property. The dust covers our lemon tree, our car and even the house itself. This has caused the white trim of our house to turn dark with grime. If we leave the windows open, the dust is blown in through the windows facing their property. I have asked their gardener to be a little more considerate and not blow this dust our way, but this only aggravated the fellow. Now he seems to deliberately do it even more. I believe the dust kicked up from the street also causes allergies. On occasion I have seen these gardeners blowing big clouds of dust just as the kids are walking to Sunnyvale Middle School. If Los Altos can live without the leaf blowers, so can we!

Please ban or at least restrict leaf blowers in Sunnyvale! Commuting to work by bike I must stop several times a week to wait for operators to notice me and shut their devices off, then I have to wait for the dust to settle. This is actually dangerous because I end up waiting in the middle of the road, or have to swerve wide from the curb to avoid the dust storm. If we ban these devices it will be nobody's fault but the operators. They are abused and not minimized in their use. And many of the machines absolutely exceed noise standards. Please empower residents to report any violations so that actionable fines are immediately imposed.

As a homeowner with a fair sized yard, I am absolutely in favor of a proposed ban on gas-powered leaf blowers. Rakes work just fine, but electric blowers are acceptable. I see no justification for the pollution and noise from using a gas-powered device.

My husband and I are senior citizens and have lived in Sunnyvale for many years. We walk several miles around our neighborhood every day to help maintain our health. The use of leaf blowers greatly impacts that effort with the horribly toxic exhaust fumes, noise pollution and allergens constantly floating in the air. They also add a constant cover of dust on everything. We find that rakes and brooms work very effectively for taking care of leaves and natural debris on sidewalks and yards without harming good health. Sunnyvale is a leading City in its constant efforts in public safety and sound management, as often noted even in the national arena. We hope you will continue that effort by banning leaf blowers as many other cities have like Los Altos, Menlo Park and others to help all of your residents live a healthy life.

Please get these gas blowers banned. Very surprised Sunnyvale hasn't already done this. Very bad for our lungs!

We have been Sunnyvale home owners for over fifty years. Now in our mid-eighties, both of us are suffering from respiratory problems which at times make our lives very difficult. One thing we know that is aggravating the problem is the dust, dirt, pollen, and mold blown into our environment by the use of the powerful leaf blowers used by the professional landscapers working all around us. Besides the filth put into the air there is also the matter of noise. It is time to get rid of engine powered leaf blower just as many concerned cities have done.

I am in full support of any increased restrictions or hopefully a full ban on leaf blowers. It's not just the noise I have to endure from my neighbor's gardener on weekends, but the fact that I need to close my windows to avoid the fumes and dust the leaf blower creates. I also do not like the fact that most times the blowers are used to blow debris from the home towards the streets and onto others' property.

Leaf blowers, no matter what power they use, are total nuisance and should have been banned a long, long time ago. Even in less advanced countries than US they use industrial vacuum cleaners (machines) to clean the streets and not blowing it into faces of their inhabitants.

I highly encourage an outright ban on all gas blowers based on the air pollution of two cycle motors, the grating noise pollution, and the unhealthy aerosols of blown dust, debris, spores etc.

I fully support restrictions and even an outright ban on gas leaf blowers, because from my experience, more than half the users simply use it as dispersion cleaning: sending all the leaves and dust into the neighborhood, instead of its intended use as sweeper to collect yard debris.

Leaf blowers should at least be banned on spare the air days. They certainly bother my asthma more than fireplaces.

My vote is to ban leaf blowers. I'm aware that banning leaf blowers would create a certain amount of hardship for garden service providers, but I feel I have a right to enjoy my home and yard in peace without having to deal with the noise, fumes and dust from their use. Those who wish to retain garden services would simply have to pay the price for the service sans leaf blowers. Even though individual household may not use a leaf blower frequently, cumulatively, their usage is rather pervasive. I must close the windows completely to prevent the noise, dust and gas fumes from entering my home. One of my favorite activities is gardening. When the leaf blowers are running, I generally have to retreat inside. Both of my children are asthmatic. The gas fumes and dust from the leaf blowers can aggravate their asthma, so I have to make sure they come in if the leaf blowers start up. We ride our bicycles extensively around Sunnyvale to shop, visit the library, farmer's market, exercise, etc. Frequently, when we ride by gardeners using leaf blowers, we get caught in the pollution and dust from the blower.

All leaf blowers should be banned because of their noise, dust, and exhaust fumes. They are also used inappropriately to blow away ground cover and are no more effective than rakes and brooms.

I am in favor of banning leaf blowers. They are very polluting and noisy. For large periods of time every day they can be heard in our neighborhood. Their only virtue is that it saves some time in raking leaves/debris via other methods. Using a rake or brush for slightly longer time, and more effort, achieves acceptable results. If you go elsewhere in the world-they don't use these noisy machines.

I personally do not like the loud noise that they make, so I greatly appreciate any restrictions on the hours in which they may be used. I bike a lot in our city, and find it very difficult to bike through an area where someone is using a leaf blower near the street. Many users of leaf blowers are aware of the debris that they put into the air, and will move away from the street while I bike by but not everyone. Maybe this is just an awareness issue, but it would be nice for those using leaf blowers to be aware of the people around them who are biking and walking nearby.

I agree with stricter regulations on leaf blowers. They are at the present very loud. In the summer when one wants to open windows and doors in the morning, one only hears leaf blowers in the neighborhoods starting at 8 a.m. I would rather hear the singing of birds than the noise of the leaf blowers. The dust is stirred up by the blowers and it is certainly not healthy...as I have read...for the residents. I would favor stricter regulations, i.e. quieter leaf blowers, using them from 10 a.m. to 3 p.m. or the outright ban of the blowers.

I with my family & extended family fully support the city's initiative to stop the gas blowers. It is polluting the communities with carbon and noise. It is a health hazard for young and the elderly. We all love Sunnyvale to take the lead to be the greenest city (of course for all good things we all know, we have to pay a little more).

I support a leaf blower ban because of the noise and dust they produce. I am hit by dust multiple times a day while walking, and they are especially noisy and annoying when used in the morning.

Thank you for considering a ban on gas-powered leaf-blowers. These are the reasons I hate leaf-blowers: The pollution they create is ten times worse than cars. The sound is hideous. They will leave the workers deaf. They scare wildlife. They emit CO2.

The city should ban all use of leaf blowers. They are invasive and a nuisance, especially in the early morning. They are also ineffective and unnecessary.

I support the city council in making a decision to ban the gas powered blowers. They are not only creating poor air quality for Sunnyvale, they are causing our street drains to clog because of blowing the leaves into the streets. Also, the noise pollution is a big nuisance.

Almost every day there is a gardener who uses a gas leaf blower in one of our neighbor's yards. The noise the blower produces is extremely loud and to the best of our knowledge by far exceeds the 65W cap set forth by the city. We literally have to shut our windows for the duration of the service to somewhat relieve us from the noise. We like to walk the Sunnyvale streets on a daily basis for about 20-30 minutes. In the past year or so the probability for us to encounter one or more operating gas leaf blowers on our way is almost 100%. It's not just the noise that is disturbing. The dust and smell are really irritating and we often need to wear a mask.

I am in favor of bans or restrictions on leaf blowers in Sunnyvale. This is unpleasant and contrary to life in Sunnyvale on two levels: (1) it is noisy, and (2) the smell from the gas emissions is noxious. I really don't think Sunnyvale has such a high level of leaves on the ground that such a convenience, at the cost of peace in our community, is warranted.

Whatever happened to the old time rake? I think the use of leaf blowers has contributed to the increase in noise level, dust level, and overall increase in emissions. I readily support a ban on leaf blowers!

I dislike the noise pollution of gas leaf blowers as much as the air pollution.

I would welcome any ordinance that would prevent the operation of any leaf blower, regardless of how it is powered, that do not meet specific noise and air pollution controls. I have a young daughter that I don't like taking to play in the yard during the hour or so that my neighbor's gardener works because of both the noise and air pollution that his leaf blower emits.

I think the city should outlaw the gas leaf blowers like Palo Alto, but would not complain if electric blowers are also banned. I also think the city should create a Garden Cleanup guidance document instructing gardeners and property owners on how to balance the workload without gas blowers. We are unnecessarily over-gardening.

I have been a long time "silent" supporter of a ban on leaf blowers in Sunnyvale. They produce a constant noise around my home, as well as harmful dust.

I support a ban on all leaf blower use in Sunnyvale. It is a quality of life issue. They are a nuisance, especially when multiple blowers are used concurrently. I get covered in dust when I walk outside.

Excerpts from comments received opposed to leaf blower restrictions are listed below:

If we are to consider all devices that stir up dust as illegal, we will not be allowed to collect leaves, which create quite a fire hazard. I suggest that those wishing to get away from areas where neighbors might stir up dust consider relocating to a concrete jungle.

As the manager of commercial and multi-housing residential properties exceeding 10 acres in the City of Sunnyvale, I am opposed to any proposal to ban fuel-driven leaf blowers in the City of Sunnyvale. Electric-driven leaf blowers, especially battery operated, are too weak to do the job adequately and efficiently; electric-driven leaf blowers are a hazard to operate on long extension cords; electric battery operated leaf blowers are an environmental hazards because you have to periodically replace and dispose of the batteries; and there are no other viable, economical, or practical alternatives to fuel-driven leaf blowers. Because manual labor takes much longer, we will be only able to afford to do that once per month, or every five or six weeks, but not weekly. Large commercial and multi-housing properties will become more hazardous and unsightly. Is that the vision that you have for the City of Sunnyvale?

Current electric leaf blowers (corded or battery powered) lack comparable performance, therefore are not an appropriate tool for larger maintenance tasks. Electric blowers are not necessarily that much quieter than modern gas-powered versions. Responsible and courteous use will go a long way to resolving many concerns. It is not necessary for a city to endeavor to create their own separate environment - which has been shown to be generally ignored and ineffective. Any attempts to overly regulate can be seen as overreaching. This is an education issue. Education will be a much more effective tool to encourage positive improvements.

I am stunned at the number of people that would rather ban, restrict, spend hundreds of thousands of city dollars on enforcement, and so on, rather than just talking with their neighbors or the landscape company owners and appeal to them for help. I have done the latter several times with good results. "What if I'm too shy?" is simply no excuse to put everyone else through a regulatory wringer.

Just because some of the "high rent" districts in the Bay Area have adopted restrictions on the use of leaf blowers doesn't mean that Sunnyvale should. We live in Sunnyvale, not Atherton, so let's not put restrictions on leaf blowers like they have done in some of the cities that are supposed to be elite. The working people of Sunnyvale do not want to pay more money to their gardener (or take more time to rake leaves themselves) because someone objects to the noise created by a leaf blower. Most people now have double pane windows and are not bothered by the occasional noise by someone using a leaf blower. I think the city has much better things to do with their time than have hearings about restricting leaf blowers.

I am against a ban on leaf blowers. They have capabilities, such as blowing in between rocks, which other types of equipment don't offer. Disallowing leaf blowers may lead to increased costs for property owners.

The City become increasingly involved in the decisions of private property owners—which appears to be happening again with leaf blowers. There is hysteria on a variety of levels that has led to blower bans in the most liberal cities in California. Much of this is based on information that simply can't be true, such as CO and CO2 emission from these tools vs. cars, for instance. The assertions are ridiculous. Let every property owner make his or her own decisions about leaf blowers, and let others not try to tell them what to do.

This is racist. Do you know how much this will effect the poor illegal immigrant community?

I'm so pleased Sunnyvale has time to consider such "issues". That must mean that all important city safety and financial concerns have been addressed in our improving economy. So, I would propose that a ban on leaf blowers be immediately instituted and that the following item be proposed to accommodate such a ban: city funding should be made available to sweep all sidewalks and gutters adjoining residential property on a weekly basis. Given the global warming that most can agree is really happening, it makes more sense to eliminate all water-guzzling lawns for less water-intensive natural landscaping. Also, if a ban on cleaning up ones property in an efficient way is deemed necessary, perhaps the city would more carefully consider the type of street trees being planted.



City of Sunnyvale

Agenda Item

15-0170

Agenda Date: 3/2/2015

Annual Review of Code of Ethics and Conduct for Elected and Appointed Officials



City of Sunnyvale

2014 Code of Ethics and Conduct for Elected and Appointed Officials

"Conduct is three-fourths of our life and its largest concern."

-- Matthew Arnold

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Policy Purpose

The Sunnyvale City Council has adopted a Code of Ethics and Conduct for members of the City Council and the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

A. ETHICS

The citizens and businesses of Sunnyvale are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. In keeping with the City of Sunnyvale Commitment to Excellence, the effective functioning of democratic government therefore requires that:

- public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- public officials be independent, impartial and fair in their judgment and actions;
- public office be used for the public good, not for personal gain; and
- public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Sunnyvale City Council has adopted a Code of Ethics and Conduct for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation. The Ethics section of the City's Code of Ethics and Conduct provides guidance on ethical issues and questions of right and wrong.

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Sunnyvale and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Sunnyvale City Council, boards and commissions.
2. Comply with both the spirit and the letter of the Law and City Policy. Members shall comply with the laws of the nation, the State of California and the City of Sunnyvale in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions; the Sunnyvale City Charter; laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government; and City ordinances and policies.
3. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public.
4. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

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5. Conduct of Public Meetings. Members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.
6. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
7. Communication. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.
8. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.
9. Gifts and Favors. Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. Confidential Information. Members shall respect the confidentiality of information concerning the property, personnel or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.
11. Use of Public Resources. Members shall not use public resources not available to the public in general, such as City staff time, equipment, supplies or facilities, for private gain or personal purposes.
12. Representation of Private Interests. In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any board, commission or proceeding of the City, nor shall members of boards and commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. Advocacy. Members shall represent the official policies or positions of the City Council, board or commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do.

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Councilmembers and board and commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, board/commission meetings, or other official City meetings.

14. **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of Sunnyvale City government as outlined by the Sunnyvale City Charter. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by the City Charter, members therefore shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. **Independence of boards and commissions.** Because of the value of the independent advice of boards and commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of board and commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to staff.

B. CONDUCT

The Conduct section of the City's Code of Ethics and Conduct is designed to describe the manner in which Councilmembers and board and commission members should treat one another, City staff, constituents, and others they come into contact with in representing the City of Sunnyvale. It reflects the work of a Council Policy and Protocol Subcommittee that was charged with defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. The Subcommittee also considered a wide variety of policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

The constant and consistent theme through all of the conduct guidelines is "respect." Councilmembers experience huge workloads and tremendous stress in making decisions that could impact thousands of lives. Despite these pressures, elected and appointed officials are called upon to exhibit appropriate behavior at all times. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Councilmembers and board and commission members to do the right thing in even the most difficult situations.

1. Elected and Appointed Officials' Conduct with One Another

"In life, courtesy and self-possession, and in the arts, style, are the sensible impressions of the free mind, for both arise out of a deliberate shaping of all things and from never being swept away, whatever the emotion, into confusion or dullness."

-- William Butler Yeats

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Elected and appointed officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may "agree to disagree" on contentious issues.

1(a). In Public Meetings

Use formal titles

Elected and appointed officials should refer to one another formally during public meetings, such as Mayor, Vice Mayor, Chair, Commissioner or Councilmember followed by the individual's last name.

Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.

Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

Demonstrate effective problem-solving approaches

Members have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

Outside of official board or commission meetings, individual board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose. In private settings, board and commission members may communicate at any time and on any subject with individual members of the City Council, and may express to them individual viewpoints and opinions. In public, however, all members shall represent the official policies or positions of their board or commission, with the following exception. During a Council public hearing on any item addressed by the board or commission, any member may speak under standard time limits, but shall indicate whether their testimony represents an official position (majority opinion) or a minority opinion of the board/commission to which they belong. The chair shall represent the majority view of the

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board or commission, but may report on any minority views as well, including his or her own. When an official board or commission position differs from staff's recommendation on a particular policy issue, then at the Mayor's discretion additional time may be provided to the chair of the board or commission (or his/her designee) to explain the position of the board/commission or to rebut statements made by staff or the public. If new information is brought to light during a public hearing which was not shared previously with the board or commission, the Mayor may allow the board or commission chair to respond. If the Council deems the new information sufficient to warrant additional study, then by majority vote Council may remand the issue back to the board or commission for further study prior to taking other action itself.

Individual opinions and positions may be expressed by board and commission members regarding items that have not come before the particular board/commission to which they belong. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Sunnyvale, nor will they allow the inference that they do.

Although a board or commission may disagree with the final decision the Council makes, the board or commission shall not act in any manner contrary to the established policy adopted by the Council.

1(b). In Private Encounters

Continue respectful behavior in private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

Be aware of the insecurity of written notes, voicemail messages, and E-mail

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message were played on a speaker phone in a full office? What would happen if this E-mail message were forwarded to others? Written notes, voicemail messages and e-mail should be treated as potentially "public" communication.

Even private conversations can have a public presence

Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

In private, board and commission members may communicate at any time and on any subject with the City Council, and may express to Council individual viewpoints and opinions.

2. Elected and Appointed Officials' Conduct with City Staff

"Never let a problem become an excuse."

-- Robert Schuller

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Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

Treat all staff as professionals

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

Member questions/inquiries to City staff

1. General. Council and board/commission communications with City staff should be limited to normal City business hours unless the circumstances warrant otherwise. Responses to Council questions posed outside of normal business hours should be expected no earlier than the next business day.
2. Routine Requests for Information and Inquiries. Members may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the library's hours of operation?" or "How does one reserve a tee time at the golf course?"). Under these circumstances staff shall treat the member no differently than they would the general public, and the member shall not use their elected status to secure preferential treatment. The city manager does not need to be advised of such contacts.
3. Non-Routine Requests for Readily Available Information. Members may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to discuss the issue or express an opinion (e.g., "How many traffic lights are there in the City?" or "Under what circumstances does the City lower its flags to half mast?").
4. Non-Routine Requests Requiring Special Effort. Any member request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the city manager, or to the city attorney, as appropriate (e.g., "How many Study Issues completed over the past five years have required 500 or more hours of staff time?", or "What is the logic behind the City's sign ordinances affecting businesses along El Camino Real?"). The city manager (or city attorney as appropriate) shall be responsible for distributing such requests to his/her staff for follow-up. Responses to such requests shall be copied to all Councilmembers (if originating from a Councilmember), relevant board or commission members (if originating from a board or commission member), the city manager, the city attorney as appropriate and affected department directors.
5. Meeting Requests. Any member request for a meeting with staff must be directed to the city manager or city attorney, as appropriate.
6. Public Safety Restrictions. Under certain circumstances, requests for information regarding operations or personnel of the Department of Public Safety may be legally restricted. Applicable statutes include: The Peace Officers' Procedural Bill of Rights (California Government Code

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Section 3300, et seq.), Confidentiality of Peace Officer Records (California Penal Code Section 832.5-7), and a number of exceptions to the California Public Records Act, defined in Government Code Section 6254. Providing information in response to such requests could violate the law, and might also violate due process rights that have been defined for peace officers in the State of California. Accordingly, it shall be the policy of the City of Sunnyvale to strictly comply with all applicable legal authorities governing the release of Department of Public Safety information and records.

Do not disrupt City staff from their jobs

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.

Never publicly criticize an individual employee

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the city manager through private correspondence or conversation. Comments about staff in the office of the city attorney should be made directly to the city attorney. Appointed officials should make their comments regarding staff to the city manager or the Mayor.

Do not get involved in administrative functions

Elected and appointed officials must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits. [See Code of Ethics] The Sunnyvale City Charter, Section 807, also contains information about the prohibition of Council interference in administrative functions.

Check with City staff on correspondence before taking action

Before sending correspondence, Councilmembers should check with City staff to see if an official City response has already been sent or is in progress. Board and commission members shall not send correspondence except as authorized under the City's policies governing volunteers. (Council Policy 7.2.19, Boards and Commissions.)

Limit requests for staff support

Routine secretarial support will be provided to all Councilmembers. The Council Executive Assistant opens all mail for Councilmembers, unless a Councilmember requests other arrangements. Mail addressed to the Mayor is reviewed first by the city manager who notes suggested action and/or follow-up items.

Requests for additional staff support – even in high priority or emergency situations – should be made to the city manager who is responsible for allocating City resources in order to maintain a professional, well-run City government.

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Do not solicit political support from staff

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

3. Elected and Appointed Officials' Conduct with the Public

"If a man be gracious and courteous to strangers, it shows he is a citizen of the world, and that his heart is no island cut off from other lands, but a continent that joins to them."

-- Francis Bacon

3(a). In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

Be welcoming to speakers and treat them with care and gentleness. While questions of clarification may be asked, the official's primary role during public testimony is to listen.

"I give many public presentations so standing up in front of a group and using a microphone is not new to me. But I found that speaking in front of Council was an entirely different experience. I was incredibly nervous and my voice was shaking. I think the reason was because the issue was so personal to me. The Council was going to take a vote that would affect my family's daily life and my home. I was feeling a lot of emotion. The way that Council treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity."

Be fair and equitable in allocating public hearing time to individual speakers.

"The first thing the Mayor said to me was to be brief because the meeting was running late and the Council was eager to go home. That shouldn't be my problem. I'm sorry my item was at the end of the agenda and that there were a lot of speakers, but it is critically important to me and I should be allowed to say what I have to say and believe that the Council is listening to me."

The chair will determine and announce limits on speakers at the start of the public hearing process. Questions should not be asked for the express purpose of allowing one speaker to evade the time limit imposed on all others (e.g., "Was there something else you wanted to say?"). Generally, each speaker will be allocated three minutes with applicants and appellants or their designated representatives allowed ten. If many speakers are anticipated, the chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the chair requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless the chair reopens the public hearing for a limited and specific purpose.

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Give the appearance of active listening

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

Maintain an open mind

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials. To express an opinion or pass judgment prior to the close of a public hearing casts doubt on a member's ability to conduct a fair review of the issue. This is particularly important when officials are serving in a quasi-judicial capacity.

Ask for clarification, but avoid debate and argument with the public

Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

If speakers become flustered or defensive by questions, it is the responsibility of the chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by members to the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Members' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.

No personal attacks of any kind, under any circumstance

Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

Follow parliamentary procedure in conducting public meetings

The city attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The chair, subject to the appeal of the full Council or board/commission makes final rulings on parliamentary procedure.

3(b). In Unofficial Settings

Make no promises on behalf of the Council, board/commission or City

Members will frequently be asked to explain a Council or board/commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council or board/commission action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers in the median, etc.).

Make no personal comments about other members

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other members, their opinions and actions.

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Remember that despite its impressive population figures, Sunnyvale is a small town at heart. Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper deportment in the City of Sunnyvale. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

4. Council Conduct with Other Public Agencies

*"Always do right. This will gratify some people and astonish the rest."
-- Mark Twain*

Be clear about representing the City or personal interests

When representing the City, the Councilmember must support and advocate the official City position on an issue, not a personal viewpoint. Outside of official board or commission meetings, board and commission members are not authorized to represent the City or their board or commission unless specifically designated by the Council or the board or commission to do so for a particular purpose.

When representing another organization whose position is different from the City, the Councilmember should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers should be clear about which organizations they represent and inform the Mayor and Council of their involvement.

Correspondence also should be equally clear about representation

City letterhead may be used when the Councilmember is representing the City and the City's official position. A copy of official correspondence should be given to the Council Executive Assistant to be filed in the Council Office as part of the permanent public record.

City letterhead should not be used for non-City business nor for correspondence representing a dissenting point of view from an official Council position.

5. Council Conduct with Boards and Commissions

*"We rarely find that people have good sense unless they agree with us."
--Francois, Duc de La Rochefoucauld*

The City has established several boards and commissions as a means of gathering more community input. Citizens who serve on boards and commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

If attending a board or commission meeting, be careful to only express personal opinions

Councilmembers may attend any board or commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation especially if it is on behalf of an individual, business or developer -- could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a board or commission meeting should be

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clearly made as individual opinion and not a representation of the feelings of the entire City Council.

Limit contact with board and commission members to questions of clarification

It is inappropriate for a Councilmember to contact a board or commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact board or commission members in order to clarify a position taken by the board or commission.

Remember that boards and commissions serve the community, not individual Councilmembers

The City Council appoints individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the Council. But board and commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

Be respectful of diverse opinions

A primary role of boards and commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on boards and commissions, but must be fair and respectful of all citizens serving on boards and commissions.

Keep political support away from public forums

Board and commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support board and commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

6. Conduct with the Media

"Keep them well fed and never let them know that all you've got is a chair and a whip."

-- Lion Tamer School

Board and commission members are not authorized to represent the City outside of official board/commission meetings unless specifically authorized to do so.

Councilmembers are frequently contacted by the media for background and quotes.

The best advice for dealing with the media is to never go "off the record"

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted.

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The Mayor is the official spokesperson for the City on City positions.

The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Councilmember is contacted by the media, the Councilmember should be clear about whether their comments represent the official City position or a personal viewpoint.

Choose words carefully and cautiously

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

C. SANCTIONS

*"You cannot have a proud and chivalrous spirit if your conduct is mean and paltry;
for whatever a man's actions are, such must be his spirit."*

-- Demosthenes

Model of Excellence

City Councilmembers, Board and Commission Members, and Council appointees who do not sign the Model of Excellence (Appendix A) shall be ineligible for intergovernmental assignments or Council subcommittees.

Ethics Training for Local Officials

City Councilmembers, Board and Commission Members, and Council appointees who are out of compliance with State- or City-mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council sub-committees, and may be subject to sanctions.

Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

Inappropriate Staff Behavior

Councilmembers should refer to the city manager any City staff or to the city attorney any City Attorney's staff who do not follow proper conduct in their dealings with Councilmembers, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Council Conduct with City Staff for more details on interaction with Staff.)

Councilmembers Behavior and Conduct

Compliance and Enforcement. The Sunnyvale Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Sunnyvale City Council, boards and commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards and commissions and the Mayor and Council have the additional responsibility to

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intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

City Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Sunnyvale or with inter-government agencies) or have official travel restricted. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

Councilmembers should point out to the offending Councilmember infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice Mayor.

It is the responsibility of the Mayor to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

Board and Commission Members Behavior and Conduct

Counseling, verbal reprimands and written warnings may be administered by the Mayor to board and commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective board or commission, the city clerk, the city attorney, the city manager, and the City Council. Written reprimands administered by the Mayor shall not be included in packets for public meetings and shall not be publicized except as required under the Public Records Act.

The City Council may impose sanctions on board and commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation. The Report to Council shall be distributed in accordance with normal procedures, including hard copies to numerous public facilities and posting online. Any Report to Council addressing alleged misconduct by a board or commission member shall be routed through the Office of the city attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

When deemed warranted, the Mayor or majority of Council may call for an investigation of board or commission member conduct. Should the city manager or city attorney believe an investigation is warranted, they shall confer with the Mayor or Council. The Mayor or Council shall ask the city manager and/or the city attorney to investigate the allegation and report the findings.

The results of any such investigation shall be provided to the full Council in the form of a Report to Council, and shall be placed on the agenda of a noticed public meeting as "Information Only". Any such report shall be made public and distributed in accordance with normal procedures (i.e., hard copies to numerous public locations and posted online). Any report to Council addressing the

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investigation of board and commission members shall be routed through the Office of the City Attorney for review of whether any information is exempt from disclosure (subject to redaction) based on privacy interests authorized under the Public Records Act.

It shall be the Mayor and/or the Council's responsibility to determine the next appropriate action. Any such action taken by Council (with the exception of "take no further action") shall be conducted at a noticed public hearing. These actions include, but are not limited to: discussing and counseling the individual on the violations; placing the matter on a future public hearing agenda to consider sanctions; forming a Council ad hoc subcommittee to review the allegation, the investigation and its findings, as well as to recommend sanction options for Council consideration.

Under the City Charter, the City Council also may remove members of boards and commissions from office. A violation of this Code of Ethics and Conduct shall not be considered a basis for challenging the validity of a Council, board or commission decision.

D. PRINCIPLES OF PROPER CONDUCT

Proper conduct IS ...

- Keeping promises
- Being dependable
- Building a solid reputation
- Participating and being available
- Demonstrating patience
- Showing empathy
- Holding onto ethical principles under stress
- Listening attentively
- Studying thoroughly
- Keeping integrity intact
- Overcoming discouragement
- Going above and beyond, time and time again
- Modeling a professional manner

Proper conduct IS NOT ...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up bad feelings, divisiveness
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals ... respect for the validity of different opinions ... respect for the democratic process ... respect for the community that we serve.

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E. CHECKLIST FOR MONITORING CONDUCT

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would my conduct be evaluated by people whose integrity and character I respect?
- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

F. GLOSSARY OF TERMS

attitude	The manner in which one shows one's dispositions, opinions, and feelings
behavior	External appearance or action; manner of behaving; carriage of oneself
civility	Politeness, consideration, courtesy
conduct	The way one acts; personal behavior
courtesy	Politeness connected with kindness
decorum	Suitable; proper; good taste in behavior
manners	A way of acting; a style, method, or form; the way in which things are done
point of order	An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
point of personal privilege	A challenge to a speaker to defend or apologize for comments that a fellow member considers offensive
propriety	Conforming to acceptable standards of behavior
protocol	The courtesies that are established as proper and correct
respect	The act of noticing with attention; holding in esteem; courteous regard

G. IMPLEMENTATION

As an expression of the standards of conduct for members expected by the City, the Sunnyvale Code of Ethics and Conduct is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions. For this reason, this document shall be included in the regular orientations for candidates for City Council, applicants to

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board and commissions, and newly elected and appointed officials. Members entering office shall sign a statement affirming they read and understood the City of Sunnyvale Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be annually reviewed by the City Council, boards and commissions, and the City Council shall consider recommendations from boards and commissions and update it as necessary.

(Adopted: RTC 08-113 (4/8/08), Update: RTC 09-036 (2/3/09); Updated: RTC 09-047 (2/24/09); Approved with no changes: RTC 10-078 (3/23/10); Approved with no changes: RTC 11-058 (3/29/11); Approved with no changes: RTC 12-067 (3/20/2012); Updated: RTC 13-060 (3/19/13); Approved with no changes: RTC 14-0211 (3/18/14)

Lead Department: Office of the City Manager

APPENDIX A - Model of Excellence Member Statement

MODEL OF EXCELLENCE

Sunnyvale City Council, Boards and Commissions

MEMBER STATEMENT

As a member of the Sunnyvale City Council or of a Sunnyvale board or commission, I agree to uphold the Code of Ethics and Conduct for Elected and Appointed Officials adopted by the City and conduct myself by the following model of excellence. I will:

- Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;
- Help create an atmosphere of respect and civility where individual members, City staff and the public are free to express their ideas and work to their full potential;
- Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;
- Respect the dignity and privacy of individuals and organizations;
- Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;
- Avoid and discourage conduct which is divisive or harmful to the best interests of Sunnyvale;
- Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the City of Sunnyvale Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

City Council Seat #____

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City of Sunnyvale

Agenda Item

15-0264

Agenda Date: 3/2/2015

Discussion of the Commission's Strategic Direction