

CITY OF BENICIA

ORDINANCE NO. 25- 5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BENICIA ADDING A NEW CHAPTER 2.112 (INDUSTRIAL SAFETY CITIZEN OVERSIGHT COMMISSION) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE BENICIA MUNICIPAL CODE

WHEREAS, the City's affirmative duty is to protect the safety, health, and welfare of its residents with regard to actual and potential dangers in the surrounding community with special concern for children, older adults, and individuals with pre-existing health conditions as the most vulnerable residents; and

WHEREAS, recent incidents at industrial facilities categorized as "Group H" high-hazard facilities by the California Fire Code resulted in releases of potentially harmful chemicals into the community that posed risks to residents, and which incidents could have been mitigated by more timely and detailed notifications to the City; and

WHEREAS, the City and the Valero Benicia Refinery (Valero) have cooperated in a memorandum of understanding that provides for certain industrial health and safety incident reporting by Valero for incidents at the refinery, but which is no longer adequate because it applies only to Valero and no other High-Hazard Facilities in the City, it is not enforceable, it is terminable at any time, and it does not include public engagement components; and

WHEREAS, to mitigate the occurrence of adverse impacts resulting from incidents at industrial facilities in the City, a new Ordinance, Chapter 8.55 (Industrial Health and Safety) to Title 8 (Health and Safety), is being added to the Benicia Municipal Code to identify releases and hazards, assess the risks, and openly share information with the community to allow industry, government, and the community to work together to timely respond to industrial incidents and create an accountable safety culture; and

WHEREAS, to provide for public review and consideration of public comment in response to industrial incidents and to foster public awareness and participation regarding industrial safety, this Ordinance establishes an Industrial Safety Citizen Oversight Commission; and

WHEREAS, the purpose and duties of the Commission are as follows:

1. Facilitate public access to public health and safety information in order to benefit community health and safety, obtain community input regarding industrial health and safety issues, develop recommendations and provide information to the public and the City Council regarding industrial public health and safety issues in Benicia.

2. Air Quality Monitoring Program (AQMP): Assist in the development, oversight, and management of the Air Quality Management Program adopted by new Municipal Code section 8.55, including evaluating funding options, providing recommendations regarding the distribution of funds, researching potential sites for air quality monitoring stations, and assisting in selecting independent contractors to manage the installation, operation, and maintenance of air quality monitoring stations and an associated website to display near real-time air quality data.
3. Industrial Safety Community Notifications: Work with the City Fire Chief to update protocols for notifying the public of industrial safety issues. This includes recommending trigger levels, messaging content, and messaging platforms, monitoring the effectiveness of the notifications, and making recommendations for improvement.
4. Public education and outreach: Educate the public regarding regulated industrial facilities and industrial health and safety, including facilitating public outreach and education regarding the AQMP and industrial safety notifications, as well as enhancing the public's understanding of local industrial facilities. The Commission will conduct open public meetings to review incidents and annual reports submitted by industrial facilities subject to new Municipal Code section 8.55.
5. Ordinance Oversight: Provide recommendations to the City Council regarding the administration and enforcement of the Benicia Industrial Health and Safety Ordinance at new Municipal Code section 8.55, including providing recommendations regarding proposed changes, providing for review and consideration of public comment of Incident Investigation and Root Cause Analysis reports, performing objective and transparent analyses of the Annual Performance Review and Evaluation Reports, and providing City Council and City staff with recommendations on the use of any penalties assessed for noncompliance; and

WHEREAS, the Industrial Safety Citizen Oversight Commission is considered an official city body and shall comply with the Benicia Open Government Ordinance (BMC Title 4) including noticing, conduct, and conflict of interest regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES ORDAIN AS FOLLOWS:

Section 1.

Title 2 (Administration and Personnel) of the Benicia Municipal Code is amended by adding a new Chapter 2.112 (Industrial Safety Citizen Oversight Commission) to read as follows:

Chapter 2.112

INDUSTRIAL SAFETY CITIZEN OVERSIGHT COMMISSION

Sections:

- 2.112.010 Established – Membership.
- 2.112.020 Membership qualification.
- 2.112.030 Purpose and Duties.

2.112.010 Established – Membership.

- A. The Industrial Safety Citizen Oversight Commission is hereby established in the city. The Commission shall consist of seven regular voting members. In addition to regular members, ex officio members with no voting rights may be established by the City Council for technical and jurisdictional resources.
- B. The Industrial Safety Citizen Oversight Commission is considered an official city body and shall comply with the Benicia Open Government Ordinance (BMC Title 4) including noticing, conduct, and conflict of interest regulations.

2.112.020 Membership Qualifications.

- C. Each member of the Industrial Safety Citizen Oversight Commission shall be a resident of, be employed in, or own a business in Benicia. The foregoing notwithstanding, no less than four (4) members of the Commission shall be residents of the City.
- D. Each member of the Industrial Safety Citizen Oversight Commission shall have a demonstrated special interest, competence, or knowledge of industrial safety and/or air quality.

2.112.030 Purpose and Duties.

The purpose and Duties of the Commission are to:

- A. Facilitate public access to public health and safety information in order to benefit community health and safety, obtain community input regarding industrial health and safety issues, develop recommendations and provide information to the public and the City Council regarding industrial public health and safety issues in Benicia.
- B. Air Quality Monitoring Program: Assist in the development, oversight, and management of the Air Quality Monitoring Program (AQMP) established by Chapter 8.55 of this Code, including the following duties:
 - a. Evaluate funding options to implement the AQMP.
 - b. Provide recommendations to City Council regarding the distribution of funds to support the efforts of improving industrial safety and air quality.
 - c. Research potential sites for air quality monitoring stations and provide site recommendations to Benicia City Staff and Council.
 - d. Assist city staff in developing requests for proposals and other procurement materials to select independent contractors to manage the installation, operation, and maintenance of air quality monitoring stations.
 - e. Assist city staff in developing requests for proposals and other procurement

- materials to select independent contractors to collect, validate, and analyze air quality data.
- f. Assist city staff in developing requests for proposals and other procurement materials to select independent contractors to develop and maintain a comprehensive air quality monitoring website to show real time air quality data from all available air quality monitoring stations throughout the City.
 - g. Foster community participation in air quality improvement initiatives.
- C. Industrial Safety Community Notifications: Work with the City Fire Chief to update protocols to notify the public of industrial safety issues, including the following duties:
- a. Recommend trigger levels, messaging content, and messaging platforms for various air quality and industrial safety alerts to inform the public of actual and potential air quality concerns.
 - b. Monitor the effectiveness of the notifications and make recommendations for improvement.
- D. Public education and outreach: Educate the public regarding regulated industrial facilities and industrial health and safety, including the following duties:
- a. Facilitate public outreach, education, and collaboration with regard to industrial safety notifications and alerts.
 - b. Facilitate public outreach, education, and collaboration with regard to the Air Quality Monitoring Program.
 - c. Support the public's understanding of regulated industrial facilities by conducting open public meetings to review incidents and annual reports.
 - d. Provide the Department and Council with feedback on the Commission's public education and outreach efforts.
- E. Benicia Industrial Health and Safety Ordinance Oversight: Provide recommendations to the City Council regarding the administration and enforcement of the Chapter 8.55 – Benicia Industrial Health and Safety Ordinance, including the following duties:
- a. Provide the City Council and city staff with recommendations regarding proposed changes, additions, or deletions to BMC Chapter 8.55.
 - b. Conduct a public hearing regarding Incident Investigation Reports as required by BMC Chapter 8.55.
 - c. Provide for review and consideration of public comment after receiving Incident Investigation Reports as required by BMC Chapter 8.55.
 - d. Perform objective and transparent analyses of the Annual Performance Review and Evaluation Report required by BMC Chapter 8.55
 - e. Provide the City Council and city staff with recommendations on the use of expenditures of any fees or penalties assessed from BMC Chapter 8.55.

Section 2.

Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 3.

Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Benicia, California and cause the same to be published in accordance with State law.

Section 4.

Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its adoption and shall be published and posted as required by law.

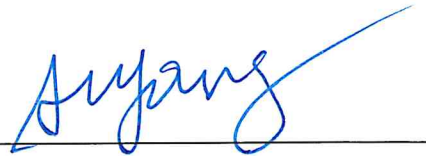
On motion of Council Member **Birdseye**, seconded by Council Member **Scott**, the foregoing ordinance was introduced at a regular meeting of the City Council on the 4th day of March 2025, and adopted at a regular meeting of the Council held on the 1st day of April 2025, by the following vote:

Ayes: **Council Members Birdseye, Largaespada, Macenski, Scott, and Mayor Young**

Noes: **None**

Absent: **None**

Abstain: **None**

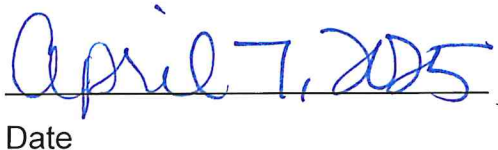


Steve Young, Mayor

Attest:



Lisa Wolfe, City Clerk



Date