



# Activist Info

#7 10/20/09

## RICHMOND PROGRESSIVE ALLIANCE

### Measure T Battle in Courts

On Friday, Oct. 9, about a dozen RPA members and community activists, including Mayor McLaughlin, stood on the steps of the courthouse in Martinez prior to the Measure T hearing, with signs saying "Yes on T", "A Fair Share for Richmond", "Too Big to Tax?" and more. See [http://www.contracostatimes.com/top-stories/ci\\_13525568?nclink\\_check=1](http://www.contracostatimes.com/top-stories/ci_13525568?nclink_check=1) for coverage and photos.

Besides the lawyers, the judge and court staff, our group of Measure T supporters appeared to be the only ones attending the hearing, and later one of the City's lawyers told us that having community members in the audience really makes a difference, as it shows the judge that this is a high profile case. It also lets him know that the community (who elects him) is watching.

No decision was made at this hearing. The judge listened to both sides make their arguments about a couple of technical issues, the Commerce Clause and whether T is a property tax or excise tax.

Chevron claimed that Measure T violates the Commerce Clause because it disadvantages companies that operate both in Richmond and elsewhere. In his preliminary ruling, Judge Flinn tended to concur. However, the supplemental information supplied by Richmond's attorneys, together with the City's original filing, clearly show how Richmond's implementation of Measure T does in fact comply with the Commerce Clause.

Richmond's Tax Collector, Jim Goins, notified all Richmond businesses on Feb. 2, 2009 that companies doing business both inside and outside Richmond can apportion their business license tax based on the amount of work they do in Richmond. Goins further clarified how this works in the Business License Ordinance Enforcement Policy on March 27, 2009. To do this, a company would do the following:

- assume that every place they do business has a business license ordinance just like Measure T
- calculate what the total business license tax for all locations would be
- determine what percentage of their total business happens in Richmond
- pay that percentage of the total calculated business license tax to the City of Richmond

Chevron declined to exercise this apportionment option when it paid its business license tax in April, 2009 – approximately \$21 million that the City cannot spend until the outcome of the lawsuit is determined.

Chevron further tried to claim that the business license tax under Measure T is an illegal property tax that taxes inventory owned by a company. The City's lawyers quickly refuted this claim, pointing out that it is a tax on a company's right to do business in the City, based on the value of materials it uses over the course of a year and not on the value of its inventory at any point in time. Thus it is correctly defined as a legal excise tax and not a property tax. An analogy would be the vehicle license fee, which is an excise tax on a person's right to use their vehicle on public roads, and is based on the value of the vehicle. Just as one can avoid paying this tax by not using the vehicle, a company could avoid paying the business license fee by not using the raw materials.

Again, it became apparent at the hearing that Chevron is trying to use a technicality that doesn't hold water in order to avoid paying its fair share of taxes to our city. We'll let you know about any decisions or rulings, and invite you to join us at future hearings.

-Marilyn Langlois

### OCTOBER 24 – INTERNATIONAL DAY OF CLIMATE ACTION

This coming Saturday, October 24, thousands of events will be held around the world calling for climate justice at the Copenhagen climate talks. Many actions are taking place around the Bay Area. A bicycle ride of 350 riders and an action of 350 surfers will publicize the demand to reduce carbon in the atmosphere to 350 parts per million to curb the dangerous impacts of global warming. Groups of concerned activists will be participating in creative actions at BART stations throughout the Bay Area. **The Richmond Progressive Alliance will be at the BART stations Friday afternoon and Saturday to educate the public about the urgent need for worldwide action to save the planet from catastrophic climate change.**



**Friday, October 23:** Richmond BART 4:15P-5:15P  
Del Norte BART 5:30P-6:30P

**Saturday, October 24:** Richmond BART 12:15-1:15  
Del Norte BART 1:30-2:00 then

**Saturday 3PM:** After local actions, people from around the Bay Area will gather together at 3PM in San Francisco in the rectangular grassy park one block SE of Justin Herman Plaza on the opposite side of the Embarcadero from the Ferry Building. We will hold a rally demanding that our political leaders stand for climate justice now. The event will feature music, local poets and performers, a massive parachute banner, hand-painted visuals, and a speech by Supervisor Ross Mirkarimi.  
For more info: 510-412-3673

To see the locations of other actions throughout the world and learn more go to [WWW.350.org](http://WWW.350.org)

## EPA Blocks BP Refinery Expansion

Richmond is not the only city where we have to battle the refineries to get clean air.

BP began a major expansion of the Whiting Refinery in 2008 in order to process dirty Canadian tar sands crude oil at the facility. The expansion would make the refinery the largest refiner of tar sands oil in the U.S. and would increase numerous traditional air pollutants like sulfur dioxide, nitrogen oxides, and particulate matter. In addition, the expansion would create approximately as much new global warming pollution as a new 300-400 megawatt coal plant, about a forty percent increase from current refinery levels.

The United States Environmental Protection Agency (EPA) issued an objection to the operating permit for BP North America's refinery in Whiting, IN that will require the Indiana Department of Environmental Management to rewrite the permit.

BP's permit application claimed the expansion would not increase pollution because the company would offset the increased emissions by shutting down some older equipment at the refinery at a later date. But the company failed to take into account many distinct sources of pollution from the refinery, including flares (the large torch-like tower structures that burn excess gases from the refining process) and "fugitive emissions" from leaks and other sources. EPA's objection requires the Indiana Department of Environmental Management to go back and redo the permit taking these sources into account. In the case of flares, EPA also presented the option of prohibiting all new and increased flaring emissions. This is the first Title V decision from the EPA requiring that these pollution sources be addressed in refinery permits, and stands as important direction-setting for future projects.

The October 19 decision is a victory for Environmental Law and Policy Center and the other citizens and environmental groups who petitioned EPA to object to the permit in August 2008 on the grounds that it did not accurately account for the large increases in dangerous air pollution that would be caused by BP's expansion of the refinery. ELPC filed the petition with a coalition that included Hoosier Environmental Council, Natural Resources Defense Council, Save the Dunes Council, Sierra Club.

—Edited material from [www.elpc.org](http://www.elpc.org)

### ***RPA Activist Info***

is for Richmond community members who want to be active in taking on the problems of the environment, racism, joblessness, housing, and crime to create a healthy Richmond. We believe that community involvement means more than voting every two years. It means regular communication with the candidates we elect, letting them know our issues and positions, supporting them as they try to take our issues forward. It means we attend meetings, use the email, phone our neighbors, or go on marches building an organized movement to create real change.

Comments and columns are welcome. Signed articles and columns are the views of the author and not necessarily those of the RPA. Send photos, articles, and comments to [RPAactivist@gmail.com](mailto:RPAactivist@gmail.com) or call the RPA at 510-595-4661



**The law in its majestic equality forbids  
the rich as well as the poor to sleep under  
bridges, beg in the street, and steal bread.  
Anatole France**



political art by mbeer

## **THE COST OF CORRECTIONS: Impact on our Communities, State Budget, and Public Safety**

Since 1990, California's prison population has increased by 73% and corrections spending has grown at nearly four times the rate of general spending as a whole. California also has the highest recidivism rate in the nation. Many are calling for reform for California's criminal justice system. What reforms have been made, will they work, and are they enough?

**Monday, October 26**

**7:00pm-9:00pm**

**Contra Costa College, Liberal Arts Building, Rm 100  
2600 Mission Bell Drive, San Pablo**

A panel of experts will be on hand to share information and their thoughts. Most importantly, we want to hear from you. Join Assemblymember Skinner for this important community discussion.

For more information or to RSVP,  
call (510) 286-1400  
[www.assembly.ca.gov/skinner](http://www.assembly.ca.gov/skinner)