

Lawyers who challenged PERS reforms awarded \$900,000 in fees

State Supreme Court sides with attorneys

By CLAUDE WITTYCOMBE
Capital Bureau

SALEM — The Oregon Supreme Court has awarded nearly \$1 million to attorneys representing public employees in the court case that challenged certain legislative reforms to the state's Public Employees Retirement System.

In an opinion released Thursday, the court awarded \$902,665 in fees and costs to Bennett, Hartman, Morris & Kaplan, LLP, a Portland law firm representing several of the plaintiffs in the lawsuit, known as *Moro v. Oregon*.

In *Moro*, the Supreme Court reversed many of the Legislature's reforms in 2015, finding that lawmakers could not make changes retroactively to the benefits accrued

by public employees. Another \$41,127 was awarded to three people who represented themselves in the lawsuit — Michael Reynolds, George Riemer and Wayne Stanley Jones.

Reynolds and Riemer are attorneys. Riemer was previously general counsel for the Oregon State Bar, while Reynolds was previously an assistant attorney general.

State and local entities had argued against awarding the fees, according to the Supreme Court's opinion.

The court directed the retirement board to decide how to allocate the fee award from the Oregon Public Employees Retirement Fund, which contains multiple accounts, including a contingency reserve, according to the opinion.

The fund is managed by the Oregon Treasury under the direction of the Oregon Investment Council.

PERS is still consulting with legal counsel and has not made a decision about how to

allocate the fees, according to PERS. Not all PERS retirees benefited from the court's findings in the *Moro* appeal.

The retirement board will discuss the Supreme Court's decision and its execution at a future meeting.

The award comes as PERS faces \$22 billion in unfunded liability — essentially, money it owes retirees that it cannot pay.

Lawmakers are again attempting to pass reforms in the upcoming legislative session.

A bipartisan work group led by state Sen. Betsy Johnson, D-Scappoose, and Sen. Tim Knopp, R-Bend, is convening to consider the options.

In August, legislative counsel released an analysis of ten options for changes to PERS, finding seven of them were likely to fall within the requirements of the state's constitution.

The Capital Bureau is a collaboration between EO Media Group and Pamplin Media Group.

Oregon weighs whether all kids should get outdoor education

Ballot measure before voters

By GILLIAN FLACCUS
Associated Press

MOUNT HOOD NATIONAL FOREST — Each year, thousands of Oregon parents hug their kids goodbye and send them tramping into the wilderness for up to a week to learn about their state's natural wonders.

The Outdoor School program was groundbreaking when it started more than a half-century ago. Since then, more than 1 million children have enjoyed — or endured — this rite of passage at campsites scattered from Oregon's stormy coast to its towering evergreen forests to its rugged high desert.

At the program's heyday, 90 percent of sixth-graders spent the week testing water samples, studying fungi and digging through topsoil. Today, just half of Oregon's 11- and 12-year-olds take part, mostly through a patchwork of grants, fundraising, parent fees and charitable donations. Caps on property taxes, plus the recent recession, have forced many school districts to scrap the program or whittle it down to just a few days.

Now, backers of a state-wide ballot measure want to use a slice of lottery proceeds to guarantee a week of Outdoor School for all children. If it passes, the measure would make Oregon the only state with dedicated funding for outdoor education, including students in charter, private and home schools, said Sarah Bodor, policy director for the North American Association for Environmental Education.

Opponents, however, say its passage would mean deep cuts to a state agency tasked with economic development by siphoning away millions in lottery money critical to expanding Oregon business. And at least one outspoken state lawmaker worries Measure 99 would impose liberal Portland's values on children in rural Oregon where farming, mining, logging and fishing are a way of life.

The push to fund Outdoor School dovetails with a national trend toward outdoor learning, Bodor said. More than two dozen states have developed environmental literacy plans



AP Photo/Don Ryan

Outdoor School students work at terraforming a mountain to withstand erosion at Camp Howard in Mount Hood National Forest near Corbett in October. The outdoor education is unique to Oregon and is a rite-of-passage for public school students that's meant to instill a respect for nature in each generation — studies show it improves attendance and boosts test scores.



AP Photo/Don Ryan

Outdoor School students walk through the dense forest on their way to a lesson at Camp Howard in Mount Hood National Forest near Corbett.

state could continue to do so.

To get the state funding, programs would have to meet certain criteria, including a curriculum that includes the study of plants, animals, soil and water; discussion of the role of natural resources in the state economy; and lessons on the relationship between economic growth, natural resources and conservation.

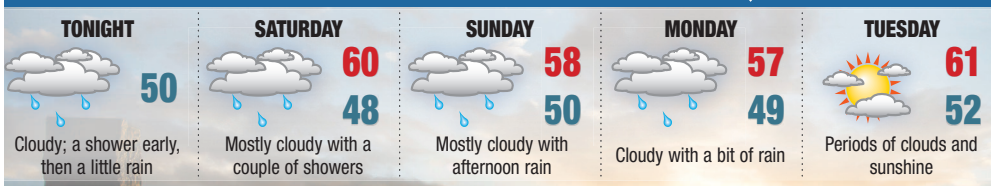
"This is not a mandate — it's an offer. And we wanted to make sure it was a real one, which means providing sufficient funding to cover the cost of a good, high-quality program," said Rex Burkholder, chairman of the Measure 99 campaign committee.

With less than two weeks to go before the election, Measure 99 has no organized opposition, and polls indicate it will pass — but not everyone is buying it.

State Sen. Betsy Johnson, a Democrat who represents a rural district northwest of Portland, says lottery proceeds are for economic development, not camp. She worries Oregonians who remember their own Outdoor School experience will vote for the measure out of nostalgia without understanding it could hurt other programs.

Economic Development for Central Oregon, a nonprofit that promotes job growth, says the money for Outdoor School would be equivalent to 70 percent of the budget for the state's economic development agency, which relies on lottery money. Efforts to bring television productions like "Grimm," "Leverage" and "Portlandia" to Oregon could suffer as a result, it said.

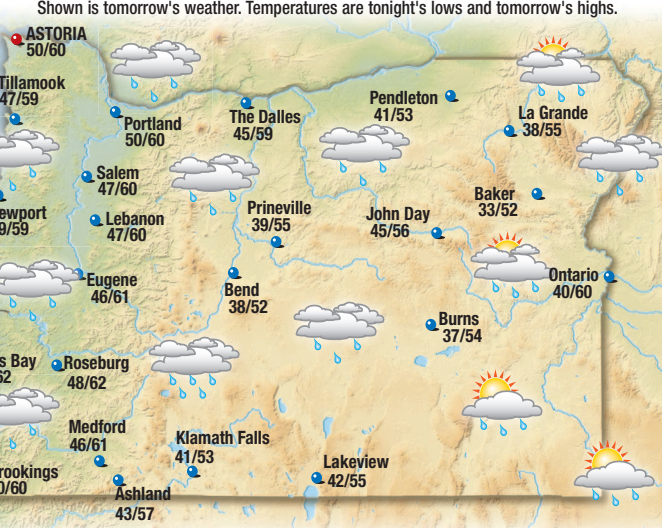
FIVE-DAY FORECAST FOR ASTORIA



ALMANAC

Astoria through Thursday.
Temperatures: High/Low 62°/53°, Normal High/Low 58°/43°, Record High 70° in 1944, Record Low 29° in 1971.
Precipitation: Thursday 0.35", Month to date 14.84", Normal month to date 4.89", Year to date 57.81", Normal year to date 45.38".
Sun and Moon: Sunset tonight 6:07 p.m., Sunrise Saturday 7:53 a.m., Moonrise today 5:41 a.m., Moonset today 5:35 p.m.

REGIONAL WEATHER



SUN AND MOON

Sunset tonight 6:07 p.m., Sunrise Saturday 7:53 a.m., Moonrise today 5:41 a.m., Moonset today 5:35 p.m.

UNDER THE SKY

Tonight's Sky: Before sunrise, Jupiter will be below the waning crescent moon.

TOMORROW'S TIDES

Astoria / Port Docks
Time High Low
1:14 a.m. 7.7 ft. 7:09 a.m. 1.3 ft.
1:14 p.m. 8.8 ft. 7:47 p.m. -0.1 ft.

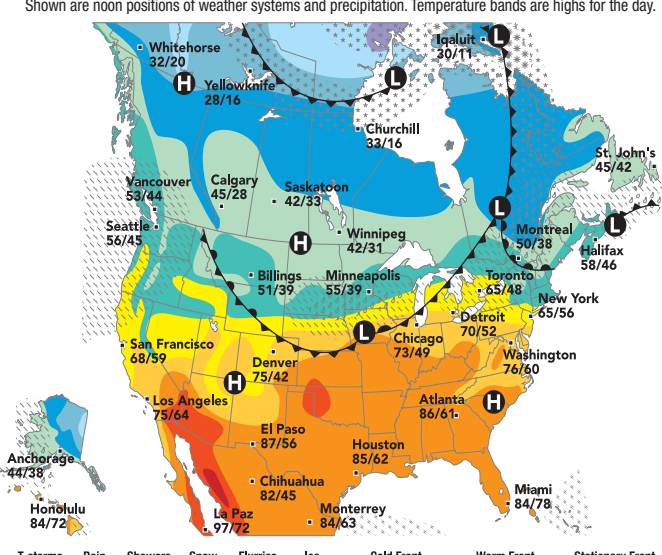
NATIONAL CITIES

Table with columns: City, Today (Hi, Lo, W), Sat. (Hi, Lo, W). Lists major cities like Atlanta, Boston, Chicago, Denver, etc.

REGIONAL CITIES

Table with columns: City, Today (Hi, Lo, W), Sat. (Hi, Lo, W). Lists regional cities like Baker City, Bend, Brookings, Eugene, etc.

TOMORROW'S NATIONAL WEATHER



Play on tap at Astoria High School

The Daily Astorian and Saturday, and at 2 p.m. Sunday and Nov. 6, in the AHS Auditorium. The cost is \$7 for adults, and \$4 for a student or child. Today, get \$2 off the ticket price with the donation of a canned good. On Sunday, Buy One Get One (BOGO) half price for wearing a costume, and on Nov. 6, tickets are half price for Clatsop County athletes.

DEATH

Oct. 23, 2016
PEDERSEN, David Raymond, 62, of Puyallup, Washington, died in Astoria. Caldwell's Luce-Layton Mortuary in Astoria is in charge of the arrangements.

PUBLIC MEETINGS

- TUESDAY
Seaside Community Center Commission, 10 a.m., 1225 Avenue A.
Miles Crossing Sanitary Sewer District Board, 6 p.m., 34583 U.S. Highway 101 Business.
Seaside Planning Commission, 7 p.m., City Hall, 989 Broadway.

LOTTERIES

- OREGON
Thursday's Pick 4:
1 p.m.: 8-6-0-4
4 p.m.: 8-9-4-2
7 p.m.: 9-4-8-2
10 p.m.: 9-2-6-0
WASHINGTON
Thursday's Daily Game: 5-1-4
Thursday's Keno: 05-06-08-10-15-21-22-32-34-36-58-59-62-68-70-74-76-77-78-79
Thursday's Match 4: 03-12-20-22

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The Daily Astorian publishes paid obituaries. The obituary can include a small photo and, for veterans, a flag symbol at no charge. The deadline for all obituaries is 9 a.m. the business day prior. Obituaries may be edited for spelling, proper punctuation and style. Death notices and upcoming services will be published at no charge. Notices must be submitted by 9 a.m. the day of publication. Obituaries and notices may be submitted online at www.dailyastorian.com/forms/obits, by email at ewilson@dailyastorian.com, placed via the funeral home or in person at The Daily Astorian office, 949 Exchange St. in Astoria. For more information, call 503-325-3211, ext. 257.

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