

CORONAVIRUS

Judge overturns state limits on religious gatherings

Gov. Brown seeks review by state Supreme Court

By MAXINE BERNSTEIN
The Oregonian

A Baker County judge on Monday ruled that Gov. Kate Brown's restrictions on religious gatherings are "null and void" because her emergency order amid the coronavirus pandemic exceeded its 28-day limit.

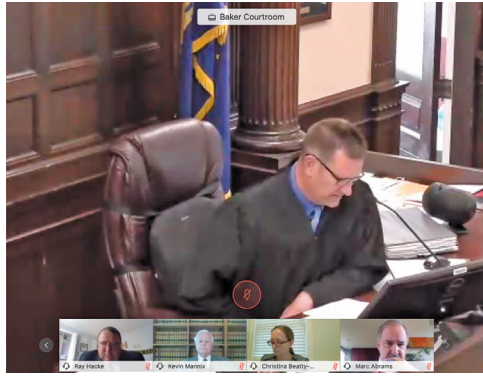
Circuit Judge Matthew B. Shirtcliff granted a preliminary injunction to 10 churches that had sued the governor, finding they had shown "irreparable harm" from the deprivation of the right to freely exercise their religions. His order also appeared to declare as invalid the governor's other "Stay Home Save Lives" public health emergency orders.

"The governor's orders are not required for public safety when plaintiffs can continue to utilize social distancing and safety protocols at larger gatherings involving spiritual worship," he ruled.

He found that the churches can take necessary social distancing precautions, just as grocery stores and other essential businesses have done. He also ruled that the injunction was in the public's interest, allowing people the right to freely worship and the ability to restore economic viability.

"This court understands that the current pandemic creates an unprecedented crisis in the state as well as in our country," Shirtcliff said, speaking from the bench in a videoconference hearing.

He said he must weigh the governor's public health concerns against the constitutional right of freedom of worship, but he found that "the balance of equities tips in favor of Plaintiffs."



Baker County Circuit Court judge Matthew B. Shirtcliff on Monday overturned Gov. Kate Brown's restrictions on religious gatherings.

"Plaintiffs have shown that they will be harmed by deprivation of the constitutional right to freely exercise their religion. Other plaintiffs have also shown great economic harm to their businesses and their ability to seek livelihood," the judge said.

Attorneys for the churches successfully argued that ORS 433.441 limits declared public health emergencies to 14 days, or up to 28 days maximum, and because COVID-19 is a public health crisis, that limitation applied.

But the governor's attorney countered that Brown declared a state of emergency under a different state law, ORS 401.165, which is not limited to any particular time period and continues indefinitely.

Yet the judge found that the governor's other "Stay Home Save Lives" executive orders placing limits on social gatherings, education and business also were void because they exceeded a 28-day limit. "Moreover, by not complying with ORS 433.441(5) timelines, the Governor's subsequent Executive Orders 20—05 through 20-25 are also null and void," the judge wrote.

Cannon Beach: 'Job losses are unprecedented'

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"It worked for what it needed to," he said. "But it would have just been weird to have the signs up at either end of town, yet we had open businesses downtown."

Cannon Beach also rescinded restrictions on hotels and other short-term rentals on May 26. The Seaside City Council is scheduled to decide on Wednesday whether to lift lodging restrictions.

The county has sought a coordinated approach to reopening. Phase one of the reopening plan is set to last 21 days.

County leaders have indicated that lodging restrictions would likely not be eased until early June, when Brown could lift a ban on nonessential travel in the second phase of reopening.

Steidel said it would have been difficult to let other businesses open, but not allow hotels to open. He said it also would have resulted in upset hotel owners.

The mayor said the City Council picked a date after Memorial Day weekend to avoid a surge in visitors, and he thinks it also gives hotels time to prepare.

"The daytrippers are going to come no matter what," he said. "So, why not take a percentage of those and allow them to stay in hotels where they will have a better chance to use the restrooms, a better chance to wash their hands and a place to get away from the crowd if there is such a crowd."

He said hotel visitation also supports other businesses.

Steidel said the mayors in the county met on Thursday, the day before Cannon Beach decided to lift hotel restrictions before the rest of the county.

"I don't know if they were happy about it because everybody has a different opinion on what they can do and what should be done. And I'm sure that the North County is a little more perturbed at what we were doing, but I think they were understanding," Steidel said.

"At least in Clatsop County we're communicating and there's not a lot of rancor."

Patrick Nofield, the president of Escape Lodging in Cannon Beach, said the closure in March was the right call and that it also gave hotels time to prepare a plan.

"But at some point we had to get going again and I think the city saw that. I mean, they can't keep the tourists from coming. They're going to come regardless of the governor's order," he said.

Escape Lodging manages a number of hotels in Seaside and Cannon Beach, as well as restaurants, including the Driftwood Restaurant & Lounge and Tom's Fish & Chips. They also manage the RV resort for Cannon Beach. The company furloughed 410 employees in March due to the closures.

"And that's just my company," Nofield said. "Think about the cumulative effect in Clatsop County of those employees and the impact that has on their families. I mean, it's huge."

Nofield shared a presentation with the City Council last week before the vote on Friday about the precautions hotels plan to take.

He said lodging property owners representing more than 80% of the hotel rooms in the city came together and agreed on a document of best practices and standards to keep employees and guests safe when they reopen.

"The impact of the hotel closure due to COVID-19 has been catastrophic and the job losses are unprecedented," Nofield told the City Council. "We are now in our ninth week of the closure and the longer that our properties are closed, the harder it will be to recover."

Nofield said hotels can open safely before phase two. He pointed to two of his company's properties outside the county that are operating at 60% occupancy in May with the protocols in place and no incidence of the virus.

Nofield referred to the hospitality industry as a partner of the city.

"We really are the generator of the economy, especially in South County," he said. "We don't get a lot of essential travel in Cannon Beach — it's minimal. We barely get some in Seaside."

OBITUARIES

John Vernon Lockwood Salem May 19, 1949 — April 30, 2020



John Vernon Lockwood was born May 19, 1949, in Walla Walla, Washington, to Vernon A. Lockwood and Elizabeth Vahl Lockwood. John died in Salem, Oregon, on April 30, 2020.

He graduated from Astoria High School in 1967, and Oregon State University in 1971. He was a member of Tau Kappa Epsilon fraternity.

John enlisted in the Air Force, and was stationed in Montana and England.

He worked at Mercer Industries in Beaverton, and then for the Marion County tax assessor. He retired in 2016 as Marion County commercial tax appraiser.

John was an Eagle Scout, and a mem-

ber of Mazamas and hiked Mount Hood. His greatest pleasure was his garden, his many friends and his family. John worked as a volunteer at the Willamette Humane Society. He was the cat whisperer.

He is survived by his mother, Elizabeth Lockwood; sister, Elizabeth L. Nimmo (Ed); brother, Andrew Lockwood; niece, Katherine Nimmo Rosenbaum (Andy); nephews, Cameron Nimmo (Fernanda), and Christopher Nimmo (Jennifer); and great-nephews and nieces, Aidan, Alex and Ava Rosenbaum and Lucy Nimmo.

Services will be held at a later date. Donations in his memory may be made to Willamette Humane Society.



John Lockwood

SPORTS



Gretchen Johnson, moments after her victory in the Oregon Coast Invitational women's championship last summer.

Gary Henley/The Astorian

Oregon Coast Invitational canceled over coronavirus

First time in 75 years

The Astorian

Add the Oregon Coast Invitational to Clatsop County's growing list of big events canceled due to the coronavirus.

The Oregon Coast Invitational committee and the board of directors of the Astoria Golf & Country Club announced it as a "postponement" of the 110th annual tournament.

But either way, it will be the first time in 75 years that the coast invitational will not be held.

Going back to the tournament's first year in 1910, there were previously no invitationals held in 1918, from 1927 to 1930 and from 1942 to 1945.

The committee took an online survey from participants to get an idea of how many golfers would be attending.

B.K. Srinivasan, the tournament chairman, said, "The response to the survey was awesome (over 400 responses), and while a lot of you felt golf should be played, there was a strong sentiment of caution given the lack of understanding of the virus."

At the end of the day, he said, "the guidance from the governor's office took precedence, and we as organizers didn't feel it appropriate to label this event as 'just golf.' This news will disappoint many," but he added, "let's make the 110th Invitational a memorable event for all the right reasons in 2021."

The tournament will return July 17, 2021.

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SEVEN-DAY FORECAST FOR ASTORIA

TODAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	MONDAY
58 51 A shower	57 47 Cloudy, showers around	56 46 Some sun with a shower	57 46 A couple of showers	59 47 Variable clouds	63 50 Partly sunny	67 48 Cloudy

ALMANAC

Astoria through Sunday

Temperatures

High/low 65/51
Normal high/low 61/46
Record high 83 in 1958
Record low 33 in 1974

Precipitation

Sunday 0.03"
Month to date 2.77"
Normal month to date 1.94"
Year to date 34.83"
Normal year to date 32.23"

Forecasts and graphics provided by **AccuWeather, Inc.** ©2020

UNDER THE SKY

Tonight's Sky: The brightest stars of Corvus, the crow, make a four-sided shape that resembles a sail.

Source: Jim Todd, OMSI

SUN AND MOON

Sunrise today 5:38 a.m.
Sunset tonight 8:47 p.m.
Moonrise today 4:39 a.m.
Moonset today 5:48 p.m.

	New	First	Full	Last
May 22	May 29	June 5	June 12	

TODAY'S TIDES

Astoria / Port Docks	Time	High (ft.)	Time	Low (ft.)
	12:22 p.m.	6.4	6:24 a.m.	0.7
	none		6:12 p.m.	1.8
Cape Disappointment	12:03 p.m.	6.2	5:45 a.m.	1.0
	11:55 p.m.	7.8	5:32 p.m.	2.1
Hammond	12:12 p.m.	6.6	6:02 a.m.	0.8
	none		5:47 p.m.	2.0
Warrenton	12:17 p.m.	6.8	6:08 a.m.	0.8
	none		5:56 p.m.	1.9
Knappa	12:24 a.m.	8.0	7:25 a.m.	0.6
	12:59 p.m.	6.7	7:13 p.m.	1.5
Depoe Bay	11:21 a.m.	6.2	5:14 a.m.	0.9
	11:09 p.m.	7.8	4:57 p.m.	2.0

NATIONAL CITIES

City	Today Hi/Lo/W	Wed. Hi/Lo/W
Atlanta	77/59/s	73/59/t
Boston	57/44/pc	58/42/s
Chicago	64/54/c	65/53/c
Dallas	92/66/s	86/70/s
Denver	87/57/s	84/43/pc
Honolulu	86/73/pc	86/73/sh
Houston	94/70/s	93/74/s
Los Angeles	70/54/pc	74/55/s
Miami	89/74/t	87/74/t
New York City	65/48/pc	64/47/pc
Phoenix	89/62/s	87/65/s
San Francisco	68/54/pc	68/52/s
Wash., DC	69/51/c	64/52/c

Weather (W): s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, l-ice.

REGIONAL FORECAST

Shown is today's weather. Temperatures are today's highs and tonight's lows.

City	Today Hi/Lo/W	Wed. Hi/Lo/W	City	Today Hi/Lo/W	Wed. Hi/Lo/W
Baker City	59/41/t	56/39/c	North Bend	60/50/c	61/49/pc
Brookings	59/46/c	60/48/s	Roseburg	64/50/c	66/49/c
Ilwaco	57/52/c	56/49/c	Seaside	58/51/c	56/48/sh
Newberg	62/47/c	59/45/c	Springfield	62/48/c	61/48/c
Newport	56/49/c	55/47/c	Vancouver	62/50/c	59/46/c