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*Attorneys for Defendants Lincoln County, David
Collier, Kelly Meininger in her capacity as the
Personal representative of the Estate of Claire Hall,
Walter Chuck, and Kristin Yuille*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

CASEY MILLER,

Plaintiff,

v.

LINCOLN COUNTY, a public body, DAVID
COLLIER, in his individual capacity, KELLY
MEININGER, in her capacity as the personal
representative of the estate of CLAIRE HALL,
WALTER CHUCK, in his individual capacity,
and KRISTIN YUILLE, in her individual
capacity,

Defendants.

Case No. 6:26-cv-00499-AA

**DECLARATION OF KRISTIN YUILLE
IN SUPPORT OF DEFENDANTS' SUR-
REPLY RE: PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

I, Kristin Yuille, being duly sworn, hereby declare:

1. I am County Counsel for Lincoln County. I make this declaration in support of
Defendants' Sur-Reply Re: Plaintiff's Motion for Preliminary Injunction. I have personal

knowledge of the matters set forth herein and, if called upon to do so, could testify competently to their truth. I previously submitted Exhibits A–C with my Declaration in Support of the Response to Plaintiff’s Motion for Preliminary Injunction (ECF No. 14). To maintain sequential exhibit numbering and avoid duplicative labeling, the additional exhibits attached to this Declaration begin with Exhibit D.

2. Attached hereto as **Exhibit D** is a true and correct copy of an email from me to Casey Miller, dated March 25, 2025.

3. Attached hereto as **Exhibit E** is a true and correct copy of an email from me to Casey Miller, dated January 20, 2026.

4. Plaintiff stated that he had an agenda item entitled “Memorandum of Understanding,” but continuously failed to provide a copy of the document for review. When he finally provided the document for review in April 2026, the agenda item was approved and placed on the May 13, 2026 meeting agenda.

I hereby declare that the above statements are true to the best of my knowledge and belief and understand that they are made for use as evidence in court and are subject to penalty for perjury.

DATED: June 3, 2026.



Kristin Yuille



Fw: Waldport Sidewalk Project easement documentation

From Kristin Yuille <kyuille@co.lincoln.or.us>

Date Tue 3/25/2025 4:28 PM

To Casey Miller <clmiller@co.lincoln.or.us>

Bcc David Collier <dcollier@co.lincoln.or.us>; Claire Hall <cehall@co.lincoln.or.us>; Walter Chuck <wchuck@co.lincoln.or.us>

 2 attachments (2 MB)

3A-Painter Slope Sidewalk and Utility Easement[80].doc; Painter[15].pdf;

Casey:

Your message below was forwarded to me. I am not "interim administrator" and have not been designated as such. Tim delegated some projects to me before he left to keep things moving forward, but otherwise, I have not assumed his responsibilities.

Public works, surveyor, and my office have been working through Dann's request since it involves legal matters regarding a county road. At this time, Mikel is unwilling to issue a construction permit for the sidewalk until some of these issues are resolved with the city which he has brought to their attention.

Our agenda process has not changed. The Chair, Administrator, and Counsel participate in agenda setting. If you are making an agenda request, please advise what the request is so it can be evaluated.

Thanks,
Kristin

Kristin H. Yuille | County Attorney (she/her/hers)
Office of Lincoln County Legal Counsel
225 W. Olive Street, Room 110 | Newport, OR 97365
Tel: (541)265-4108 | Fax: (541)265-4176
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From: Casey Miller <clmiller@co.lincoln.or.us>

Sent: Tuesday, March 25, 2025 9:17 AM

To: boc <boc@co.lincoln.or.us>

Cc: Dann Cutter <Dann.cutter@waldport.org>

Subject: Fw: Waldport Sidewalk Project easement documentation

Dan -

Sent to the BOC email.

I can only request that these be open and transparent discussions in our meetings if they cannot be resolved at the department level.

Sending your email to the BOC email should route your email to all commissioners. This should cue up your communication for discussion in a BOC meeting (I would personally prefer.) Counsel Yuille (is interim administrator) on a practical level for most departments' workflow and/or Chair Hall as the Liaison for all cities and all county departments.

What happens in the BOC office and how they are honoring my perspective is a bit of black box situation for me. I am still not in the office and how Yuille and Hall move items onto the agenda vs. "administrative" is, again, up to them.

I can ask for cooperation, updates and details about how we are functionally making decisions on each inquiry and that is very hit or miss for me at this time whether or not I will receive clarity and details.

Any questions, let me know.

Casey Miller
County Commissioner
c. 541.270.6796
w. 541.265.0211
clmiller@co.lincoln.or.us

From: Dann Cutter <dann.cutter@waldport.org>
Sent: Wednesday, March 19, 2025 3:33 PM
Subject: Waldport Sidewalk Project easement documentation

This is blind copied to the three county commissioners... well, two, I don't have an email for Walter yet.

I just sent this to county council. As a background, we had an agreement with the previous Public Works Director (Roy Kinion) to proceed, but Mikal Diwan wanted new documentation. We have redone the easement, and submitted it in early December to the county. We have, to date, not received approval to get it signed.

We can't afford to do both projects (Sidewalk and Sewer) at the same time. If we can't get this sidewalk project going, the sewer project will get pushed out significantly, and this will delay the opening of your animal shelter project. This is not a threat or tactic. This is simply the limited capacity at the city.

I leave it in your hands...

- Dann

So, we are rapidly approaching a problem.

We were scheduled to start construction on the sidewalk 'safe-routes-to-schools' project this month. So they can get the clearing done along Crestline in March-May, and then the sidewalk paving etc in June.

Ex. D

The city has limited capacity to manger multiple large capital projects.

The idea was that the Sewer project would tail quickly after the completion of the Sidewalk project.

The continued delay in getting the attestation from the county back on the sidewalk easement issue, is delaying the sidewalk construction timeline. As this gets pushed back, it will start to conflict with the sewer construction timeline.

This will create an unavoidable delay in opening the Animal Shelter project.

Please do not view this as a tactic. This is a real capacity issue for our city, and one we cannot avoid. We have a funding deadline for the Safe Routes funds. We also have two property owners that are willing to state that they are okay with a temporary construction start while you finish the easement. But, at the end of the day, the sidewalk project has to come before the other, and we don't have capacity to do both at one time.

- dann

Dann Cutter
Waldport City Manager
Office: 541-563-3561 option 7
Cell: 541-270-6996
dann.cutter@waldport.org

On 3/14/25, 10:46 AM, "Dann Cutter" <dann.cutter@waldport.org> wrote:

The sidewalk offer was an aside, what we need now is a response to the Dec 16th email which has the easement for the Painters such that we can complete the last of the requirements for a county permit.

I am including them both on this email again.

- Dann

(and on the sidewalks, the entirety of the roadway runs along the city. There are numerous examples of these streets being turned over to cities, and as has been indicated by the Painters, they are signing affidavits and requests for annexation anyhow, which means that the street will be surrounded by the city. Once this project is done, the city will require payment in future year for the street to be turned over. This is a short termed offer for a no cost transfer).

Dann Cutter
Waldport City Manager
Office: 541-563-3561 option 7
Cell: 541-270-6996
dann.cutter@waldport.org

From: Kristin Yuille <kyuille@co.lincoln.or.us>
Date: Wednesday, March 12, 2025 at 9:48 AM
To: Dann Cutter <dann.cutter@waldport.org>
Cc: Brian Gardner <bgardner@co.lincoln.or.us>, Kelly Foley <kfoley@co.lincoln.or.us>, Eli Adam <eadam@co.lincoln.or.us>
Subject: Re: Waldport Sidewalk Project easement documentation

Dann,

If this is the same issue that was raised last spring, this was my response: Under the law, counties can transfer roads to cities that are within city limits, but not county roads that are within the county (ORS 373). We have entered into IGAs with local cities if they have a project in which they would like to include improvements to portions of the county road that is not within the city's jurisdiction.

I would like to follow up with public works and our surveyor and discuss possible solutions so the city can move forward with the project.

Thanks,
Kristin

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From: Dann Cutter <dann.cutter@waldport.org>
Sent: Thursday, March 6, 2025 1:53 PM
To: Kristin Yuille <kyuille@co.lincoln.or.us>
Cc: Brian Gardner <bgardner@co.lincoln.or.us>; Kelly Foley <kfoley@co.lincoln.or.us>
Subject: Waldport Sidewalk Project easement documentation

Hi Kristin,

I am reaching out again as we really need to get the approval completed on the easement documentation provided to the County in early Dec.

I have spoken to the property owners in question (Ted and Troy Painter). As soon as it is received, I will drive to Corvallis to get Troy's signature/notary and we have arranged a title company to do a mobile notary for Ted who is in Hawaii.

They also have agreed that they will file and sign annexation documents, so that this property will be annexed into the city. This will effectively mean that the city will extend down both sides of Crestline drive all the way to the school.

We are wondering, that based on this – can we get them to email the county to allow for a conditional temporary approval while these documents are completed so that work can be scheduled to begin on this critical sidewalk as part of our Safe Routes to School program.

Thanks, dann

PS – I will remind the County that Waldport has passed the necessary language pursuant to the ORS's regarding road transfers, and that if the county so chose, they could easily and without objection notice a public hearing, and turn over this road to the city within a short period of time.

Dann Cutter
Waldport City Manager
Office: 541-563-3561 option 7
Cell: 541-270-6996

dann.cutter@waldport.org

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Business meetings

From Kristin Yuille <kyuille@co.lincoln.or.us>

Date Tue 1/20/2026 9:29 AM

To Casey Miller <clmiller@co.lincoln.or.us>

Bcc Kathleen Kellay <kkellay@co.lincoln.or.us>; Geneva Campitelli <gcampitelli@co.lincoln.or.us>; Walter Chuck <wchuck@co.lincoln.or.us>; Kenneth Lipp <klipp@co.lincoln.or.us>

Good morning,

The topics sent yesterday can be reviewed for upcoming agendas, however, most don't appear to be matters for a business meeting. Yesterday was an observed holiday, and staff were not working. There were a few matters for recording and maybe one item for consent, but not enough business items to hold a meeting tomorrow so the meeting has been canceled.

The agenda-setting process for meetings has been in place for many years, which is managed by staff. Items that are business matters can be agreements, budgets, contracts, grant awards, land use decisions, leases, ordinances, policies, and a myriad of other business matters. Additionally, the second meeting in November was not held during the third week of November due to AOC. We held a special meeting on Friday, November 21. Also, a work session was held last week, which is not typically scheduled. This was in order to provide information on the commissioner vacancy.

All documents (resolutions and orders included) are reviewed by Legal Counsel's Office *before* being placed on the agenda. The deadline for items that have been reviewed by Legal is Thursday at Noon, prior to the upcoming week's meeting.

Many of the topics that you sent aren't business items for the board to act on, and/or have not been staffed/communicated with the appropriate departments, who would be making the request. An update on the Animal Shelter can be made by reaching out to the Sheriff. Updates or announcements are not business matters that require action by the Board, and that information can be easily obtained by a phone call or email. Another example was a request for an ICE discussion without any documentation, such as a lease or land use application. The discussions surrounding a potential ICE facility have been matters within the jurisdiction of the City of Newport, not the County. I'm not aware of any application to the County for an ICE facility. Similarly, the topic of discussing the PW spray policy has not involved Mr. Diwan, who is the director, and appears to undermine his ability to manage his operations and participate in matters involving his discretion. Furthermore, the steps were for Mr. Diwan to meet with community members and allow him to resolve the concerns. I don't believe that has occurred.

Thank you.

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