

**Minutes of Meeting**  
**Public Hearing Deliberations**  
**May 21, 2020**  
**11:00 a.m.**

The Kootenai County Board of Commissioners: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks met to discuss the following agenda item. Also present were KCSO Sheriff Ben Wolfinger, KCSO Lieutenant Ryan Higgins, KCSO Sergeants Ryan Miller and William Klinkefus, KCSO Patrol Deputies Gerald Wallace and Justin Arts, Community Development Director David Callahan, Parks & Waterways/Noxious Weeds/Snowgroomers Director Nick Snyder, Civil Deputy Prosecuting Attorney Jamila Holmes, BOCC Senior Business Analyst Nanci Plouffe and Deputy Clerk Tina Ginorio. Also present was Idaho Department of Parks and Recreation Representative Sam Hoggatt.

- A. **Call to Order:** Chairman Chris Fillios called the meeting to order at 11:01 a.m.
- B. **Changes to the Agenda (Action):** There were no changes to the agenda.
- C. **Business (Action):**

**Deliberations Related to the Parks & Waterways May 19, 2020 Public Hearing**  
**Determination on Resolution #2020-38**

Chairman Fillios explained that this meeting would consist of deliberations by the Commissioners on the proposed Resolution 2020-38. He noted that only the Commissioners and staff who were specifically called upon would be allowed to speak.

Chairman Fillios reminded those present that the Board had begun to grapple with this issue about a year ago. He said a primary goal had been to create an enforceable definition of “excessive wake.” He pointed out that state code dealt with “damaging wakes,” not “excessive wakes.” He suggested that they begin with a discussion of the definition itself, then move on to its implications for Twin Lakes and the Spokane River. He asked if the other Commissioners were willing to accept the definition of excessive wake and the limiting parameters of 200 to 300 feet.

Commissioner Duncan stated she did not approve of the excessive wake definition as originally presented because it targeted a specific type of boats and represented the most restrictive language seen in any of the states. She noted that Supreme Courts had been ruling in boaters’ favor when these types of regulations had been challenged. She provided a draft of her recommended language for the resolution.

KCSO Sergeant Ryan Miller explained details of operating a wakeboat to the Board.

KCSO Sergeant William Klinkefus explained how the concept of excessive wake could be applied with different types of boats on local waterways.

Commissioner Duncan questioned the KCSO Sergeants at length regarding different aspects of speed and wake enforcement.

KCSO Sheriff Ben Wolfinger remarked that property damage caused by boat wakes was a frequently received complaint. He pointed out sections of the original definition of excessive wake that had been specifically targeted toward wakes washing over docks. He pointed out that the standard of “reasonable and prudent” behavior was applied in the case of driving on roads but there was no similar standard included in boating laws. He voiced his concern regarding the difficulty experienced by deputies in assigning responsibility for danger or damage to a given boat.

Commissioner Duncan stated that it was the property owner’s responsibility to ensure that their docks and shoreline were protected in a way that took into account the existing conditions. She remarked that there had been many people who had testified that their docks and shoreline were sufficiently protected and had not experienced any problems.

There was some disagreement with the suggestion that responsibility be placed entirely on the property owners, the logistics of requiring dock inspections and the difficulty in demanding all docks be brought to a certain standard.

Commissioner Bill Brooks asked Sheriff Wolfinger if he felt the original wording of the resolution was enforceable.

Sheriff Wolfinger replied that it was not perfect, but he felt it was a good compromise.

A Kootenai County Resident who declined to be identified entered the meeting at 11:48 a.m.

There was continued active discussion of the resolution as it would apply to different bodies of water. Sheriff Wolfinger urged that the Commissioners not have different distance restrictions for each body of water, for the sake of enforceability.

Commissioner Duncan expressed her desire to see how the increased enforcement on the waterways would affect the issues they were trying to target, to see if it made enough difference to satisfy interested parties.

Chairman Fillios moved that the Board adopt Resolution 2020-38 as proposed, including the definition of excessive wake in paragraph five, with “no excessive wake zones” 150 feet from shore for the Spokane River, Fernan Lake and Twin Lakes and 300 feet from shore for all other bodies of water. Commissioner Bill Brooks seconded the motion. There being no further discussion, Deputy Clerk Ginorio called the roll:

Commissioner Brooks: Aye

Commissioner Duncan: Nay

Chairman Fillios: Aye

The motion carried.

Civil Deputy Prosecuting Attorney Jamila Holmes stated that she would redraft the resolution to reflect a distance of 150 feet on Spokane River, Fernan Lake and Lower Twin Lakes. She noted that everything else would be left the same in the resolution.

Chairman Fillios confirmed that such was his intent. He stressed that they had to limit their actions to what was enforceable. He offered his praise to KCSO for its hard work. He thanked the officers from Post Falls who were contributing to the effort to solve this problem.

Sheriff Wolfinger expressed his approval of the efforts that had been made by all involved.

**D. Public Comment (Discussion):** This section is reserved for citizens wishing to address the Board regarding a County-related issue. Idaho Law prohibits Board action on items brought under this section except in an emergency circumstance. Comments related to future public hearings should be held for that public hearing. There was no public comment.

**E. Adjournment (Action):** Chairman Fillios adjourned the meeting at 12:30 p.m.

Respectfully submitted,

JIM BRANNON, CLERK

CHRIS FILLIOS, CHAIRMAN

BY: \_\_\_\_\_  
Tina Ginorio, Deputy Clerk

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