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March 11, 2011

Mr. Jeffrey Kuglitsch  
Rock County Corporation Counsel  
Rock County Courthouse  
51 South Main Street  
Janesville, WI 53545

Re: Rock County Boating Ordinances  
Notice of Claim

Dear Mr. Kuglitsch:

Nearly six months have passed since the Rock-Koshkonong Lake District and other citizens and groups filed a Notice of Claim challenging the legality of Rock County's BOATING AND SAFETY LAWS AND SLOW-NO-WAKE RESTRICTION. The District and the other claimants are determined to bring the existing slow-no-wake regulation to an end, because it is contrary to Wisconsin law and sets an arbitrary and capricious scheme that frustrates public recreation and erodes economic activity.

In our meeting with you, Sheriff Spoden and representatives of the County Board Staff Committee a month ago, we were encouraged to believe that County officials recognized the need to act promptly to reform the ordinance. I understand some effort has been made to discuss this matter with representatives of affected Town governments (who have no jurisdiction in the matter). But we have so far received no indication that county leaders have identified an approach to resolving this matter.

Assuming the County can reach consensus on substantive provisions of a proposed slow-no-wake regulation, time will be needed to draft an ordinance resolution and comply with notice, hearing and related procedures for its enactment. But the 2011 boating season will be underway in a matter of weeks.

As you may know, District engineering and other consultants have undertaken extensive studies of Lake Koshkonong and the associated reaches of the Rock River over a period of years, including hydrological and biological studies that could contribute to development of a suitable policy governing slow-no-wake speed limits. We also have considerable experience in this area

of Wisconsin law that could assist the County in an effort to implement a common sense boating law in advance of the 2011 summer boating season.

The District is ready, willing and able to meet with county officials and take a direct role in the development of a proposed ordinance to sensibly regulate boat speed in the reaches of the Rock River above the Indianford Dam. But, unless the County acts promptly to develop a slow-no-wake policy, the claimants will need to act soon to seek a judicial declaration that the existing ordinance is unlawful and to constrain its enforcement.

I hope to hear from you or members of the Board of Supervisors soon, so we can work together to craft an ordinance resolution that can be enacted in April or early May and take effect before Memorial Day.

Please let me hear from you soon.

Best wishes.

Very truly yours,

WHEELER, VAN SICKLE & ANDERSON, S.C.

William P. O'Connor

WPO/lac

Enclosure

cc: County Board Chairman Russ Podzilni  
RKLD Chairman Brian Christianson