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Telephone: 262-473-0104

**Office of the City Manager**  
312 W. Whitewater St.  
Whitewater, WI 53190

MEMO

To: Common Council

From: John Weidl, City Manager

Date: 8/6/2025

Re: Lakes District

Councilmembers,

After legal review, it has been confirmed that a non-binding referendum is not permitted unless it addresses specific topics outlined under Wis. Stat. § 66.0145, such as capital expenditures funded by the property tax levy, political subdivision revenue sharing, boundary changes via cooperative plans, or utility services like cable or telecommunications.

As a non-binding referendum question gauging public support for the creation of a lakes district does not fall under any of these categories, placing it on the ballot as a non-binding referendum is not legally allowed.

Please reach out if you have further questions or would like to explore alternative approaches. See attached for emails between Russell Law Offices and myself.

**From:** [John Weidl](#)  
**To:** [Becky Magestro](#)  
**Subject:** Fw: Lakes District Q  
**Date:** Wednesday, August 6, 2025 8:38:58 AM  
**Attachments:** [image001.png](#)

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Becky,

Please include all of this for future item 17 for next council meeting.

Councilmembers,

After legal review, it has been confirmed that a non-binding referendum is not permitted unless it addresses specific topics outlined under Wis. Stat. § 66.0145, such as capital expenditures funded by the property tax levy, political subdivision revenue sharing, boundary changes via cooperative plans, or utility services like cable or telecommunications.

As the proposed Lakes District question does not fall under any of these categories, placing it on the ballot as a non-binding referendum is not legally allowed.

Please reach out if you have further questions or would like to explore alternative approaches.

Best, - JSW

John S. Weidl  
[City Manager, City of Whitewater](#)

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312 W. Whitewater St., Whitewater, WI 53190  
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**From:** Riley Calouette <[rcalouette@russelllawwi.com](mailto:rcalouette@russelllawwi.com)>  
**Sent:** Thursday, July 3, 2025 8:50:26 AM  
**To:** John Weidl <[jweidl@whitewater-wi.gov](mailto:jweidl@whitewater-wi.gov)>  
**Cc:** Tim Brovold <[tbrovold@russelllawwi.com](mailto:tbrovold@russelllawwi.com)>  
**Subject:** RE: Lakes District Q

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Draft Reply for John:

John,

My research indicates that a non-binding referendum would not be allowed unless it addressed a "capital expenditure proposed to be funded by the property tax levy of the city" Wis. Stat. 66.0145. There are also other additional topics that are allowed under that

statute. These include political subdivision revenue sharing, boundary changes pursuant to a cooperative plan, operation of a cable television system, or the operation of a local telecommunications utility service. If your topic falls outside of these topics, however, a non-binding resolution cannot be used.

Please let me know if you have any additional questions.

Best,



**Riley M. Calouette**

**Associate Attorney**

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**From:** John Weidl <jweidl@whitewater-wi.gov>

**Sent:** Thursday, July 3, 2025 8:36 AM

**To:** Riley Calouette <rcalouette@russelllawwi.com>

**Cc:** Tim Brovold <tbrovold@russelllawwi.com>

**Subject:** Re: Lakes District Q

Riley,

Assume for the sake of your answer that it would not. Meaning it would simply be a non-binding referenda question asking the voters if they support the creation of a lakes district through resolution by the Common Council.

I assume any ask that requires a change to the levy would have to be a binding referendum.

A city manager, I'm interested in knowing if the new state laws that greatly reduced the number of reasons one can ask a non-binding referendum would prevent the city from asking a non-binding referendum in this context.

Best, - JSW

John S. Weidl

[City Manager, City of Whitewater](#)

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**From:** Riley Calouette <[rcalouette@russelllawwi.com](mailto:rcalouette@russelllawwi.com)>  
**Sent:** Thursday, July 3, 2025 8:32:12 AM  
**To:** John Weidl <[jweidl@whitewater-wi.gov](mailto:jweidl@whitewater-wi.gov)>  
**Cc:** Tim Brovold <[tbrovold@russelllawwi.com](mailto:tbrovold@russelllawwi.com)>  
**Subject:** Lakes District Q

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Hello John,

I am an associate of Tim's and I am assisting him with resolving the City's question about the lakes district. We believe the question was whether the City may use a non-binding referendum or resolution to determine public support for the lakes district in an upcoming election.

To resolve that question, I have a clarifying question regarding the lakes district proposal:

- Does the currently proposed plan for the lake district require a capital expenditure that is funded by a property tax levy of the city?

Please let me know your thoughts.

Best,



**Riley M. Calouette**  
**Associate Attorney**  
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