

Brad Marquardt

From: Jonathan McDonell <jm@hmattys.com>
Sent: Thursday, July 25, 2024 3:29 PM
To: Brad Marquardt
Cc: Heather Boehm
Subject: Re: advisory referendum question

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brad,

Here is the relevant statute:

66.0144 Advisory referenda. No city, village, or town may conduct a referendum for advisory purposes, except as provided under s. 66.0305 (6), 66.0307 (4) (e), 66.0420 (12) (b) 2., 66.0422 (3) (b), or 196.204 (2m) (b) 2. or for an advisory referendum regarding capital expenditures proposed to be funded by the property tax levy of the city, village, or town.

Based on the reading of this statute, I believe that this advisory referenda would be permitted because it falls within one of the exceptions. Specifically, that it pertains to a capital expenditure that would be funded by the property tax levy. Thus, it would be permissible under the current law.

Jonathan K. McDonell

Harrison, Williams & McDonell, LLP
522 W. Main Street
P.O. Box 59
Whitewater, WI 53190
Phone: 262-473-7900
Fax: 262-473-1977
Email: jm@hmattys.com

From: Brad Marquardt <BMarquardt@whitewater-wi.gov>
Sent: Wednesday, July 24, 2024 9:32 AM
To: Jonathan McDonell <jm@hmattys.com>
Cc: Heather Boehm <hboehm@whitewater-wi.gov>
Subject: advisory referendum question

Jonathan,

Based on a change to the state statute in 2023, would the following question be okay for an advisory referendum? The council wants to know if residents want to keep the water tower and are willing to pay for it. Based on discussion at Finance meeting last night, they wanted a proposed question brought to the Aug 6 council for discussion and final action taken at the Aug 20 council meeting. The deadline to get a question to the County for inclusion on the Nov ballot is Aug 27 we were told.

Thank you.

Brad Marquardt, P.E.
Public Works Director
City of Whitewater
312 W Whitewater St
Whitewater, WI 53190
262-473-0139