



MEMORANDUM

Date: October 1, 2015

To: Common Council
From: Pamela A. Captain, City Attorney

Re: ^{PAC} City of Menasha v. Waverly Sanitary District et al.
Calumet County Case 2013CV189
Appeal No. 2014AP1576

On September 23, 2015 the Court of Appeals issued its decision in this case affirming the order of the circuit court for Calumet County which dismissed the City of Menasha's action for declaratory judgment.

The Court of Appeals concluded that Wisconsin Statutes govern the transfer of ownership and control of a town sanitary district after a partial incorporation and allows municipalities and towns to opt out of its provisions by agreement. In this case, Menasha's declaratory judgment request is prohibited under the terms of the agreement.