

# **WILL and Brown County Taxpayers Association: Respond to lawsuit**

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May 24, 2018 – Green Bay, WI – Yesterday, Brown County filed a lawsuit reopening a dispute over the legality of its new 0.5% sales tax. A previous suit, brought by the Brown County Taxpayers Association (BCTA) and a Brown County resident, argued the tax was illegal because state law says a county can only create a sales tax “for the purpose of directly reducing the property tax levy.” Brown County’s sales tax would not reduce the property tax levy and is intended to fund a slew of new projects. The suit was dismissed on a procedural technicality.

Contrary to initial reports in the Green Bay Press Gazette, the County is not seeking to have the judge throw anything out (the first case was dismissed without prejudice and not appealed), and is not asking BCTA to pay its eyebrow-raising \$125,000 legal tab from the first suit. Instead, the County is doing exactly what BCTA tried to do in the first case – seeking a ruling on whether the sales tax is legal.

“Brown County says they want a judge to decide whether the sales tax is legal,” said Rich Heidel, President of BCTA. “That’s all we asked for in our original lawsuit. Why did the County waste everyone’s time and money getting the first case dismissed on a technicality? We could’ve been done with this already. The judge in the first case was going to hold a final hearing in April if the case hadn’t been dismissed. We tried to get this done as quickly as possible. They wanted to slow it down.”

The County’s focus on “saving” property taxpayers money by implementing a sales

tax is beside the point. “Whether the \$147 million in new spending is a good idea or not is irrelevant,” said Heidel. “What matters is whether the sales tax is legal. And it isn’t, because it was used to pay for new spending instead of for reducing the property tax levy as required by state law.”

BCTA also objects to County Executive Troy Streckenbach’s absurd characterization of the group as somehow having limitless resources. The small group has virtually no assets and could never have afforded to hire an attorney to protect their rights without the Wisconsin Institute for Law & Liberty offering pro bono legal services.

“Selling the County as some poor David up against our Goliath is ludicrous on its face,” explained Rick Esenberg, President & General Counsel of WILL. “The County went out and hired some of the best – and most expensive – lawyers in the state and can vote to spend effectively however much it wants on litigation. We’re far more limited in our available resources.”