

Resolution 96 -07

Disallowance of Claims of Timothy Elmer and Terry Elmer

WHEREAS, on September 20, 2007, the Notice of Claim of Timothy Elmer and Terry Elmer, by and through their attorney, was filed with the Polk County County Clerk; and

WHEREAS, said Notice of Claim alleges that said claimants sustained damages for the loss of society and companionship with respect their daughter, Kelli Elmer, who was killed in a one vehicle accident on October 9, 2006; and

WHEREAS, said Notice of Claim alleged that such accident was the result of the negligence of Polk County; and

WHEREAS, said Notice of Claim demands monetary damages in the amount of \$50,000.

WHEREAS, after review of said claims, the claims adjuster for Wisconsin County Mutual Insurance Companies/Aegis Corporation and the Corporation Counsel has recommended denial of said claims.

**NOW, THEREFORE, BE IT RESOLVED** that the Polk County Board of Supervisors denies the claims of Timothy Elmer and Terry Elmer, as made by and through their attorney and filed with the Polk County County Clerk on September 20, 2007.

BE IT FURTHER RESOLVED that pursuant to Wisconsin Statute Section 893.80(1g) no action or claim may be brought against Polk County, or any of its officers, boards, committees, agents or employees after six months from the date of service of this notice.

BE IT FURTHER resolved that this resolution shall constitute a Notice of Disallowance and that a certified copy of same be served by certified mail, return receipt requested, to each Timothy Elmer, Terry Elmer and their attorney, Doar Drill.

Funding Source: N/A

Funding Amount: N/A

Date Finance Committee Advised: 10/10/2007/Passage

Effective Date: Upon Passage

Approved as to form: *Jeffrey B. Fuge*

Jeffrey B. Fuge, Corporation Counsel

Dated Submitted to County Board: October 16, 2007

County Board Action: Adopted

Submitted By: *Larry P. Bergstrom* *Gerald A. Newrth*

*Michael R. Larsen*

*Larry Johnson*