



RESOLUTION # 46-8/11

TO: HONORABLE MEMBERS OF THE LA CROSSE COUNTY BOARD OF SUPERVISORS

ITEM # 8-14

BOARD ACTION

Adopted:   
For: 27  
Against:      
Abstain:      
Abs/Excd: 8  
Vote Req:      
Other Action:    

EXECUTIVE COMMITTEE ACTION

Adopted:   
For: 8  
Against:      
Abstain:      
Abs/Excd:    

RE: CLAIM OF JOHN MALPHY

WHEREAS, John Malphy has filed a claim alleging that while he was traveling in the East lane on County Hwy 16 on July 20, 2011, the road had exploded, leaving the pavement broken and resulting in damage to his vehicle's tire and rim in the total amount of \$85.00; and,

WHEREAS, the Highway Commissioner and Corporation Counsel have reviewed the information, investigated the facts and have determined that La Crosse County has no liability for this claim and, therefore, recommend formal disallowance of this claim by the County Board; and,

WHEREAS, the above stated claim does not appear to be meritorious and should be disallowed.

NOW, THEREFORE BE IT RESOLVED, that the claim of John Malphy against La Crosse County, its officers, officials, employees, and agents is hereby disallowed and further be it required that notice of disallowance of this claim shall be served on the claimant by registered or certified mail and the receipt therefore, signed by the claimant, or the returned registered letter, shall be proof of service.

BE IT FURTHER RESOLVED, that the claimant is notified that no action on this claim against La Crosse County, nor against any of its officers, officials, agents, or employees, may be brought after 6 months from the date of service of this notice of disallowance.

FISCAL NOTE: The cost to La Crosse County for sending certified mail/restricted delivery to the claimants is \$10.09.

Date: Aug 10, 2011  
[Signature]

EXECUTIVE COMMITTEE CHAIR

Date: 8/10/11  
[Signature]

RECORDING CLERK

	Reviewed Only	Recommended	Not Recommended	
Co. Admin.	<u>SO</u>	_____	_____	Requested By: Ronald Chamberlain Date Requested: July 28, 2011 Drafted By: Corporation Counsel
Fin. Director	<u>BT</u>	_____	_____	
Corp. Counsel	<u>RL</u>	_____	_____	
Board Chair	<u>[Signature]</u>	_____	_____	

Adopted by the La Crosse County Board this 18 Day of August, 2011

STATE OF WISCONSIN  
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original resolution required by law to be in my custody and which the County Board of Supervisors of La Crosse County adopted at a meeting held on the 18<sup>th</sup> day of August, 2011.

[Signature]  
Ginny Dankmeyer, La Crosse County Clerk