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October 15, 2007

Honorable Common Council  
City Hall, Room 205

Re: C.I. File No. 07-L-91-1  
Resolution relating to the claim of Kurt R. Liebold

Dear Council Members:

We have reviewed the above-referenced claim, and recommend that your honorable body deny this claim.

On September 17, 2007, Chief of Police Nannette Hegerty nominated Kurt R. Liebold for the rank of Captain of Police. In her nomination she provided to the Board of Fire and Police Commissioners Chief Hegerty's stated: "I hereby nominate and promote, on [a] waiver basis, subject to your approval, the following LIEUTENANT OF POLICE: KURT R. LIEBOLD to the rank of CAPTAIN OF POLICE in this Department to fill an existing vacancy, effective SUNDAY, OCTOBER 7, 2007. This promotion is **contingent upon successful completion of a drug screening, and upon approval of authority to fill by the Finance and Personnel Committee on September 19, 2007.**" (Emphasis added).

On July 11, 2007, the Finance and Personnel Committee of your honorable body adopted the following action: "Ald. Davis moved to amend by holding the two positions of Captain of Police. The motion Prevailed."

We have reviewed the minutes of the Finance and Personnel Committee meeting for the date of September 19, 2007, and note that no item was considered involving the promotion of Kurt R. Liebold to the rank of Captain of Police.

It is, therefore, our opinion that there was no approval authority to fill the position of Captain of Police, and further, that the action of July 11, 2007 to hold the positions of Captain of Police, meant that the Common Council was specifically withheld the authority of the Board of Fire and Police Commissioners to fill the

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position of Captain of Police for which Kurt R. Liebold had been conditionally nominated.

Very truly yours,

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c: Ronald D. Leonhardt, City Clerk

1095-2007-2599.001