



Date June 28, 2021

**RETENTION OF OUTSIDE COUNSEL TO ACT AS A GUARDIAN AD LITEM**

WHEREAS, the City of Des Moines has brought legal action against Jeffrey D. Caudle seeking an injunction against the defendant from allowing the occupancy of the dwelling located at 5950 SE 45<sup>th</sup> Street unless and until the defendant obtains a valid Inspection Certificate, and order the defendant to cause the structure to be vacated until the Inspection Certificate is obtained; and

WHEREAS, Jeffrey D. Caudle is currently incarcerated for matters unrelated to the City's prosecution; and

WHEREAS, the Iowa Rules of Civil Procedure require that an incarcerated person facing a default judgment must be provided with a guardian ad litem ("GAL") to allow an active voice in the civil process; and

WHEREAS, a GAL does not act as an attorney, although an attorney generally acts in the capacity of GAL to explain the legal process; and

WHEREAS, in practice, a GAL is compensated by the party who brings the action against the incarcerated person, which in this case is the City of Des Moines; and

WHEREAS, it would be in the best interest of the City to obtain outside counsel to act in the capacity of a guardian ad litem; and

WHEREAS, Attorney Christopher B. Rottler, who has prior experience as a GAL, has agreed to act in such capacity in this matter.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That Christopher B. Rottler, Community Lawyers of Iowa, PLC; 601 Hickman Road; Des Moines, IA 50314, be and is retained by the City of Des Moines for the purpose of acting as a guardian ad litem for Jeffrey D. Caudle. Such retention is at the rate of \$125.00 per hour plus reasonable expenses. The guardian ad litem/attorney is to provide detailed billing for such services and payment for such services may be periodic with such billing to be reported to the City Council on a quarterly basis.



Roll Call Number

Agenda Item Number

27

Date June 28, 2021

MOVED BY \_\_\_\_\_ TO ADOPT

Form approved:

*Megan Norberg*

Megan Norberg  
Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS     | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE         |      |      |          |        |
| BOESEN         |      |      |          |        |
| GATTO          |      |      |          |        |
| GRAY           |      |      |          |        |
| MANDELBAUM     |      |      |          |        |
| VOSS           |      |      |          |        |
| WESTERGAARD    |      |      |          |        |
| TOTAL          |      |      |          |        |
| MOTION CARRIED |      |      | APPROVED |        |
| _____ Mayor    |      |      |          |        |

CERTIFICATE

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ City Clerk