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**Date :** November 7, 2022

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

WHEREAS, certain enforcement actions and defense of civil actions occasionally involve individuals who are incarcerated; 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 the GAL to explain the legal process to the incarcerated individual; and

WHEREAS, a GAL generally is compensated by the party who brings the action against the incarcerated person, which in the aforementioned cases is the City of Des Moines; and

WHEREAS, the need for a GAL is time sensitive and to avoid delay, a list of attorneys who have acted as GALs in Polk County and who would be willing to do so for the City, was solicited including Attorneys Susan A. Low, Katie Raisch of Carney & Appleby, and Carmen Eichman of Eichman Law Firm; and

WHEREAS, currently there is a need to retain a GAL for an enforcement case involving 314 E. Sheridan Avenue. The property owner, Antonio Williams Sr. currently is incarcerated; and

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

WHEREAS, Attorney Susan A. Low has agreed to act in such capacity.

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

That Attorney Susan A. Low, 311 42<sup>nd</sup> Street, Des Moines, Iowa 50312 be and is retained by the City of Des Moines for the purpose of acting as a guardian ad litem for Antonio Williams Sr. who is incarcerated. 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.

BE IT FURTHER RESOLVED that the City Attorney hereby is authorized and directed to hire additional outside counsel as a guardian ad litem as the need arises, provided that such authority and direction is limited to similarly experienced attorneys at similar hourly rates to that provided herein.



**Roll Call Number**

**Agenda Item Number**

23

**Date :** November 7, 2022

Moved by \_\_\_\_\_ to adopt.

Second by \_\_\_\_\_.

Approved as to Form:

/s/ Carol J. Moser

Carol J. Moser, Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHEUMAKER				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

**CERTIFICATE**

I, LAURA BAUMGARTNER, 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.

\_\_\_\_\_ Mayor

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