



Roll Call Number

20-0620

Agenda Item Number

19

Date April 20, 2020

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

WHEREAS, the City of Des Moines has brought legal action against Marol Rand seeking an injunction to prevent her from allowing the occupancy of the dwelling located at 2623 Hickman Road unless and until a valid Inspection Certificate is issued for the address, and an order further is sought to require the homeowner to cause the structure to be vacated until the Inspection Certificate is obtained; and

WHEREAS, Marol Rand currently is subject to legal proceedings regarding her competency to conduct a defense and it is likely that she will be adjudicated as such based upon her physician's certification; and

WHEREAS, the Iowa Rules of Civil Procedure require that a person facing a default judgment and who has been deemed incompetent, must be provided with a guardian ad litem ("GAL") to allow for a meaningful voice in the civil process; and

WHEREAS, while a GAL does not act as an attorney, 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 person for whom a GAL is required, 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 in this matter; and

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

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

1. 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 Marol Rand who is legally incompetent. 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; and



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- 2. That the City Attorney is authorized and directed to pay all related future invoices from Community Lawyers of Iowa, PC as they become due and report such payments to the City Council on a quarterly basis.

MOVED BY Gatto TO ADOPT.

Form approved:

/s/ Megan Norberg

Megan Norberg  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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.

J. M. Franklin, Mayor

P. Kay Cmelik

City Clerk