



Roll Call Number

19-0046

Agenda Item Number

30 B

Date January 14, 2019

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

WHEREAS, the City of Des Moines has brought legal action against Larry Pettinger as the owner of a public nuisance structure located at 1974 Indianola Avenue pursuant to Roll Call 18-0777; and

WHEREAS, in prosecution of the case, the City is seeking a default judgment against Mr. Pettinger; and

WHEREAS, Mr. Pettinger 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; 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 Rd., Des Moines, Iowa 50314, be and is retained by the City of Des Moines for the purpose of acting as a guardian ad litem for Larry Pettinger who is incarcerated. Such retention is at



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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.

Moved by Gatto to adopt.

Approved as to Form:

Jessica D. Spoden, Assistant City Attorney

CERTIFICATE

I, DIANE RAUH, 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.

Diane Rauh City Clerk

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			
J. M. Franklin Cownie Mayor				