



## Council Agenda Report

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Item 6k

**Department:** Attorney  
**Cost Center:** 1501  
**For Agenda of:** 9/2/2025  
**Placement:** Consent  
**Estimated Time:** N/A

**FROM:** Christine Dietrick, City Attorney  
**Prepared By:** Kelly Holcomb, Senior Legal Analyst

**SUBJECT:** AUTHORIZE THE CITY ATTORNEY TO CORRECT A CLERICAL ERROR  
(2024-29 ON-CALL LIST FOR LEGAL SERVICES)

### RECOMMENDATION

1. Authorize the City Attorney to send belated notification of the City's Request for Qualifications for Legal Services, On-call Outside Counsel 2024 ("RFQ") to two law firms that were unintentionally left off the notification list; and
2. Authorize the acceptance of qualifications, in the form directed by the City Council approved RFQ specifications, from the two law firms that receive belated notifications; and
3. Authorize the City Attorney to review submitted qualifications and, if deemed responsive, add the two law firms to the City's current 2024-29 on-call list for outside counsel legal services.

### POLICY CONTEXT

Every five years since 2014, as provided in [San Luis Obispo Municipal Code 3.24.070\(C\)](#), the City Attorney's Office has maintained an on-call list for outside counsel legal services.

### DISCUSSION

#### Background

In January 2024, City Council approved a request for qualifications ("RFQ") to create a 2024-29 on-call list for outside counsel legal services ([January 9, 2024, Agenda Item# 5e](#)). Following Council approval and public posting of the RFQ, members of the then-current 2019-24 on-call list were notified of the deadline to submit qualifications. From the qualifications received, the City Attorney's Office built and maintains an on-call list of 26 law firms. These firms are not under contract but only evaluated and deemed qualified in specific areas of law, with each firm signing an acceptance letter placing them among the on-call law firms City staff can more easily contract with should a matter arise.

*Liebert Cassidy Whitmore*

One law firm that did not respond to the RFQ was Liebert Cassidy Whitmore (“LCW”). This was surprising to City staff since the firm had responded to the two previous on-call list qualification requests and were frequently under contract with the City for support of labor negotiations, personnel, and employee benefits matters. Due to LCW’s long history working with City staff and deep familiarity with City employee group memorandums of understanding, since August of 2024 City staff have completed three Specialized Service Justification forms in order to continue contracting with LCW.

Recently, while completing the contract language for LCW legal support beginning in July 2025, staff researched why the firm had not submitted qualifications to the RFQ. It was discovered, by checking the document version history of the working file of the 2019-24 on-call list, that LCW and another attorney (Stephen J. Densmore) had been inadvertently deleted in October 2023. This error occurring just four months prior to the opening of the 2024-29 RFQ, staff did not notice the deletions and when it came time to notify the members of the then-current 2019-24 on-call list of the new RFQ, neither LCW nor Densmore were notified of the deadline to submit qualifications.

*Densmore*

Attorney Stephen J. Densmore, the other member of the 2019-24 on-call list that was inadvertently deleted and subsequently not notified of the 2024-29 on-call list RFQ, is a solo practitioner. He had qualified for the 2019-24 on-call list in the “Public Works Engineering, Design Professional & Construction Contracting Issues and Litigation” subject area, but has not been under contract with the City since at least 2018 (based on data in the Oracle accounts payable module).

*Correction due to clerical error*

At this time, the City Attorney requests City Council authorization to notify LCW and Densmore of the RFQ contents; to provide the two firms with a limited timeframe in which to submit qualifications should they desire; and to evaluate the submissions for responsiveness to the RFQ. If deemed responsive, the firms would be added to the current 2024-29 on-call list for outside counsel legal services.

**Previous Council or Advisory Body Action**

Staff is unaware of a previous instance where a member of a City on-call list was accidentally deleted and that deletion resulted in their not being notified of the RFQ for the next on-call list. Regardless of a lack of precedent, the City Attorney believes the recommended action is appropriate since the legal services on-call list is not contracted attorneys but only attorneys whose qualifications have been evaluated and, having been deemed proficient in specific areas of law, the City can more easily contract with in the future. Allowing LCW and Densmore to take actions they could have if they had been

notified of the RFQ, seems an appropriate balance of fairness to all the law firms both on and off the on-call list.

### Public Engagement

No public engagement was deemed necessary in this matter.

### CONCURRENCE

Human Resources agrees with the recommendation.

### ENVIRONMENTAL REVIEW

The California Environmental Quality Act does not apply to the recommended action in this report, because the action does not constitute a “Project” under CEQA Guidelines Sec. 15378.

### FISCAL IMPACT

Budgeted: N/A

Budget Year: N/A

Funding Identified: N/A

### Fiscal Analysis:

Funding Sources	Total Budget Available	Current Funding Request	Remaining Balance	Annual Ongoing Cost
General Fund	\$	\$	\$	\$0
State				
Federal				
Fees				
Other:				
<b>Total</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$0</b>

There is no fiscal impact of the recommendation.

### ALTERNATIVES

***Council could decide not to authorize belated notifications for the RFQ.*** Should LCW and Densmore remain off the current 2024-29 on-call list for outside counsel legal services, City staff would necessarily continue to write Specialized Service Justifications, or follow the otherwise applicable purchasing guidelines, should work be needed from one of those firms. The City staff time to complete these additional steps through March of 2029 (when the current on-call list expires) would not be terribly burdensome but since the firms were not notified of the RFQ due to a City error, staff would like permission to remedy the omission.