

RESOLUTION NUMBER R- 313704

DATE OF FINAL PASSAGE SEP 27 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING WAIVER OF POTENTIAL
CONFLICTS OF INTEREST REQUESTED BY COLANTUONO
HIGHSMITH WHATLEY PC AND CONSENTING TO
COLANTUONO HIGHSMITH WHATLEY PC'S
REPRESENTATION OF YES! FOR A BETTER SAN DIEGO,
IN *CITY OF SAN DIEGO V. ALL PERSONS INTERESTED IN
MATTER OF MEASURE C*, SAN DIEGO SUPERIOR COURT
CASE NO. 37-2021-00024607-CU- MC-CTL.

WHEREAS, attorney Michael G. Colantuono and the law firm of Colantuono Highsmith
Whatley PC, is currently representing the City of San Diego (City) in various litigation matters,
including *Matt Valenti v. City of San Diego*, San Diego Superior Court Case
No. 37-2017-00044069-CU-MC-CTL and *San Diegans for Open Government v. City of
San Diego*, San Diego Superior Court Case No. 37-2019-00065911-CU-MC-CTL; and

WHEREAS, Colantuono Highsmith Whatley PC now seeks a conflict-of-interest waiver
from the City so that it may represent Yes! for a Better San Diego, in a validation action titled
City of San Diego v. All Persons Interested in Matter of Measure C, San Diego Superior Court
Case No. 37-2021-00024607-CU-MC-CTL; and

WHEREAS, under the California Rules of Professional Conduct, Rule 1.7, an attorney
shall not, without the informed written consent, represent a client if the representation is directly
adverse to another client in the same or separate matter; and

WHEREAS, Colantuono Highsmith Whatley PC's representation of Yes! for a Better
San Diego in the validation action is completely unrelated to the legal services performed by
Colantuono Highsmith Whatley PC on the City's behalf; and

WHEREAS, granting Colantuono Highsmith Whatley PC's conflict-of-interest waiver does not pose a risk of detrimental impact to the City and Colantuono Highsmith Whatley PC has obtained no confidential City information relating to the validation action; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Council approves the waiver of potential conflicts of interest requested by Colantuono Highsmith Whatley PC and consents to Colantuono Highsmith Whatley PC's representation of Yes! for a Better San Diego, in *City of San Diego v. All Persons Interested in Matter of Measure C*, San Diego Superior Court Case No. 37-2021-00024607-CU-MC-CTL.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ David J. Karlin
David J. Karlin
Senior Deputy City Attorney

DJK:slc:cm
August 13, 2021
September 10, 2021 COR. COPY
Or.Dept: City Attorney's Office
Doc. No.: 2757350

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 14 2021.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9/24/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 14 2021, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Joe LaCava | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen Whitburn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery Steppe | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Cate | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Raul A. Campillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage SEP 27 2021.

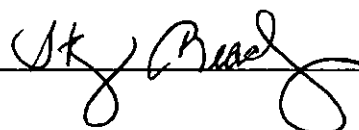
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313704