

RESOLUTION NUMBER R- 316258

DATE OF FINAL PASSAGE JUN 17 2025

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 THE SAN DIEGO  
LOCAL AGENCY FORMATION COMMISSION IN  
ANTICIPATED LITIGATION BY THE CITY OF SAN DIEGO  
AGAINST THE SAN DIEGO LOCAL AGENCY FORMATION  
COMMISSION

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The Colantuono, Highsmith & Whatley, PC law firm (the Law Firm) is currently representing the City of San Diego (City) in *Patz v. City of San Diego* (4th District Court of Appeal Case No. E083543) and in *Allred v. City of San Diego* (San Diego Superior Court Case No. 37-2021-00030939).

B. The Law Firm now seeks a conflict-of-interest waiver from the City so that it may represent the San Diego Local Agency Formation Commission (LAFCO) in an anticipated lawsuit by the City of San Diego against LAFCO challenging LAFCO's April 29, 2025, issuance of a Certificate of Sufficiency for "La Jolla Special Reorganization," LAFCO File No. SRO24-15.

C. 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.

D. The Law Firm's representation of LAFCO in any lawsuit brought by the City challenging LAFCO's issuance of the April 29, 2025, Certificate of Sufficiency for "La Jolla

Special Reorganization,” LAFCO File No. SRO24-15 is completely unrelated to any legal services performed by the Law Firm on the City’s behalf in *Patz v. City of San Diego* and in *Allred v. City of San Diego*. The *Patz* and *Allred* cases involve Proposition 218 challenges.

E. Granting the Law Firm’s conflict-of-interest waiver does not pose a detrimental impact to the City and the Law Firm has obtained no confidential information relating to the City’s anticipated lawsuit against LAFCO.

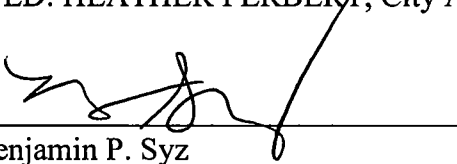
ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council grants the waiver of conflict-of-interest request by Colantuono, Highsmith & Whatley, PC, and consents to the Law Firm’s representation of the San Diego Local Agency Formation Commission in the City of San Diego’s anticipated lawsuit against the San Diego Local Agency Formation Commission, challenging the issuance of the Certificate of Sufficiency for “La Jolla Special Reorganization,” LAFCO File No. SRO24-15

APPROVED: HEATHER FERBERT, City Attorney

By

  
Benjamin P. Syz  
Senior Deputy City Attorney

BPS:mm

November 12, 2024

Or. Dept: City Attorney

Doc. No. 3874635

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on  
JUN 09 2025.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: \_\_\_\_\_

6/17/2025

(date)



TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_

(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 09 2025, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<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 JUN 17 2025

(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)

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California

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