

File No. 200861

Committee Item No. 11

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: August 20, 2020

Board of Supervisors Meeting:

Date: \_\_\_\_\_

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- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
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- Form 126 – Ethics Commission
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- Application
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#### OTHER

- \_\_\_\_\_
- \_\_\_\_\_
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Prepared by: John Carroll

Date: August 14, 2020

Prepared by: John Carroll

Date: \_\_\_\_\_

1 [Partial Settlement of Lawsuit - Rick Popko and Nancy Huff - \$150,000]

2

3 **Ordinance authorizing partial settlement of the lawsuit filed by Rick Popko and Nancy**  
4 **Huff against the City and County of San Francisco for \$150,000; the lawsuit was filed**  
5 **on August 20, 2015, in San Francisco Superior Court, Case No. CGC-15-547492; entitled**  
6 **David Alfaro, et al. v. City and County of San Francisco; the lawsuit involves inverse**  
7 **condemnation arising out of flooding damage during major rainstorms in December**  
8 **of 2014; this settlement relates only to the diminution of real property value claims of**  
9 **plaintiffs Rick Popko and Nancy Huff, and does not include claims for property loss or**  
10 **for attorney's fees, costs and interest.**

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12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
14 authorizes the City Attorney to settle in part, and only as to plaintiffs Rick Popko and Nancy  
15 Huff, the action entitled David Alfaro, et al. v. City and County of San Francisco, San  
16 Francisco Superior Court, Case No. CGC-15-547492 by the payment of \$150,000 to plaintiffs  
17 Rick Popko and Nancy Huff. The lawsuit involves inverse condemnation arising out of  
18 flooding damage during major rainstorms in December of 2014.

19 Section 2. The above-named action was filed in San Francisco Superior Court on  
20 August 20, 2015. This is an action brought by owners or occupants of several dozen  
21 properties located in San Francisco against defendant City and County of San Francisco.

22 Section 3. This is a partial settlement of the action. It resolves the diminution of real  
23 property value claims of plaintiffs Rick Popko and Nancy Huff. The parties have previously,  
24 separately settled the personal and real property damage claims of plaintiffs Rick Popko and  
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1 Nancy Huff in this action (see Board Ordinance No. 108-18), and will subsequently and  
2 separately address all claims for statutory attorney's fees relating to this action.

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APPROVED AS TO FORM AND  
RECOMMENDED:

DENNIS J. HERRERA  
City Attorney

/s/ Meredith B. Osborn  
MEREDITH B. OSBORN  
Chief Trial Deputy

FUNDS AVAILABLE:

/s/Ben Rosenfield  
BEN ROSENFELD  
Controller

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RECOMMENDED:

PUBLIC UTILITIES COMMISSION

/s/  
HARLAN L. KELLY, JR.  
General Manager

APPROVED:

/s/  
DONNA HOOD  
Secretary, Public Utilities Commission