



NOTICE AND CALL OF A SPECIAL MEETING
OF THE
ADMINISTRATIVE BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that a Special Meeting of the Garden Grove Administrative Board of Appeals is hereby called to be held on Wednesday, June 28, 2023 at 6:00 p.m. in the Garden Grove Community Meeting Center, 11300 Stanford Avenue.

Said Special Meeting shall be held to discuss the attached Agenda.

Dated: June 21, 2023

A handwritten signature in blue ink, appearing to be 'David Dent', written in a cursive style.

David Dent
Chief Building Official
Executive Secretary to the Board



AGENDA

ADMINISTRATIVE BOARD OF APPEALS (ABOA)

SPECIAL MEETING
COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
JUNE 28, 2023 - 6:00 P.M.

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, to address the Administrative Board of Appeals, should contact the City Clerk's office at (714) 741-5040 72 hours prior to the meeting to arrange for special accommodations. (Government Code §5494.3.2).

Agenda Item Descriptions: Are intended to give a brief, general description of the item. The Administrative Board of Appeals may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Documents/Writings: Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Planning Commission within 72 hours of a meeting, are made available for public inspection at the same time (1) in the Building and Safety Division at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; and (1) at the Community Meeting Center at the time of the meeting.

Public Comments: Members of the public who attend the meeting in-person and would like to address the Administrative Board of Appeals are requested to complete a yellow speaker card indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the Recording Secretary before the meeting begins. General comments are made during "Oral Communications" and are limited to three (3) minutes and to matters the Administrative Board of Appeals has jurisdiction over. Persons wishing to address the Board regarding a Public Hearing matter will be called to the podium at the time the matter is being considered. Members of the public who wish to comment on matters before the Board, in lieu of doing so in person, may submit comments by emailing building@ggcity.org no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Board as part of the meeting record.

PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING

ROLL CALL: CHAIR KNIGHT, VICE CHAIR NGUYEN
COMMISSIONERS BRADY, LADD, TACKNEY

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

1. ORAL COMMUNICATIONS
2. [RECEIVE AND FILE MINUTES – APRIL 19, 2023](#)
3. [WATER BILLING APPEAL FROM SOUTHLAND PLAZA, LLC \(CONTINUED FROM APRIL 19, 2023\)](#)
4. MATTERS FROM BOARD
5. MATTERS FROM STAFF
6. ADJOURNMENT

GARDEN GROVE
ADMINISTRATIVE BOARD OF APPEALS (ABOA)
Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

Special Meeting Minutes
Thursday, April 19, 2023

CALL TO ORDER: 6:05 p.m.

ROLL CALL:

Commissioner Brady
Commissioner Knight
Commissioner Ladd
Commissioner Nguyen
Commissioner Tackney

Absent: None

INTRODUCTION OF STAFF: Omar Sandoval, City Attorney; David Dent, Chief Building Official/Executive Secretary to the Board; Lizabeth Vasquez, Deputy City Clerk; Samuel Kim, Water Services Manager; Les Ruitenschild, Public Works Supervisor; and Tina Ngo, Accounting Supervisor.

OATH OF OFFICE ADMINISTERED TO MEMBERS

PLEDGE OF ALLEGIANCE: Led by Chief Building Official David Dent.

SELECTION OF CHAIR:

Action: Commissioner Knight nominated self for Chair with a second from Commissioner Brady.

Action: Motion approved with a 5-0 vote as follows:

Ayes: (5) Brady, Knight, Ladd, Nguyen, Tackney
Noes: (0) None
Absent: (0) None

SELECTION OF VICE CHAIR:

Action: Commissioner Nguyen nominated self for Vice Chair, with a second from Commissioner Ladd.

Action: Motion approved with a 5-0 vote as follows:

Ayes: (5) Brady, Knight, Ladd, Nguyen, Tackney
Noes: (0) None
Absent: (0) None

Commissioner Knight assumed the duties of Chair.

ORAL COMMUNICATIONS – PUBLIC – None.

December 4, 2019 MINUTES:

Action: Received and filed.

Motion: Brady Second: Ladd

Ayes: (5) Brady, Knight, Ladd, Nguyen, Tackney
Noes: (0) None
Absent: (0) None

OVERVIEW OF THE BROWN ACT: City Attorney Sandoval provided an overview of the Ralph M. Brown Act (Brown Act), noting the purpose and importance of adhering to the law.

CODE OF ETHICS: City Attorney Sandoval provided an overview of the Code of Ethics.

REVIEW OF PURPOSE AND SCOPE OF THE ADMINISTRATIVE BOARD OF APPEALS: City Attorney Sandoval provided an overview of the purpose and scope of the Administrative Board of Appeals referring to the Garden Grove Municipal Code, Chapter 2.54 – Administrative Board of Appeals.

HEARING – WATER BILLING APPEAL FROM SOUTHLAND PLAZA, LLC

Appellant: SOUTHLAND PLAZA, LLC
Date: April 19, 2023

Request: Appellant requests that the Administrative Board of Appeals approve their appeal filed on February 21, 2023 for two bi-monthly billing periods (8/15/22-10/15/22; 10/16/22-12/20/22) for the property located at 14372 Brookhurst Street. Appellant alleges (1) a leak from the water meter that affects the customer's measured consumption should be fixed by City personnel (2) a high water bill resulting from a leak from a water meter should be credited once the leak has been fixed by City personnel, based on the increased water use above average water consumption during the bi-monthly periods (8/16/22-10/15/22; 10/1/22-12/20/22), and (3) Southland's determination that the leak not addressed by City in a timely manner was the sole cause of the higher water bill.

Appellant seeks a reduction of charges as follows: (1) Billing period 8/15/22 to 10/15/22, original charges of \$13,342.25 to be adjusted to \$4,467.34; (2) Billing period 10/16/22 to 12/20/22, original charges of \$12,806.45 to be adjusted to \$4,786.94. Appellant further requests credits for payments made for the first water bill in the amount of \$13,342.25, water meter test fee of \$400.00, and appeal fee of \$225.00 for a net credit of (\$4,712.97) to be applied to water account.

Action: Item continued to a future meeting date to allow staff to gather additional information requested by the Board: (1) Determine whether additional water meter testing be conducted; (2) List of tenants be provided for board review.

Motion: Ladd Second: Brady

Ayes: (5) Brady, Knight, Ladd, Nguyen, Tackney
Noes: (0) None
Absent: (0) None

MATTERS FROM BOARD: None.

MATTERS FROM STAFF: None.

ADJOURNMENT: At 7:01 p.m. Chair Knight adjourned the meeting to be continued at a future date.

Lizabeth Vasquez
Deputy City Clerk
Recording Secretary

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Garden Grove Administrative Board of Appeals From: William E. Murray,
P.E. Public Works Director

Subject: Supplemental Information Request from April 19, 2023 Meeting on Appeal of Water Bills for 14372 Brookhurst Street Issued on February 21, 2023 Date: June 28, 2023

OBJECTIVE

To provide supplemental information as requested by the Administrative Board of Appeals at the April 19, 2023 Board meeting reviewing an appeal issued on February 21, 2023 by Southland Plaza LLC's (Appellant), regarding water bills for 14372 Brookhurst Street.

BACKGROUND

On April 19, 2023, the Administrative Board of Appeals (Board) reviewed an appeal issued by the Appellant on February 21, 2023 for water bills at 14372 Brookhurst Street. The appeal requested a reduction of the amount of the two bills and credits for payments made under the first bill and water tests and appeal fees. City staff presented evidence of water meter accuracy testing for the old meter, work orders supporting no leaks found, City limit boundaries for inspecting water lines and lack of evidence received by City staff from Appellant on conducting third-party professional evaluation of private water lines. Based on the City's evidence, the Public Works Director denied the appeal request to adjust and reduce the Appellant's water bills.

DISCUSSION

During the Board meeting, the Board had requested supplemental information containing a list of all the existing tenants occupying the Appellant's property and to conduct a second third-party Test Certification for the old water meter. The Appellant agreed to provide the tenant list, but denied conducting a second meter accuracy test. The City volunteered to conduct a second meter accuracy test. On April 25, 2023, the second meter test resulted in 100.206% accuracy, which means it is accurately measuring water flow. The City is further providing business license information for the tenants of the property to clarify the type of business activity at the property. Therefore, the supplemental information provided to the Board will be

included in their further examination to help support the Board's decision making process for this appeal.

RECOMMENDATION

It is recommended that the Garden Grove Administrative Board of Appeals:

- Receive and file supplemental information related to the Administrative Board of Appeals Meeting on April 19, 2023, containing the list of tenants and second water meter accuracy testing results for the appeal of water bills for 14372 Brookhurst Street, issued on February 21, 2023 by Southland Plaza LLC's ; and
- Administrative Board of Appeals to review supplemental information and proceed with adoption of the attached Resolution (Attachment 1) containing findings, and denying Southland Plaza LLC's February 21, 2023 appeal.



WILLIAM E. MURRAY/P.E.
Public Works Director

Attachment:

- A) Meeting Packet for Administrative Board of Appeals, dated April 19, 2023
- B) List of Tenants at 14372 Brookhurst Street and Bus. License Information
- C) Second Water Meter Accuracy Tested on 4/25/23

ATTACHMENT A

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Garden Grove Administrative Board of Appeals From: William E. Murray, P.E.
Public Works Director

Subject: February 21, 2023 Appeal of Water Bills for 14372 Brookhurst Street Date: April 19, 2023

REQUEST

Appellant, Southland Plaza, LLC (hereinafter "Southland" or "Appellant"), requests that the Administrative Board of Appeals (the "Board") approve their appeal of the water billing for two billing periods from 8/15/22 to 10/15/22 and 10/16/22 to 12/20/22 (the "Appeal") filed on February 21, 2023, for property located on 14372 Brookhurst Street (See, Attachment 1). The appeal seeks a reduction of the amount of the two bills and credits for payments made under the first bill and water tests and appeal fees.

JURISDICTION

Garden Grove Municipal Code section 14.12.070 authorizes the Board to hear appeals of the decision of the Public Works Director denying a request for an adjustment to a water bill as provided below.

- In the event of any dispute as to a charge to a customer, the Public Works Director or designee shall determine if the City is responsible. If, in the determination of said Director, the City is adjudged to be responsible, the Public Works Director may adjust the charge. If, in the determination of the Director, the responsibility is determined to be other than the City, no adjustment shall be granted. After the receipt of the decision of the Public Works Director regarding the responsibility of the disputed charge, the customer shall have the right to file an appeal of such determination within 15 days. The Administrative Board of Appeals shall consider the appeal and the report of the Director regarding the circumstances of this determination. The Board shall decide whether or not to grant an adjustment and the decision of the Board in respect thereto shall be final and conclusive.
- Pursuant to Code of Civil Procedure Section 1094.6, any petition for judicial review shall be filed not later than 90 days after the Board makes its final decision. The provisions of Section 1094.6 shall apply. The secretary of the Board shall notify the appellant that filing a petition for an administrative writ is subject to the 90-day time limitation set forth in Code of Civil Procedure Section 1094.6.

HEARING PROCEDURE (City Clerk Updates?)

Resolution No. 001-13, which was adopted by the Board on October 16, 2013, pursuant to the authority granted by Garden Grove Municipal Code section 2.54.060, governs the conduct of appeals before the Board. According to the procedures adopted by the Board, appeal hearings shall follow the following format:

- i. Open Hearing
- ii. Presentation by City
- iii. Presentation by Appellant
- iv. Testimony of members of the public opposing administrative decision being appealed from (if any)
- v. Testimony of members of the public supporting administrative decision being appealed from (if any)
- vi. Appellant's rebuttal (limited to addressing points raised by opposition and answering Board's inquiries)
- vii. Close Hearing
- viii. Board discussion and vote.

With respect to the City's presentation, Resolution No. 001-13 states that the City shall have the initial burden to establish that the Appeal is supported by evidence and regulatory authority for the decision. (Resolution 001-13 § i) The City's Appeal and any documentary evidence submitted by the City at the hearing constitutes prima facie evidence of the facts stated in those documents, and support for the Appeal if they (1) describe the conditions, acts or omissions upon which the Appeal was based, (2) set forth the regulatory authority for the Appeal and (3) establish facts supporting the Appeal. (Resolution 001-13 § i)

Upon a showing by the City that the Appeal is supported by evidence and regulatory authority, the burden shifts to the Appellant to establish that (1) the true intent of the municipal code or the rules legally adopted thereunder were incorrectly interpreted by the Public Works Director or designee in issuing the Appeal, (2) that the provisions of the municipal code do not fully apply to the issue addressed by the Appeal, or (3) that "the requirements of the municipal code are adequately satisfied by other means."

The Board then may consider any other relevant evidence on the appeal from any member of the public whose interests are affected by the issue on appeal. Upon conclusion of the presentations by the City, Appellant, and any other interested persons, the Board shall close the hearing on the matter, conduct discussion amongst the members of the Board, and hold a vote regarding the merits of the appeal.

BACKGROUND

The City manages a water system that covers 17.8 square miles and provides safe, clean drinking water to approximately 34,300 water customers. The City recognizes that the leaks in private systems can cause a significant financial burden from

unexpected water usage. City has processes and policies to help with investigating high water bills. The process involves the following:

- Billing system review and reading of account
- Physical inspection and reading of the meter on site, if necessary.
- Provide third party meter testing, upon request.
- Communication of findings to customer.

On February 21, 2023, the City received a timely notice of appeal and request for an Administrative Board of Appeals hearing from Southland (See, Attachment 1) The Appeal alleges (1) a leak from the water meter that affects the customer's measured consumption should be fixed by City personnel (2) a high water bill resulting from a leak from a water meter should be credited once the leak has been fixed by City personnel, based on the increased water use above average water consumption during the bi-monthly periods (8/16/22-10/15/22; 10/15/22-12/20/22), and (3) Southland's determination that the leak not addressed by the City in a timely manner was the sole cause of the higher water bill.

On October 24, 2022, Southland made initial contact with the City requesting a re-read of the water meter due to a higher than normal water use after receiving a bill for the period of August 16, 2022 – October 15, 2022, in the amount of \$13,342.25 for the use of 2,776 units (approximately 40.33 units per day). City staff responded on October 24, 2022 and determined the re-read was correct. City staff also made note of no visible leaks surrounding the water meter. On October 24, 2022, Southland requested for a third party meter testing. Fee was paid by Southland on November 10, 2022, in the amount of \$400. On December 6, 2022, City staff removed the old water meter and replaced it permanently with a new water meter. The old water meter was tested by Golden Meters Service, Inc. on December 8, 2022. The test results recorded were 95.91% accuracy. (See, Attachment 2) According to industry standards, American Water Works Association, sets water meter accuracy limits within 98.5% to 101.5%. Under these circumstances, the old water meter was under registering water flow to the customer's benefit.

On January 19, 2023, Southland requested assistance by the City to repair damaged meter box and broken gasket as a result of an unidentified vehicle driving over the meter box. City staff responded the same day to immediately perform the repair. On February 15, 2023, City staff relocated the meter box to an area with less traffic. No visible leaks were present following both repairs.

On January 30, 2023, Southland discussed concerns with City staff over the second high water bill they had received for the billing period October 15, 2022- December 20, 2022, in the amount of \$12,806.45 for the use of 2,662 units (approximately 46.27 units per day). That same day, City staff conducted a field visit and found the water meter to be operational, with no visible leaks present.

On February 21, 2023, the Appeal was filed to request credit applied to Southland's account for additional expenses incurred from higher water consumption during the two billing periods. Below is their summary.

Invoice Charge Details

		Units	Amount
Adjusted amount for water bill	8/15/22 - 10/15 22	1037	4,467.34
Payment of water bill	8/15/22 - 10/15 22		(13,342.25)
Payment of water test	11/7/22		(400.00)
Adjusted amount for water bill	10/16/22 - 12/20 22	1105	4,786.94
Payment for Board Of Appeals	2/20/23		(225.00)
Total Credit to be applied to account			(4,712.97)

Upon City staff’s review, their calculation on claimed units listed above was not reasonable and calculated incorrectly. Their claim units were understated by Southland using average units from March 8, 2021 to August 16, 2022, which does not factor in seasonal or incidental water use. In addition, Southland’s adjustment to both water bills omitted the fixed charges for the water service charge, water capital improvement and sewer service charge. Southland is also requesting credit for the fees associated with requesting for a third party meter testing, totaling \$400.00 and fees associated with requesting for this Appeal, totaling \$225.00. Southland had paid for the first high water billing period in the amount of \$13,342.25 and has requested an extension for the second high water bill in the amount of \$12,806.45, until this Appeal is resolved.

On February 23, 2023, Southland requested assistance by the City to repair a tampered water meter involving a detached lid cover. The water meter was still operational and the covering was replaced. No visible leaks were present. While City staff was on site, Southland met with City staff to further discuss possible reasons for increased water consumption during the previous two billing cycles. City staff explained their responsibility to maintain the water meter up to the City-side and it is the water customer’s responsibility for investigating and repairing any leaks attributed to the customer-owned side of the water meter. City staff recommended Southland look into other common factors for customer-side leaks: irrigation leaks, internal plumbing leaks, theft, vandalism, negligence by tenants. Southland did not acknowledge other factors and did not communicate to the City on any “good faith” efforts on their part in regard to performing independent investigations of increased water consumption resulting from their multi-business complex. This multi-business complex has a one, two-inch, water meter providing water service to 29 units. There are a variety of different types of retail shops, a grocery store, a water dispensary store, a hair salon and other businesses.

Southland received a bill for the period of December 20, 2022- March 3, 2023, the total water use amounted to 1,355 units (approximately 18.56 units per day). The water usage had returned to a normal range. City staff has concluded that this temporary increase in water consumption may have been due to other factors on the property owner’s side of the water system mentioned above, outside of the City’s responsibility.

The City maintains the city-side of the water meter and the property owner is responsible for maintenance of their pipes and water usage on their side of the water meter. There was no water leak at the City's side of the meter and testing showed that the meter was undercharging the property owner. Therefore, the water usage during the specified two billing periods are attributed to a private property related issue and the City should not be required to reduce the billing in question.

CITY STAFF'S EVIDENCE

In support of the City's effort to determine whether the City's meter was the cause of the increased water usage at the Appellant's property, Attachment 2 shows that the third-party Test Certification for the replaced meter indicates that the meter was measuring by an average -4.09% accuracy. This means that the meter was undermeasuring to the benefit of the Appellant. The meter was therefore not the cause of the increased billing amounts.

Attachment 3 are the service requests indicating that the City made contact with the Appellant and inspected the meter on October 24, 2022 and replaced it on December 6, 2022 with a new meter so that the old meter could be sent for testing. On January 19, 2023 the City repaired the gaskets that were damaged by a vehicle causing damage to the new meter. On February 15, 2023 the City completed the relocation of the meter box to avoid further vehicle damage to the meter. In none of the work orders were City staff able to find leaks at the meter box.

Attachment 4 shows the boundaries of the City's water system responsibility. City staff is not able to inspect or examine the private water lines and facilities on Appellant's private property, where leaks or increased water usage would have caused higher water bills.

Finally, the Appellant has not provided the City any information showing that it performed any investigation pertaining to any water leaks or increased consumption by its tenants. Because the City found no leaks or problems with its meter, the Appellant is required to show that a professional plumber, contractor or third party conducted an inspection of the Appellant's water facilities and water usage and found no problems. It should not be sufficient for Appellant to argue that it is not responsible for increased water usage simply because the increase is not typical of their historical water usage.

RECOMMENDATION

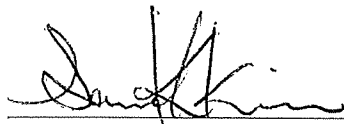
Based on the foregoing, City staff recommends that the Board make the following findings of fact:

1. The City was formally informed of a high water bill from Southland Plaza, LLC on October 24, 2023 regarding a higher than normal water use after receiving a bill for the period of August 16, 2022 –

October 15, 2022, in the amount of \$13,342.25 for the use of 2,776 units (approximately 40.33 units per day).

2. On October 24, 2022, the City investigated the water meter as the cause of increased water billing.
3. On December 6, 2022, existing water meter was replaced with a new water meter and old meter was tested for accuracy and deemed to be under registering water flow to the customer's benefit.
4. On October 24, 2022, December 6, 2022, January 19, 2022, January 24, 2023, January 30, 2023, February 15, 2023 the City inspected, replaced, and relocated the meter and meter box where no visible leaks were found at the water meter or meter box.
5. The Appellant did not provide evidence that its employees or a third-party professional conducted an investigation or evaluation showing the nonexistence of water leaks on the water facilities on Appellant's property or evidence that its tenants did not increase their water consumption.
6. The Public Works Director correctly denied the Appellant's request to adjust and reduce its water bills.

Further, staff recommends that the Board adopt the attached Resolution (Attachment 5) containing the findings outlined above, and denying Southland Plaza LLC's February 21, 2023 appeal.



For William E. Murray

WILLIAM E. MURRAY, P.E.
Public Works Director

Attachments:

- 1) February 21, 2023 Notice re Water Billing Appeal, 14372 Brookhurst Street, Garden Grove, CA
- 2) Water Meter Accuracy Test Conducted on 12/8/22
- 3) Workorders: October 24, 2022, December 6, 2022, January 19, 2022, January 24, 2023, January 30, 2023, February 15, 2023
- 4) Diagram
- 5) Resolution

ATTACHMENT

1



CITY OF GARDEN GROVE RECEIVED
CITY OF GARDEN GROVE
REQUEST FOR ADMINISTRATIVE BOARD OF APPEALS HEARING

2023 FEB 21 AM 2:58

Water Billing Appeal

TO: City Clerk's Office, City of Garden Grove
11222 Acacia Parkway, Garden Grove, CA 92840
(714) 741-5040

Notice and Order

FILING FEE: \$225.00

Pursuant to Municipal Code Section 2.54.110, this appeal form must be filed with the City Clerk's Office within 15 days from the date of determination for water billing disputes, or 15 days from the date of service of the notice and order being appealed.

Appellant(s):

Southland Plaza LLC

Address(es) or legal description:

14372 Brookhurst St, Garden Grove, CA 92843

Describe legal interest of each appellant (indicate if building, land, or both):

Both

State the specific order or action protested:

Water bills for these periods had unusually high water usage.

8/15/22 - 10/15/22 : 2776 units: \$13,342.00 , 10/16/22 - 12/20/22 : 2662 units: \$12,806.00

State the relief sought and reasons why the protested order or action would be reversed, modified, or otherwise set aside. Present material facts to support your contentions (use additional paper if necessary):

Net Credit of \$ 4,712.97 applied to account. See attached document for details. Total payments of \$13,967.25

Bill for 8/15/22 - 10/15/22 changed to \$ 4,467.34 , Bill for 10/16/22 - 12/20/22 changed to \$ 4,786.94

I hereby certify under penalty of perjury that the statements contained in this appeal to be the truth to the best of my knowledge.

Appellant(s): Southland Plaza LLC

Address, City, ZIP: 9335 Poinsettia Ave, Fountain Valley, CA 92708

Phone No.: 714-383-0695

rdao 2893 @ gmail.com

Signature of at least one Appellant:

Date:

Robert Daw

2/20/2023

Regarding the property located at 14372 Brookhurst St, the water bills for 2 recent periods had unusually high water usage.

8/15/22 - 10/15/22 : 2776 units: \$13,342.00

10/16/22 - 12/20/22 : 2662 units: \$12,806.00

Whereas, the usage would usually amount to half of that. See attached Water Bill Record.

1st Evidence:

On January 19 2022, we noticed the water leak at the meter. It is likely that the water leak is the source of the unusually high water usage. Leaks at the water meter would be at the responsibility of the water department, so we should not be charged for the excess water for the periods above.

2nd Evidence:

The new meter was replaced on 12/6/2022

The water bill dated 12/23/2022 stated a reading of 285 on 12/20/2022

When we inspected the meter on 1/19/2023, the meter read 883.

When we inspected the meter on 2/7/2023, the meter read 1243.

Over 14 days, the usage was 285. Average 20 units/day

Over 44 days, the usage was 883. Average 20 units/day

Over 63 days, the usage was 1243. Average 20 units/day

This is consistent with the usage during 3/8/2021 through 8/16/2022 : 17.3 units / day.

So the previous meter was erroneously doubling the water usage. We also paid for the water meter test in the amount of \$ 400.00.

In addition to the removal of the overcharges on both invoices, we would also like a refund on the water meter test.

Southland Plaza Water Bill Record

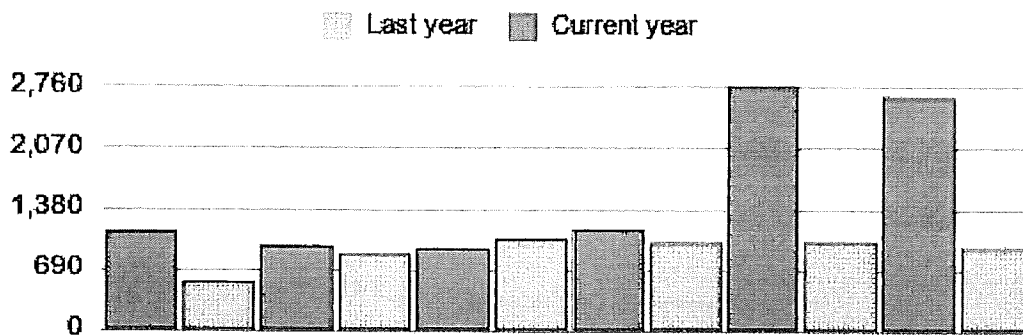
Address 14372 BROOKHURST ST
 Account ID 19330551

Period From	To	Number of Days	Water Units	Units/Day	Amount
3/8/2021	4/30/2021	53	880	16.6	4,213.44
4/30/2021	6/29/2021	60	1048	17.5	4,947.60
6/29/21	8/25/21	57	1013	17.8	4,860.34
8/25/21	10/25/21	61	1016	16.7	4,897.60
10/25/21	12/20/21	56	956	17.1	4,627.60
12/20/21	2/23/22	65	1136	17.5	5,634.25
2/23/22	4/20/22	56	970	17.3	4,854.05
4/20/22	6/16/22	57	941	16.5	4,717.75
6/16/22	8/16/22	61	1165	19.1	5,770.55
8/16/22	10/15/22	60	2776	46.3	13,342.25
10/15/22	12/20/22	66	2662	40.3	12,806.45

Summary

Average Units/Day during 3/8/2021 through 8/16/2022 17.3
 Average Units/Day during 8/16/2021 through 12/20/2022 43.3

Consumption Per Cycle in Billing Units



From least current billing to most current

Invoice Charge Details

		Units	Amount
Adjusted amount for water bill	8/15/22 - 10/15/22	1037	4,467.34
Payment of water bill	8/15/22 - 10/15/22		(13,342.25)
Payment of water test	11/7/22		(400.00)
Adjusted amount for water bill	10/16/22 - 12/20/22	1105	4,786.94
Payment for Board Of Appeals	2/20/23		(225.00)
Total Credit to be applied to account			(4,712.97)

Adjusted Amount for Water Bill Details

Period	Total Units	Total Amount
8/15/22 - 10/15/22	1037	4,467.34
	Units	Cost/Unit
	264	3.16
	773	4.70
	Amount	
		834.24
		3,633.10

Period	Total Units	Total Amount
10/16/22 - 12/20/22	1105	4,786.94
	Units	Cost/Unit
	264	3.16
	841	4.70
	Amount	
		834.24
		3,952.70

ATTACHMENT

2

From: "Tina Ngo" <tinango@ggcity.org>
To: "Sam Kim" <samk@ggcity.org>
Cc: "Les Ruitenschild" <lesr@ggcity.org>
Sent: Wednesday, March 8, 2023 2:55:32 PM
Subject: Re: Appeal to the Administrative Board of Appeals

Hi gents,

Here is the Test Certification.



Test Certification

14812 Hunter Lane
 Midway City CA 92655
 Phone: 714 450-5929 Fax: 714 829-3103

Serial Number 1306
 Test Date 12/8/2022
 Record No 1710
 P.O. Number LES RUITENSCHIL
 Work Order No. 1141
 RGA No.

Page 1 of 1

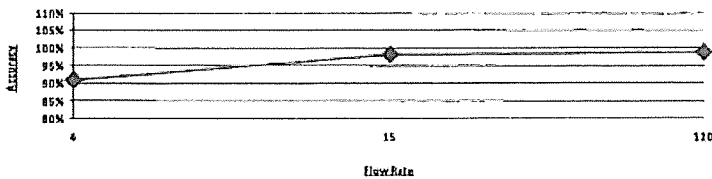
Bill to Customer CI-0070908

Site Customer CI-0057235

City of Garden Grove
 13802 Newhope St.
 Garden Grove CA 92843

City of Garden Grove (Residential meter)
 13802 Newhope St.
 Garden Grove CA 92843

Totalizer Readings - Cubic Feet	Test Cycle	Prover No	Site Location	Service Type	Technician
Before Test 3982234 x 1		TB-001	GMS Shop	Test only	Manny
After Test 3982339 x 1	Average Meter Error is -4.09% and the Average Meter Accuracy is 95.91%				
Flow Meter Rockwell, 2" W-160 Turbine	Test Report - Fail				



Test No	Volumetric Prover			Customer Meter						
	Flow Rate	Test Amount	Test	Start Read	End Read	Net	Meter Error	Meter Accuracy	Accuracy Limits	Test Status
1	4	10	L	398223	398232.1	9.100	-9.00%	91.000%	98.5%-101.5%	Fail
2	15	10	I	398232	398241.8	9.800	-2.00%	98.000%	%-%	Fail
3	120	13.37	H	398244	398257.2	13.200	-1.27%	98.728%	98.5%-101.5%	Pass

Thanks,

ATTACHMENT

3



GARDEN GROVE PUBLIC WORKS DEPARTMENT
SERVICE REQUEST #533314

Service Request: 533314

Department: Public Works

Status: OPEN

Priority: NORMAL

Created at: October 24, 2022 01:39PM

Requester: Steven Moya Jr

Home Phone:

Work Phone:

Other Phone:

Created by: stevem

Request: Customer requested contact. Called Robert his wants a 3rd party test. referred him to les..read 37879.
Robert 7143830695. 2 inch meter

Location: 14372 BROOKHURST ST,

Public Property: YES

Square Feet:

Eng. Permit:

Police Num.:

Fire Num.:

Task #1

Status: OPENED on October 24, 2022 01:39PM by UNKNOWN

Description: Robert want a 3rd party test on there 2 inch meter r-37879 Robert 7143830695

Category: W32 Customer Service (AUTO-NOTIFY) **Assigned to:** Les Ruitenschild

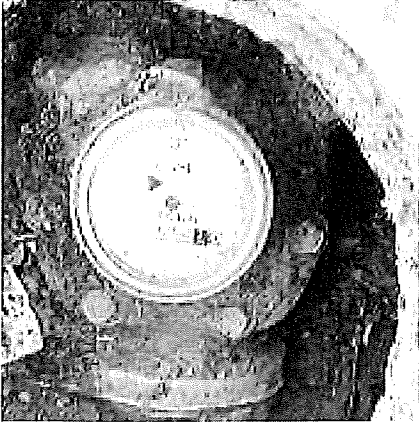
Division: WATER SERVICES

Requester contacted:

Completed by:

ECD:

Photos for Workorder #533314





GARDEN GROVE PUBLIC WORKS DEPARTMENT SERVICE REQUEST #535936

Service Request: 535936
Department: Public Works
Status: CLOSED
Priority: NORMAL
Created at: December 06, 2022 08:35AM

Requester: Alejandro Valenzuela
Home Phone:
Work Phone:
Other Phone:
Created by: alejandrov

Request: Test meter

Location: 14372 BROOKHURST ST,

Public Property: YES
Square Feet:

Eng. Permit:
Police Num.:
Fire Num.:

New Meter: #90036609 (Read: 0)
Old Meter: #01413505 (Read: 39822)
Service line material (City):
Service line material (Customer):
Constuction:

Chlorine Res Free:
Chlorine Res Total:

Task #1

Status: CLOSED on December 06, 2022 08:40AM by Alejandro Valenzuela

Description:

Comments: Replaced old meter for testing.

Category: W82 Large Meter Replacement

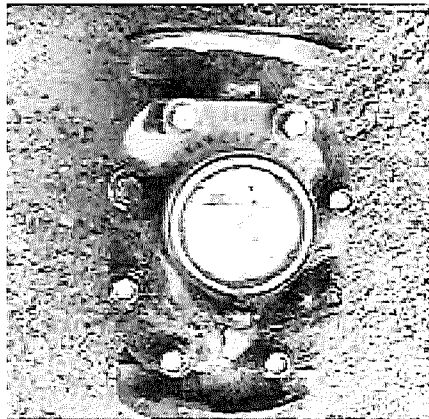
Division: WATER SERVICES

Completed by: Alejandro Valenzuela

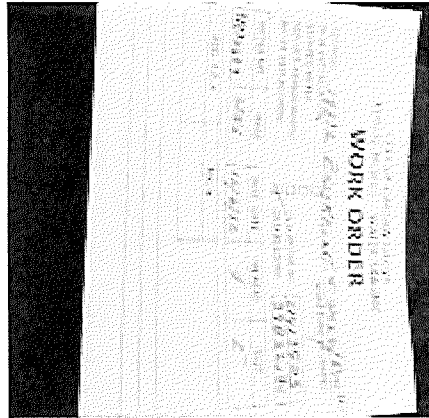
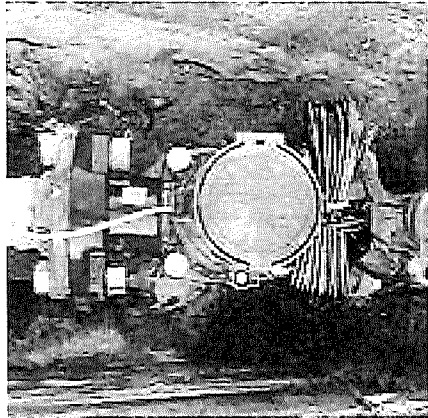
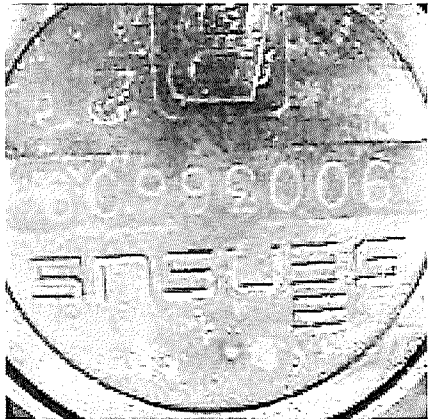
Assigned to: Jonathan Ruiz

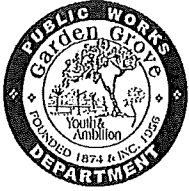
Requester contacted:

ECD:



Photos for Workorder #13 SQ36





GARDEN GROVE PUBLIC WORKS DEPARTMENT SERVICE REQUEST #538601

Service Request: 538601

Department:

Status: CLOSED

Priority: NORMAL

Created at: January 19, 2023 02:07PM

Request: Possible s/b

Location: 14314 BROOKHURST ST,

Public Property: YES

Square Feet:

Requester: Christina

Home Phone: (714) 531-4419

Work Phone:

Other Phone:

Created by: alexiss

Eng. Permit:

Police Num.:

Fire Num.:

Task #1

Status: CLOSED on January 19, 2023 02:56PM by Alfredo Martinez

Description: Possible s/b

Comments: A heavy vehicle ran over 1.5" meter box. Gaskets we're gushing. Alex G arrived and shut off A/S.

I replaced damaged gaskets with new ones. Water restored. Vehicle that caused damage was not on site.

Category: W31 Daytime Standby (506) (AUTO-

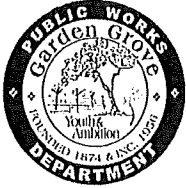
Assigned to:

Division: WATER SERVICES

Requester contacted:

Completed by: Alfredo Martinez

ECD:



GARDEN GROVE PUBLIC WORKS DEPARTMENT SERVICE REQUEST #538779

Service Request: 538779
Department:
Status: OPEN
Priority: NORMAL
Created at: January 24, 2023 07:34AM

Requester: Alejandro Gonzalez
Home Phone:
Work Phone:
Other Phone:
Created by: alexg

Request: SRP

Location: 14372 BROOKHURST ST,

Public Property: YES
Square Feet:

Eng. Permit:
Police Num.:
Fire Num.:

New Meter:
Old Meter:
Service line material (City): Copper
Service line material (Customer): Copper
Constuction:
Total cost: \$1813.96

Chlorine Res Free:
Chlorine Res Total:

Task #1

Status: CLOSED on February 15, 2023 09:00PM by Ryan Hart

Description: SRP

Category: W19 Service Replacement

Assigned to: Alejandro Gonzalez

Division: WATER SERVICES

Requester contacted:

Completed by: Alejandro Gonzalez

ECD:

Total task cost: \$1813.955

Labor Costs

Name	Reg	OT	Total
Albert Talamantes Jr	0 hours	5.5 hours	\$352.28
Ryan Hart	0 hours	5.5 hours	\$352.28
Edward Ambriz Garcia	0 hours	5.5 hours	\$352.28
Alejandro Gonzalez	0 hours	5.5 hours	\$404.86
Vidal Jimenez	0 hours	5.5 hours	\$352.28
TOTAL	0 hours	27.5 hours	\$1813.96

Task #2

Status: OPENED on February 17, 2023 05:33AM by Alejandro Gonzalez

Description: Need concrete. Location for repair is on the Jennrich Ave. side of address. Please be aware of shallow plastic/copper water line that's in the concrete repair area.

Category: 217 CONCRETE - WATER

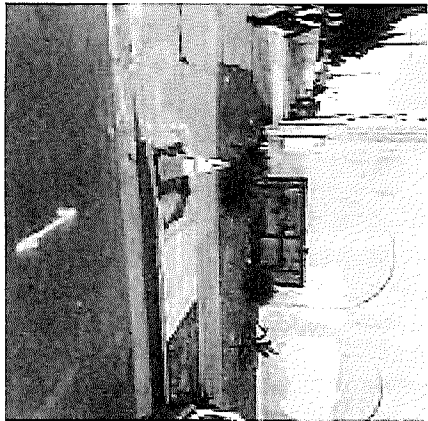
Assigned to: Brent Kaylor

Division: STREET MAINT

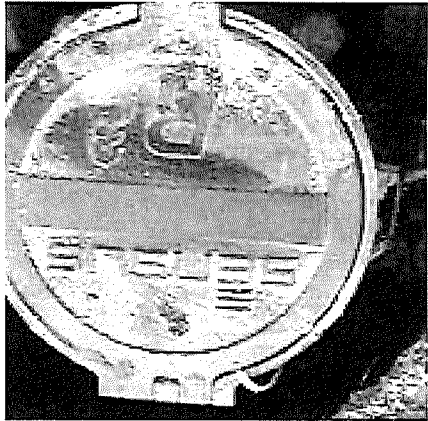
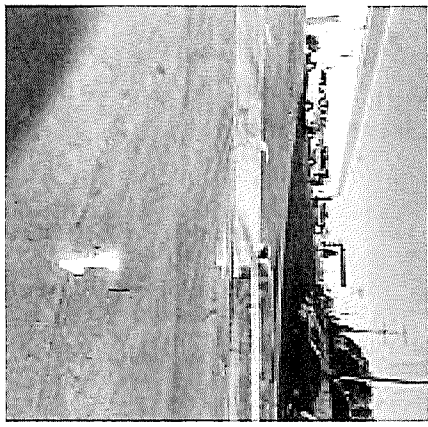
Requester contacted:

Completed by:

ECD:

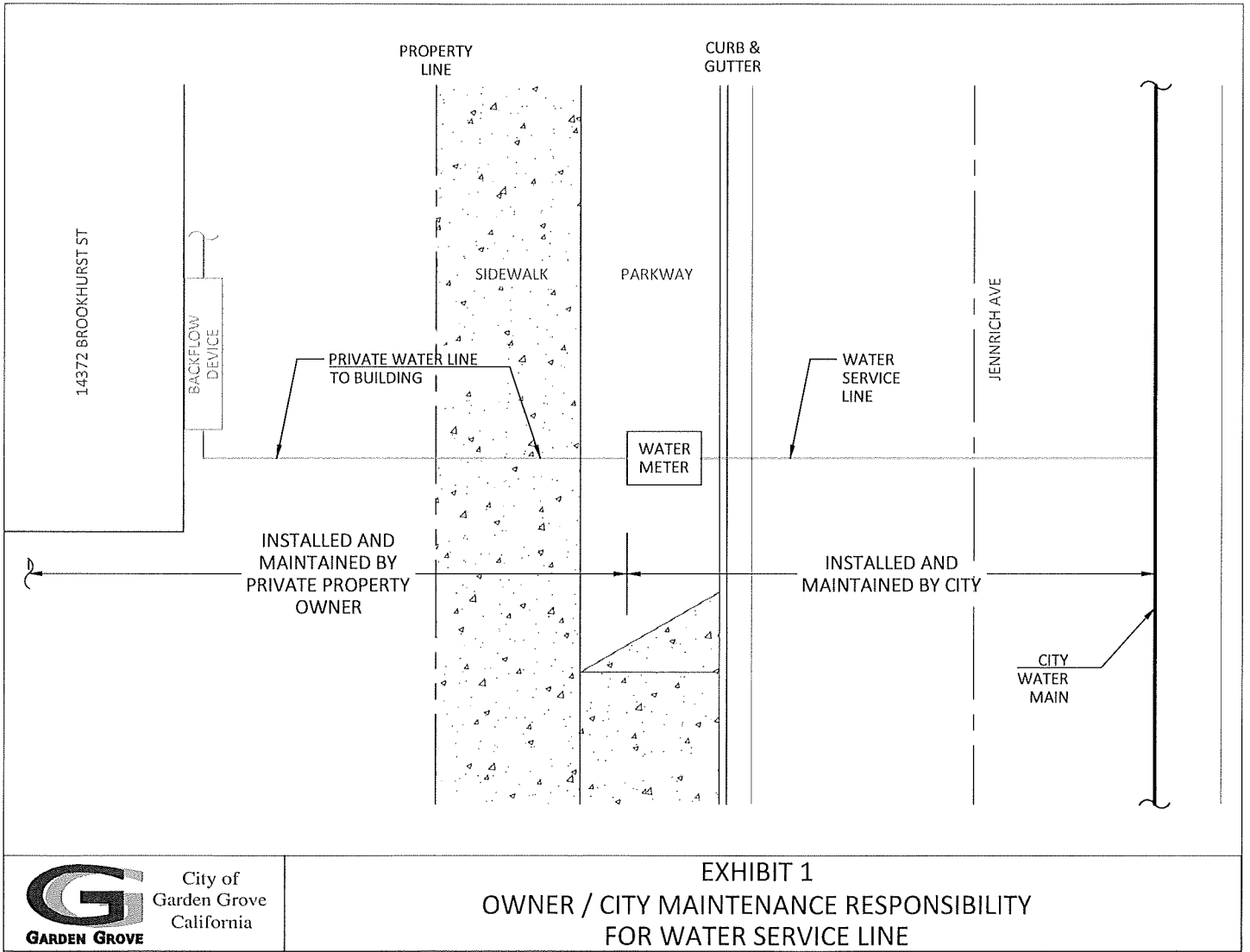


Photos for Mapkrowler #538779



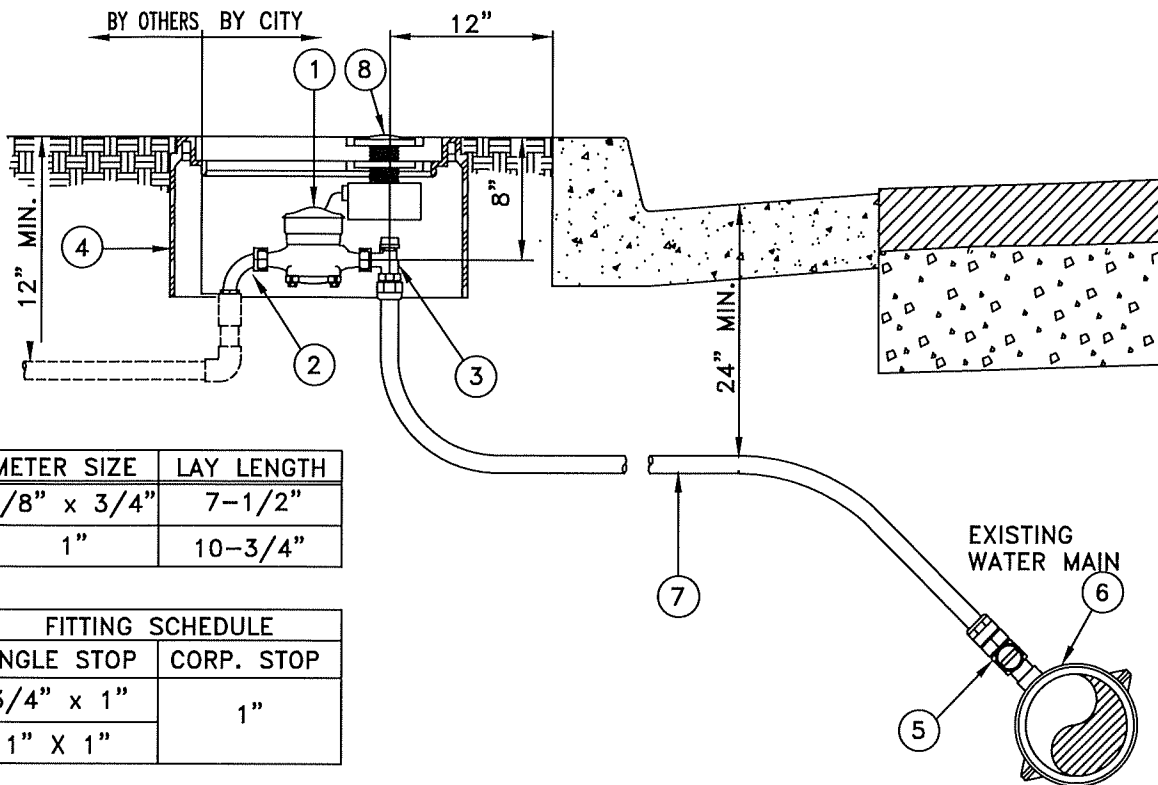
ATTACHMENT

4



City of
Garden Grove
California

EXHIBIT 1
OWNER / CITY MAINTENANCE RESPONSIBILITY
FOR WATER SERVICE LINE



METER SIZE	LAY LENGTH
5/8" x 3/4"	7-1/2"
1"	10-3/4"

FITTING SCHEDULE	
ANGLE STOP	CORP. STOP
3/4" x 1"	1"
1" X 1"	

NOTES

1. ALL CITY SERVICES TO BE TYPE "K" SOFT COPPER.
2. TUBING TO BE ONE CONTINUOUS PIECE, NO SPLICES OR HEATING PERMITTED UNLESS APPROVED BY WATER SERVICES.
3. TAPS SHALL BE MADE AT LEAST 12" FROM ANY OTHER TAP OR COUPLING. STAGGER ANGLE OF TAPS MADE NEXT TO EACH OTHER 15°.
4. METER, METER BOX, ANGLE METER VALVE AND TAILPIECE, BY CITY AT CONTRACTOR'S EXPENSE, UNLESS OTHERWISE APPROVED.


MATERIAL LIST

ITEM NO.	QUAN.	DESCRIPTION	MFR.
①	1	5/8" OR 1" SMART METER	SENSUS, SR11
②	1	3/4" OR 1" ANGLE METER COUPLING	
③	1	3/4" x 1" OR 1" x 1" BALL ANGLE METER VALVE, COMPRESSION TYPE OR APPROVED EQUAL	MUELLER, JONES OR FORD
④	1	POLYMER METER BOX (DFW486WBC-12-1 OR APPROVED EQUAL)	DFW PLASTICS OR APPROVED EQUAL
⑤	1	1" CORPORATION STOP (COMPRESSION TYPE), BALL TYPE, C.C. THREAD	MUELLER, JONES OR FORD
⑥	1	SERVICE SADDLE DOUBLE STRAP (FORD 202BSD OR APPROVED EQUAL)	MUELLER, JONES OR FORD
⑦	AS NEEDED	1# SOFT COPPER TUBING, TYPE "K"	
⑧	1	FLEXNET SMARTPOINT 520M MODULE (OR APPROVED EQUAL)	SENSUS



City of
Garden Grove
California

1" COPPER WATER SERVICE INSTALLATION FOR 5/8" & 1" METERS

Approved  Date 05-18-21
City Engineer R.C.E. 52125 Exp. 12-31-22

REVISIONS	BY	DATE

STD. PLAN NUMBER

B-721

SHEET 1 OF 1

ATTACHMENT

5

RESOLUTION NO. ____-23

A RESOLUTION OF THE ADMINISTRATIVE BOARD OF APPEALS OF THE CITY OF GARDEN GROVE, CALIFORNIA, DENYING THE APPEAL OF SOUTHLAND PLAZA, LLC OF THE GARDEN GROVE PUBLIC WORKS DIRECTOR'S DENIAL OF ITS REQUEST TO ADJUST WATER BILLS FOR TWO BILLING CYCLES FROM AUGUST 2022 TO DECEMBER 2022

WHEREAS, Southland Plaza, LLC ("Appellant") requested an adjustment to water bills for two billing periods from 8/15/22 to 10/15/22 and 10/16/22 to 12/20/22; and

WHEREAS, the Public Works Director denied Appellant's request and Appellant appealed the Director's decision on February 21, 2023; and

WHEREAS, on April 19, 2023, a hearing before the Administrative Board of Appeals of the City of Garden Grove was held at which the Administrative Board of Appeals considered testimony and evidence related to the Appellant's appeal of the Director's decision and continued the hearing to receive additional information requested by the Board; and

WHEREAS, on June 28, 2023, the Administrative Board of Appeals continued the hearing at which the Administrative Board of Appeal considered additional testimony and evidence related to the Appellant's appeal; and

WHEREAS, Southland Plaza, LLC and all other persons with an interest in the subject matter of the appeal were afforded an opportunity to be heard and present evidence to the Administrative Board of Appeals of the City of Garden Grove at its February 21, 2023 and June 28, 2023 hearings.

NOW, THEREFORE, THE ADMINISTRATIVE BOARD OF APPEALS OF THE CITY OF GARDEN GROVE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The Administrative Board of Appeals of the City of Garden Grove hereby makes the following findings of fact:

1. The City was formally informed of a high water bill from Southland Plaza, LLC on October 24, 2023 regarding a higher than normal water use after receiving a bill for the period of August 16, 2022 – October 15, 2022, in the amount of \$13,342.25 for the use of 2,776 units (approximately 40.33 units per day).
2. On October 24, 2022, the City investigated the water meter as the cause of increased water billing.
3. On December 6, 2022, existing water meter was replaced with a new water meter and old meter was tested for accuracy and deemed to be under

registering water flow to the customer's benefit. A second test conducted on April 25, 2023 confirmed that the old meter was 100% accurate.

4. On October 24, 2022, December 6, 2022, January 19, 2022, January 24, 2023, January 30, 2023, February 15, 2023 the City inspected, replaced, and relocated the meter and meter box, however no visible leaks were found at the water meter or meter box.
5. The Appellant did not provide evidence that its employees or a third-party professional conducted an investigation or evaluation showing the nonexistence of water leaks on the water facilities on Appellant's property or evidence that its tenants did not increase their water consumption.
6. The Public Works Director correctly denied the Appellant's request to adjust and reduce its water bills.

SECTION 2. Based on the findings of fact referenced herein and after consideration of all relevant testimony and evidence submitted at the April 19 and June 28, 2023 meeting of the Administrative Board of Appeals of the City of Garden Grove, the decision of the Public Works Director denying Appellant's request for billing adjustments is hereby affirmed, and the appeal filed by Southland Plaza LLC on February 21, 2023, is hereby denied.

SECTION 3. The Building Official is directed to provide notice of the decision of the Administrative Board of Appeals and of this Resolution to Appellant, Southland Plaza LLC within seven (7) days of the date this Resolution is adopted.

SECTION 4. This Resolution shall become final effective immediately.

Adopted this 28th day of June, 2023.

ATTEST:

CHAIR

SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, _____, Secretary of the City of Garden Grove Administrative Board of Appeals, do hereby certify that the foregoing Resolution was duly adopted by the Administrative Board of Appeals of the City of Garden Grove, California, at a Special Meeting held on the 28th day of June, 2023, by the following vote:

AYES: BOARD MEMBERS:
NOES: BOARD MEMBERS:
ABSTAIN BOARD MEMBERS

ABSENT: BOARD MEMBERS:

SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

ATTACHMENT B

BLTC#	BIZ NAME	STREET ADDRESS	STREET	TYPE OF BIZ	NOTES
174521	TAN XUAN	14314	BROOKHURST	GROCERIES/MARKET	
187135	TU LUC BOOKSTORE	14318	BROOKHURST	BOOKSTORE	
322977	PHONG THUY KAI QUANG	14320	BROOKHURST	GENERAL MERCHANDISE	
148533	INFINITY VISION	14322	BROOKHURST	EYE DR	
309903	5 STAR MASSAGE	14324	BROOKHURST	MASSAGE ESTABLISHMENT	
145733	TAI SANH	14326	BROOKHURST	HERBS	
179647	THIEN LOC	14328	BROOKHURST	TO GO FOOD	
152555	QUANG MINH SUPERMARKET	14332	BROOKHURST	GROCERIES/MARKET	
162196	LE'S FLORIST	14336	BROOKHURST	FLORIST	
310876	THUAN THOI	14338	BROOKHURST	FRUITS & JUICES	
325338	OK WATER	14340	BROOKHURST	WATER STORE	SHARES SPACE WITH BIZ THAT SELLS FRUIT TREES (320324) START DATE OF 2/2020. AND ALSO HAS AN IMPORT/EXPORT OF BEAUTY SUPPLIES BIZ THERE NO CURRENT B/L FOR SALON, THIS IS LAST B/L ON RECORD, B/L CLOSED 11/2022, HANDFULL OF IND CTRS STILL THERE
307850	BEAUTY EXPRESS	14344	BROOKHURST	BEAUTY SALON	
142259	VAN'S BAKERY	14346	BROOKHURST	BAKERY	
151826	THOA TRONG MD	14350	BROOKHURST	DR OFFICE	
173845	BOULANGERIE BAKERY	14354	BROOKHURST	FRENCH BAKERY	
154202	LUXURY HAIR	14356	BROOKHURST	HAIR SALON	
178021	HILITE VIDEO	14358	BROOKHURST	VIDEO STORE	
190194	HENNY NGUYEN	14360	BROOKHURST	DR OFFICE	
183685	MICHAEL DAO MEDICAL CTR	14362	BROOKHURST	DR OFFICE	HAS IND CTRS SHARING SPACE DOING WELLNESS SVCS
320121	LUMINA DENTAL	14364	BROOKHURST	DENTAL OFFICE	
325901	NAM VAN CARGO	14366	BROOKHURST	SHIPPING SERVICES	SHARES WITH 322879- RETAIL FRUIT
174440	SKYLARK CLEANERS	14368	BROOKHURST	DRY CLEANERS	ON-SITE DRY CLEANING
319125	NUOC MIA VIEN TAY DEL	14370	BROOKHURST	BOBA	
322700	TTT BEAUTY SUPPLY	14374	BROOKHURST	RETAIL NAILS & BEAUTY SUPPLY	
324822	PHO KUROUSHI	14376	BROOKHURST	RESTAURANT	NEW OWNER AS OF JULY 2022 - BUT HAS BEEN RESTAURANT BIZ TYPE SINCE 1999
130176	NAM HOA MARKET	14380	BROOKHURST	GROCERIES/MARKET	
187613	HUNG THE QUACH	14382	BROOKHURST	DR OFFICE	
302688	SAIGON PHARMACY	14384	BROOKHURST	PHARMACY	
183108	PHO VIHN KY	14390	BROOKHURST	RESTAURANT	

ATTACHMENT C

McCall's Meters Inc.

VOLUMETRIC METER TEST REPORT

Company: CITY OF GARDEN GROVE

1498 Mesa View Street
Hemet, CA 92543

P.O. No. JOHN RUIZ

Test Date 4/25/2023

Technician VINCE DUGUID

Flow Rates Gpm: AWWA

Low 4
Mid 15
High 120

WEIGHTED ACCURACY

4.00	15.00	120.00	Wtd. Acc.
			15-70-15

Weighted Accuracy

100.206%

Serial Number	Meter Size	Meter Make	Meter Units	Meter Multiplier	Low Flow Start	Low Flow Stop	Volume Collected	ACCURACY
1306	2"	SENSUS	CF	10	398235.261	398235.359	1.004	97.61%
NOTES: 2" W-160					Mid Flow Start	Mid Flow Stop	Volume Collected	ACCURACY
					398235.359	398236.366	10	100.70%
					High Flow Start	High Flow Stop	Volume Collected	ACCURACY
					398236.366	398237.371	10	100.50%

TESTED BY: VINCE DUGUID