

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

Special Meeting Minutes  
Thursday, June 28, 2023

CALL TO ORDER: 6:00 p.m.

ROLL CALL:

Commissioner Brady  
Commissioner Knight  
Commissioner Ladd  
Commissioner Nguyen  
Commissioner Tackney

Absent: Tackney

STAFF PRESENT: Omar Sandoval, City Attorney; David Dent, Chief Building Official/Executive Secretary to the Board; Sam Kim, Water Services Manager; Les Ruitenschild, Public Works Supervisor; Tina Ngo, Accounting Supervisor; Judith Moore, Recording Secretary.

PLEDGE OF ALLEGIANCE: Led by Commissioner Ladd

ORAL COMMUNICATIONS – PUBLIC – None.

April 19, 2023 MINUTES:

Action: Received and filed.  
Motion: Tackney Second: Ladd  
Ayes: (4) Knight, Ladd, Nguyen, Tackney  
Noes: (0) None  
Absent: (1) Brady

HEARING – WATER BILLING APPEAL FROM SOUTHLAND PLAZA, LLC (CONTINUED FROM APRIL 19, 2023)

Appellant: SOUTHLAND PLAZA, LLC  
Date: June 28, 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.

On April 19, 2023, the Board heard testimony and continued the Item 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.

For the June 28, 2023 meeting, the supplemental information was provided to the Board as follows:

Due to the Apellant not hiring a third party water test, the City volunteered to conduct a second meter accuracy test on April 25, 2023, which resulted in 100.26% accuracy, meaning that the meter accurately measured water flow.

The City provided a list of business license information for tenants of the property to clarify the type of business activity at the property.

When the hearing was opened, Robert Dao, on behalf of the Apellant, provided a handout, which stated there were no seasonal adjustments for water usage; that replacing the meter resulted in normal readings; and there were discrepancies with the meter tests on 12/8/22 and 4/25/23 proving either the meter had been manipulated or was dysfunctional. He therefore argued that the meter was not

functioning properly and the amount charged in the invoice was inappropriate, with a credit due to the account.

Commissioners inquired whether the Apellant has submeters for tenant water usage and whether the property has hydrants on site. There is no submetering and hydrants are located at the property. The Commissioner's consensus was that the water usage should be better tracked to detect excessive water usage by tenants and that landlord should be able to solve the issue.

Action: Resolution No. 001-2023 was approved to deny the Appeal.

Motion: Ladd Second: Tackney

Ayes: (4) Knight, Ladd, Nguyen, Tackney

Noes: (0) None

Absent: (1) Brady

MATTERS FROM BOARD: None.

MATTERS FROM STAFF: None.

ADJOURNMENT: At 6:28 p.m.

---

Judith Moore  
Recording Secretary