

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

Special Meeting Minutes  
Thursday, March 27, 2024

CALL TO ORDER: 6:00 p.m.

ROLL CALL:

Commissioner Brady  
Commissioner Knight  
Commissioner Ladd  
Commissioner Nguyen  
Commissioner Tackney

Absent: None.

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

PLEDGE OF ALLEGIANCE: Led by Chair Knight

SELECTION OF CHAIR:

Action: Member Knight nominated self for Chair with a second from Member Tackney.

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

Ayes: (5) Brady, Knight, Ladd, Nguyen, Tackney

Noes: (0) None

SELECTION OF VICE CHAIR:

Action: Member Knight nominated Member Tackney for Vice Chair, with a second from Member Knight.

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

Ayes: (5) Brady, Knight, Ladd, Nguyen, Tackney

Noes: (0) None

Member Knight assumed the duties of Chair.

ORAL COMMUNICATIONS – PUBLIC – None.

RECEIVE AND FILE MINUTES - June 28, 2023

Action: Received and filed.

Motion: Brady Second: Ladd

Ayes: (5) Brady, Knight, Ladd, Nguyen, Tackney

Noes: (0) None

CODE OF ETHICS: City Attorney Sandoval provided an overview of the Code of Ethics. A hand-out and PowerPoint presentation were provided.

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. A PowerPoint presentation was provided.

HEARING F.1. – WATER BILLING APPEAL FOR 11632 ANABEL AVENUE

Appellant: HOANG VIET VAN

Date: March 27, 2024

Request: Appellant requested that the Administrative Board of Appeals approve his water billing appeal, filed on November 7, 2023, for one billing period from May 23, 2023 to July 21, 2023, for property located at 11632 Anabel Avenue. The appeal sought reduction of the amount of this billing period.

The Administrative Board of Appeals of the City of Garden Grove hereby made the following findings of fact:

1. The City was formally informed of a high water bill from Hoang Viet Van on August 30, 2023 regarding a higher than normal water use after receiving a bill for the period of May 23, 2023 to July 21, 2023, in the amount of \$532.22 for the use of 111 units (approximately 1.88 units per day).
2. On July 26, 2023, City staff had read the meter before the subject water bill was generated. At the time, the meter was inspected and verified that there was no leak from and around the meter.
3. On August 29, 2024, Appellant’s independent investigation of the water meter revealed 4 inches of mud surrounding the meter.
4. On September 6, 2023, after being notified of the high water bill by Appellant, the City performed an in-ground meter test for meter accuracy and it passed.

5. On February 7, 2024, City staff removed the old water meter and replaced it permanently with a new water meter. The backside of the connection, which is not metered, was noted to have a leak, which was repaired at that time.
6. The old water meter was tested by Westerly on February 8, 2024. The test results passed, according to the American Water Works Association standards.
7. The Appellant did not provide evidence that he 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 that the Machine Shop operated at the property did not experience increased usage of water for the subject billing period.
8. The Public Works Director correctly denied the Appellant's request to adjust and reduce its water bills.

Staff noted that once it is determined that the City facility is not at fault in regard to a leak or a faulty meter, the burden of proof goes to the property owner, whose obligation it is to regularly maintain the property. The City cannot go on private properties, they can only confirm conditions on the City-side of the meter connection.

The Hearing was opened and with no proof of an investigation from the Appellant in regard to the two-month spike in his water bill, and with the old water meter passing the third-party testing, the hearing was closed.

Action: Resolution No. 001-2024 was approved to deny the Appeal.

Motion: Brady Second: Ladd

Ayes: (5) Brady, Knight, Ladd, Nguyen, Tackney

Noes: (0) None

HEARING F.2. – WATER BILLING APPEAL FOR 12001 WEST STREET

Appellant: EDGAR ROJAS  
Date: March 27, 2024

Request: Appellant requested that the Administrative Board of Appeals approve his water billing appeal, filed on January 4, 2024, for one billing period from March 23, 2023 to May 18, 2023, for property located at 12001 West Street. The appeal sought reduction of the amount of this billing period.

The Administrative Board of Appeals of the City of Garden Grove hereby made the following findings of fact:

1. The City was formally informed of a high water bill from Appellant on May 26, 2023 regarding a higher than normal water use after receiving a bill for the period of March 23, 2023 to May 18, 2023, in the amount of \$928.05 for the use of 191 units (approximately 3.41 units per day).
2. On January 23, 2023, City staff read the meter and verified that the low-flow indicator was moving, indicating a leak at Appellant's property. A water-wise brochure and door hanger was placed that references "low-flow indicator is moving" and the current read.
3. On March 28, 2023, City staff was conducting routine meter reading and noticed the low-flow indicator was moving indicating a continuing leak.
4. The bill was inadvertently generated at 2 units, in which it should have been at 109 units billed during the period from January 17, 2023 to March 23, 2023. The previous billing units of 109 were combined with the billing units of 82 within the billing period from March 23, 2023 to May 18, 2023, for a total of 191 units for a four month period.
5. City staff performed a re-read of the meter on May 23, 2023 and confirmed a high water usage.
6. On May 26, 2023, Mr. Rojas 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 March 23, 2023 to May 18, 2023, in the amount of \$928.05 for the use of 191 units (approximately 3.41 units per day).
7. City staff responded on May 26, 2023 and confirmed that there was no leak from and around the meter.
8. On June 6, 2023, City staff informed Mr. Rojas of the billing cycle error and the account correction took place, as outlined above.
9. On September 15, 2023, the City performed an in-ground meter test for meter accuracy and it passed.
10. On December 8, 2023, City staff removed the old water meter and replaced it permanently with a new water meter. The old water meter was tested by Westerly on December 11, 2023. The test results showed that the old meter was under-registering water flow to the customer's benefit.

11. The Appellant did not provide evidence that he or a third-party professional conducted an investigation or evaluation showing the nonexistence of water leaks on the water facilities on Appellant's property.
12. The Public Works Director correctly denied the Appellant's request to adjust and reduce its water bills.

The Hearing was opened. Staff stated that the customer was responsible for monitoring water consumption, and as a water meters get old, the accuracy deteriorates and water consumption is under-registered. With no proof of an investigation or evidence from the Appellant in regard to the spike in his water bill, and with the old water meter passing the third-party testing, the hearing was closed.

Action: Resolution No. 002-2024 was approved to deny the Appeal.

Motion: Brady Second: Ladd

Ayes: (5) Brady, Knight, Ladd, Nguyen, Tackney

Noes: (0) None

### HEARING F.3. – WATER BILLING APPEAL FOR 13349 RAMONA DRIVE

Appellant: NGAN NGUYEN

Date: March 27, 2024

Request: Appellant requested that the Administrative Board of Appeals approve his water billing appeal, filed on February 1, 2024, for one billing period from November 13, 2023 to January 17, 2024 for property located at 13349 Ramona Drive. The appeal sought reduction of the amount of this billing period.

The Administrative Board of Appeals of the City of Garden Grove hereby made the following findings of fact:

1. The City was formally informed of a high water bill from Appellant on February 1, 2024 regarding a higher than normal water use after receiving a bill for the period of November 13, 2023 to January 17, 2024, in the amount of \$5,122.29 for the use of 967 units (approximately 14.88 units per day).
2. On January 22, 2024, City was conducting routine meter reading and noticed the low-flow indicator was moving, which indicated a possible leak at Appellant's property. City staff verbally notified the resident of potential leak in English and translated in Vietnamese over the phone.

3. City staff re-read the meter and confirmed low-flow indicator was moving. City staff spoke with occupant and was informed two toilets had been leaking last month and had recently been fixed.
4. On January 29, 2024, Appellant made initial contact with the City to inform the City of a higher than normal water use after receiving a bill for the period of November 13, 2023 to January 17, 2024, in the amount of \$5,122.29 for the use of 967 units (approximately 14.88 units per day).
5. Appellant provided two plumber's invoice inspection reports showing no leak. One inspection report was received from Joseph's Plumbing & Rooter, dated January 29, 2024. The second inspection report was received on January 31, 2024, invoice #138676591.
6. City staff scheduled an in-ground meter test to be performed on January 31, 2024 at 9:57 a.m. On that day, City staff was unable to perform the test due to the low-flow indicator moving. City staff verbally notified the resident of a potential leak.
7. On February 7, 2024, City staff removed the old water meter and replaced it permanently with a new water meter.
8. The old water meter was tested by Westerly on February 8, 2024. The test results passed, according to the American Water Works Association standards.
9. The property's occupant communicated to the City "good faith" efforts on their part in regard to informing the City of two leaking toilets that were repaired.
10. Appellant communicated to the City "good faith" efforts on their part in regard to performing independent investigations and repairs. However, the plumber reports only confirm Appellant's responsibility for the leaks due to the inspections and repairs taking place after the billing period from November 13, 2023 to January 17, 2024.
11. The Public Works Director correctly denied the Appellant's request to adjust and reduce its water bills.

The Hearing was opened. The Appellant provided a handout showing a breakdown of his billing statistics. Staff stated they were told of the two leaking toilets by the occupants of the home. In addition, the Appellant/property owner stated that he was aware of the two leaking toilets during the billing period as he visited the family property every day. In regard to the spike in water meter reading, staff notified the

occupants via a door-hanger, with a water-wise City brochure attached, advising the residents to have the system checked by a professional as the City cannot go on property. The City also goes through a protocol to show there is no problem with the billing and tests only the City-side of the meter connections for possible leaks or mis-readings. It was noted that though City staff have different levels of certifications, meter readers are not required to be certified, therefore, meters are sent to a third party to be tested at no charge to the property owner.

With no proof of an investigation or evidence from the Apellant in regard to the spike in his water bill, other than two leaking toilets, and confirmation of leaks that were repaired after the billing, and with the old water meter passing the third-party testing, the hearing was closed.

Action: Resolution No. 003-2024 was approved to deny the Appeal with the suggestion that the Apellant seek a payment plan, if desired.

Motion: Brady Second: Tackney

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

MATTERS FROM BOARD: None.

MATTERS FROM STAFF: None.

ADJOURNMENT: At 7:53 p.m.

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Judith Moore  
Recording Secretary