



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, August 14, 2024 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: August 7, 2024

David Dent
Deputy Director of Community Development
Chief Building Official
Executive Secretary to the Board



AGENDA

ADMINISTRATIVE BOARD OF APPEALS (ABOA)

SPECIAL MEETING
COMMUNITY MEETING CENTER
11300 STANFORD AVENUE
AUGUST 14, 2024 - 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 Administrative Board of Appeals 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. 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 TACKNEY
MEMBERS BRADY, LADD, NGUYEN

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

- A. ORAL COMMUNICATIONS
- B. [RECEIVE AND FILE MINUTES – MARCH 27, 2024](#)
- C. HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. [WATER BILLING APPEAL FROM STEVE LE -10731 MAST AVENUE](#)
- D. MATTERS FROM BOARD
- E. MATTERS FROM STAFF
- F. ADJOURNMENT

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 Apellant 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.

Judith Moore
Recording Secretary

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Garden Grove Administrative Board of Appeals From: Samuel Kim, P.E.
Deputy Public Works Director/
Water Services Manager

Subject: May 7, 2024 Appeal of Water Bills for 10731 Mast Avenue Date: August 14, 2024

REQUEST

Appellant, Steve Le (hereinafter "Mr. Le" or "Appellant"), requests that the Administrative Board of Appeals (the "Board") approve their appeal of the water billing for seven day billing period from November 8, 2023 to November 15, 2023 (the "Appeal") filed on May 7, 2024, for property located on 10731 Mast Avenue (See, Attachment 1). The appeal seeks a waiver of the amount of this seven day billing period.

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

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 Director's decision is supported by evidence and regulatory authority for the decision. (Resolution 001-13 § i) The City's decision 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 decision 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 decision, (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 or change in water use 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 May 7, 2024, the City received a notice of appeal requesting for an Administrative Board of Appeals hearing from Mr. Le. (See, [Attachment 1](#)) The Appeal alleges (1) mechanical problem with water meter register jumping forward or reversing, (2) error in overage of units read for water consumption that went beyond the maximum flow rate calculation provided by Engineers Edge, and (3) the City issued a high water bill that should be waived based on the recorded water use above average water consumption during the seven day billing period from November 8, 2023 to November 15, 2023, in the amount of \$1,882.08 for the use of 401 units (approximately 57 units per day). Mr. Le paid \$150.00 towards the bill while the City had the meter tested. The remaining balance is \$1,773.74.

On November 15, 2023, City staff read the meter for the closing bill. A picture of the meter reading was taken to support the billing on noticeable high consumption. On November 22, 2023, appellant called re: high water bill. On November 27, 2023 City staff made customer contact with appellant and had the meter re-read. It was inspected and verified that there was no leak from and around the meter. Meter test was performed and passed, refer to Attachment 4. On that same day, Mrs. Tammy Le, current City employee in Housing Authority, called Water Billing and Water Services to further inquire on the meter test. On December 5, 2023, City staff removed the old water meter for third party meter test and replaced it permanently with a new water meter. On December 11, 2023, Westerly Meter Service Company tested the old water meter. The test results passed, according to the American Water Works Association Standards. City also sent the old water meter back to the manufacturer Sensus Analytics for testing. On February 17, 2024, the manufacturer disassembled the old meter to test for meter register abnormalities. Test results came back with no register abnormalities found.

Appellant provided the Engineers Edge calculation based on a 40 PSI assumption and resulted in a much lower calculation for a maximum water flow rate. The maximum water flow comparison below were estimates factoring in the size of the meter and the assumption for PSI. Real-time PSI pressure for a specific area can greatly impact the maximum flow capacity. On May 8, 2024, City staff conducted a water pressure test and meter flow test to get the exact water pressure and the flow rate at that pressure. The measured water pressure within the area was 75 PSI, and the flow rate test showed about 37.5 GPM. The following table shows the appellants calculations versus the actual field test.

	Appellant Assumption - Engineer Edge	City's Field Test 5/8/2024 (Attachment 5)
GPM (gallons per minute)	16.0	37.5
7 days/minutes	10,080.0	10,080.0
Total gallon	161,280.0	378,000.0
Billing Unit/gallons	748.0	748.0
Max Billing Units for 7 days	215.6	505.3

It is the City's responsibility to maintain the water meter up to the City-side and it is the water customer's responsibility for investigating change in water use and repairing any leaks attributed to the customer-owned side of the water meter. Common factors for change in water use: excessive water waste, water softener problems – cycles continuously, water-cooled air conditioners, watering new lawns and trees, open hose spigots, filling up a pool, seasonal activities (e.g. guests, kids home for summer). Common factors for customer-side leaks: irrigation leaks, internal plumbing leaks, theft, vandalism, negligence by tenants.

Upon City staff's review, Mr. Le 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 his rental property. This single family residence home has one, 5/8" X 3/4 " inch, water meter providing water service to 1 unit.

Mr. Le received a bill for the period of seven day billing period from November 8, 2023 to November 15, 2023 where the total water use amounted to 401 units (approximately 57 units per day). The water usage has returned to a normal range following this billing period. 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. Therefore, the water usage during the specified one, seven day billing period are attributed to a private property related issue and the City should not be required to waive 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 had passed according to the American Water Works Association standards. Attachment 3 shows that third-party Test Certification for the register abnormalities indicates no

issues with the meter register. The meter was therefore not the cause of the increased billing amounts. Mrs. Le was notified of Attachments 2 and 3.

Attachment 4 are the service requests indicating that the City made contact with the Appellant and inspected the meter on November 27, 2023 and replaced it on December 5, 2023, with a new meter. The old meter passed testing. Attachment 5 shows the field test results measuring 75 PSI with a GPM of 37.5 on May 8, 2024.

Attachment 6 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 during that billing period. 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

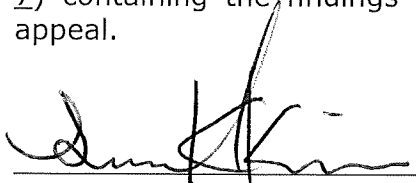
Based on the foregoing, City staff recommends that the Board make the following findings of fact:

1. The City was formally informed of a high water bill from Tammy Le, on behalf of Steve Le on November 27, 2023 regarding a higher than normal water use after receiving a seven day bill for the period of November 8, 2023 to November 15, 2023, in the amount of \$1,773.74 for the use of 401 units (approximately 57 units per day).
2. On November 27, 2023, the City investigated the water meter as the cause of increased water billing.
3. On December 5, 2023, existing water meter was replaced with a new water meter and old meter passed a third party's accuracy test.
4. On May 8, 2024, the maximum water flow rate was field tested. Field test results measured 75 PSI and 37.5 GPM, while Appellant used an assumed 40 PSI with 29 GPM to perform their calculation of maximum water flow.
5. The Appellant did not provide evidence that they or their 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 Deputy Public Works Director correctly denied the Appellant's request to adjust and reduce its water bill.

Further, staff recommends that the Board adopt the attached Resolution (Attachment Z) containing the findings outlined above, and denying Steve Le's May 7, 2024 appeal.



SAMUEL KIM, P.E.

Deputy Public Works Director/Water Services Manager

Attachments:

- 1) May 7, 2024 Notice re Water Billing Appeal, 10731 Mast Avenue, Garden Grove, CA
- 2) December 11, 2023 Third Party's water Meter Accuracy Test
- 3) February 17, 2024 Meter Register Abnormalities Test
- 4) November 27, 2023 and December 5, 2023 Workorders
- 5) May 8, 2024 Field Test results for Maximum Water Flow and PSI
- 6) Diagram
- 7) Resolution#004-2024

ATTACHMENT

1



CITY OF GARDEN GROVE

REQUEST FOR ADMINISTRATIVE BOARD OF APPEALS HEARING

CITY OF GARDEN GROVE
CITY CLERK'S OFFICE

2024 MAY -7 PM 3:00

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):

STEVE LE

Address(es) or legal description:

10731 MAST AVE, GARDEN GROVE, CA 92843

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

SINGLE FAMILY HOUSE

State the specific order or action protested:

THE NUMBERS OF WATER UNITS ARE BEING CHARGED IS OVER
THE AMOUNT OF MAXIMUM WATER FLOW THRU A 5/8 METER IN 7 DAYS USAGE,

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):

SEE ATTACHED COPIES OF WATER FLOW CALCULATION PAGE,

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): STEVE LE

Address, City, ZIP: P.O. BOX 4505, GG, CA 92842

Phone No.: 714-515-0515

Signature of at least one Appellant:

Date:

MAY 07, 2024

To Whom It May Concern,

My water bill indicated that I have used 401 units of water in 7 days with a 5/8 inch water meter. However, according to the calculation below the maximum water flow freely is only 215.6 units. Therefore, it is impossible for my water meter to flow 401 units that I am being charged for.

Calculation as follow:

Per Engineers Edge: The maximum rate through 100 feet of 3/4 inch iron pipe at 40 Psi is 16 gallon per minute assuming the pipe is new or nearly new.

7 days = 10,080 minutes

16 gallons = 1 minute

10,080 minutes x 16 gallons = 161,280 gallons

748 gallons = 1 billing unit

161,280 gallon divided by 748 gallons = 215.6 units

The maximum water flow freely in 7 days is: 161,280 gallon = 215.6 units

The Reason For The Problem As Follow:

There is five mechanical individual number inside the water meter. When number 9 change to number 10 it could stuck and drag and pass the number 10 into number 20 or 30 or 40 until it free again. After it is already pass where it got stuck then it will go back to normal. That is why when the meter tested found normal, because it is already passed the number that got stuck.

This meter is about more than 15 years old and could have mechanically problem sometime.

I also have noticed that there are a few Garden Grove water customer have had the same issue just like mine.

Please reconsider and waive my bill.

Subject Property: 10731 Mast Ave, Garden Grove, Ca 92843

Thank You

Steve Le

To Whom It May Concern,

My water bill indicated that I have used 401 units of water in 7 days with a 5/8 inch water meter. However, According to the calculation below the maximum water flow freely is only 390.8 Units. Therefore, it is impossible for my water meter to flow 401 units that I am being charged for.

Calculation as follow:

Per City of Garden Grove Public Work: The maximum water flow thru a 3/4 inch pipe freely is 29 Gallons per minute. (With a 5/8 inch size meter the water flow could be less).

7 days = 10,080 minutes

29 gallons = 1 minute

10,080 minutes x 29 gallons = 292,320 gallons

748 gallons = 1 billing unit

292,320 gallons divided by 748 gallons = 390.8 units

The maximum water flow freely in 7 days is: 292,320 gallons = 390.8 units

The Reason For The Problem As Follow:

There is five mechanical individual numbers inside the meter . When number 9 change to number 10 it could stuck and drag and pass number 10 into number 20 or 30 or 40 until it free again. After it is already pass where it got stuck then it will go back to normal. That is why when the meter tested found normal, because it is already pass the number that got stuck.

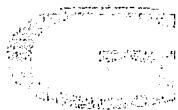
This meter is about more than 15 years old and it could have mechanically problem sometime:

I also have noticed that there are a few Garden Grove water customer have had the same issue just like mine.

Please reconsider and waive my bill.

Subject Property: 10731 Mast Ave, Garden Grove, Ca 92843

Thank you,
Steve Le



CITY HALL
11222 Acacia Parkway
Garden Grove, CA 92840

7:30 AM - 5:30 PM Monday - Thursday
7:30 AM - 5:00 PM Alternating Fridays

GARDEN GROVE

- To pay online visit <https://ggcity.org/water>
- To pay by phone, please call 1-888-867-2992
- Make checks payable to City of Garden Grove

GG51115A 954 1 AV 0.498
7000000973 00.0005.0261 954/1

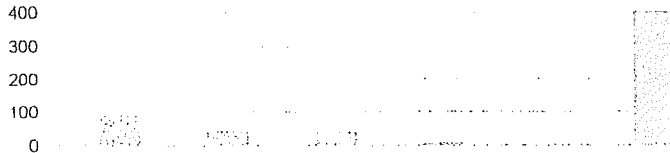


LE, STEVE
PO BOX 4505
GARDEN GROVE CA 92842-4505

Service Period		Number of Days
11/08/2023 to 11/15/2023		7
Previous Read	Current Read	Units Used
1924	2325	401
Approximately 299,948 gallons used for this billing cycle. Each billing unit equals 100 cubic feet or 748 gallons of water.		

Consumption in Billing Units

Last year Current year



From least current billing to most current



AutoPay + Paperless Billing
On time. Every time. <https://ggcity.org/h2o/guest>

Water Emergencies Contact the City at (714) 741-5395
Water Emergencies Contact the City at (714) 741-5395

ACCOUNT INFORMATION

Customer: LE, STEVE
Account Number: 280181084
Service Address: 10731 MAST AVE
Service Type: Single family home
Meter Size: 5/8"x3/4"
Bill Date: 11/15/2023

ACCOUNT ACTIVITY

Previous Balance: 41.66

CURRENT CHARGES

Water Tier 1 33 units @ \$3.26	107.58
Water Tier 2 368 units @ \$4.80	1766.40
Water Service Charge	4.23
Water Capital Improvement	0.88
Sewer Service Charge	2.99

12/07/2023 check # 4795
PAY PER SAM KIM
CLOSING STATEMENT
\$150

Current Charges: \$1,882.08
Amount Now Due: \$1,923.74
Due by 12/20/2023

Low-Income Household Water Assistance Program
(714) 839-6199 • capoc.org/water • LIHWAP@capoc.org

Water Emergency? Call (714) 741-5395.
Customers and plumbers are NOT to operate the water meter shut off valve. Damage to the meter shut off valve will be billed.

CITY OF GARDEN GROVE
11222 Acacia Pkwy, Garden Grove, CA 92840
(714) 741-5000

Receipt #630700
Cashier: steven

05/07/24 02:38:19PM

=====

APPEAL FEES.....	\$225.00
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Total	\$225.00
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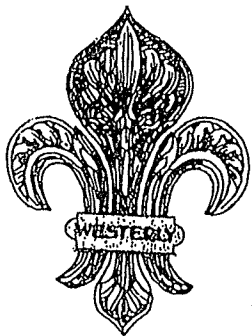
=====

Credit Card Ref: b24eaa	\$225.00
-------------------------	----------

Change	\$0.00
--------	--------

ATTACHMENT

2



METER TEST REPORT

WESTERLY METER SERVICE CO.

1937 W. 11th Street / Suite E / Upland / California / 91786

Professional Testing and Repair to AWWA Standards

Date 12-11-2023

Invoice No. _____

Customer City of Garden Grove Water

P.O. No. _____

MAKE	SERIAL NUMBER	METER SIZE	PERCENT ACCURACY			REMARKS
			1 GPM	2 GPM	5 GPM	
Sensus	70867430	5/8 x 3/4	98.8	98.9	99.1	Test
						10731 Mast
						R 2329
						Meter is within
						accuracy limits
						set by the AWWA
						Meter passes
						accuracy test

WE CERTIFY THAT THE TEST RESULTS SHOWN IN THIS REPORT ARE CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF. OUR TEST FACILITY IS CERTIFIED TO AN ACCURACY OF 0.2% AND IS TRACEABLE TO THE NATIONAL INSTITUTE OF STANDARDS & TECHNOLOGY.

WESTERLY METER SERVICE CO.

BY:

ATTACHMENT

3



Engineering Evaluation - North American Water

Sensus Uniontown received 1 item(s) for evaluation from the customer listed.

Report details are on separate pages (if necessary) by item in the following section(s):

Date Received: 02/16/2024

Account AQUA METRIC SALES

City RIVERSIDE **State** CA

RR / Case # 1037232 **RMA Number** **WAR Number** P-16768

Customer reported issue: Register odometer jumping

Product returned: SR11

Meter information: (if applicable)

Meter Size	Meter Style	Meter Type	Odometer:
5/8X3/4"	SR11	DR	233,038.93 CF
Serial Number	MFG Date	1.0 GPM:	1.5 GPM:
70867430	07/29/2009	89.8%	100.1%
			200 GPM:
			99.1%

Findings

Description: One SR11 meter was returned with a complaint of a jumping / skipping odometer

Reason for failure: The customer reported issue could not be duplicated

Corrective Action Unit to be returned if desired.

Account AQUA METRIC SALES
City RIVERSIDE **State** CA
RR / Case # 1037232 **RMA Number** **WAR Number** P-16768

Summary / Disposition

A single SR11 meter with CF Direct Read register was returned to Uniontown with a complaint of jumping registration. The unit was tested to observe the register functionality and the accuracy results of that testing are included above. It is also unclear based on the reported issue if the registration was suspected to have jumped forward or reverse. During testing, there were no register abnormalities noticed so further disassembly was necessary. Disassembly revealed evidence of debris which included discolored parts, worn division plate, and a gouge in both the piston and chamber wall. Please see the pictures below detailing this condition.

Based on the findings Sensus will not replace this unit under warranty and it will only be returned upon request.

Regards,
John Szewczyk, Mechanical Engineer

The Sensus Engineering Lab and production test equipment is calibrated in accordance with ISO/IEC 17025:2017, and accuracies are traceable to N.I.S.T. (National Institute of Standards and Technology)

Please note: Unless otherwise directed, after examination all materials will be scrapped 60 days from report issue date.

Account AQUA METRIC SALES

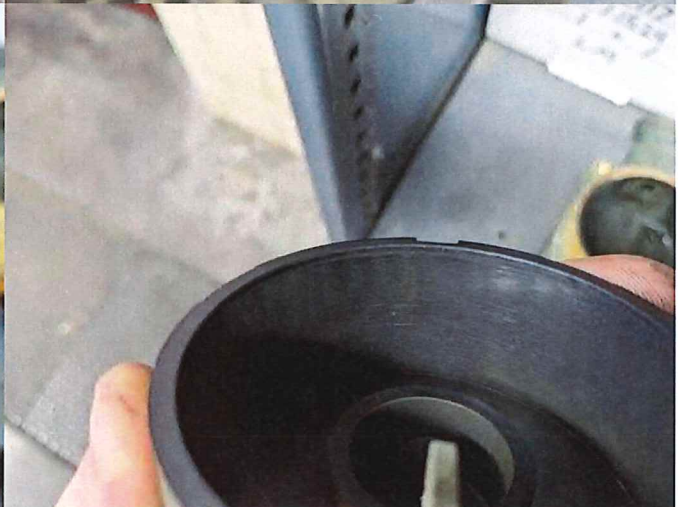
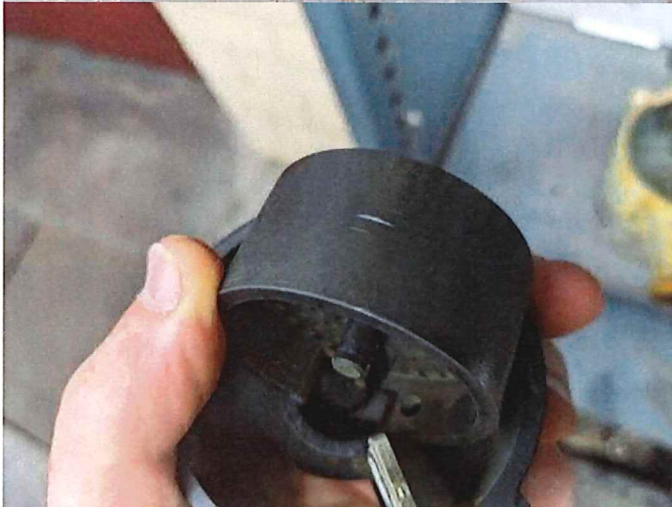
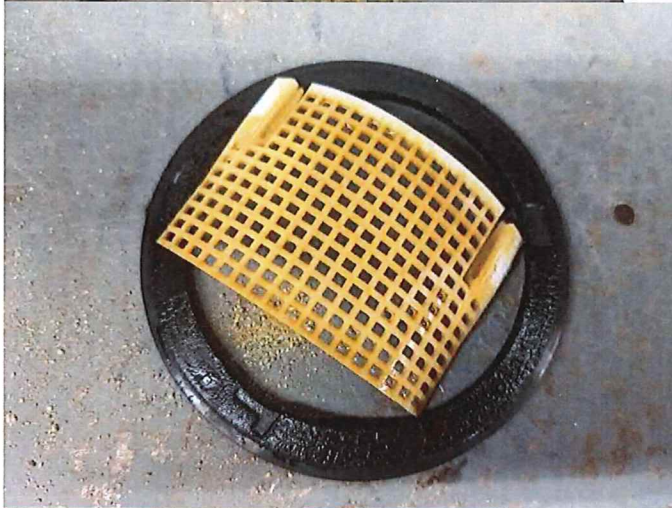
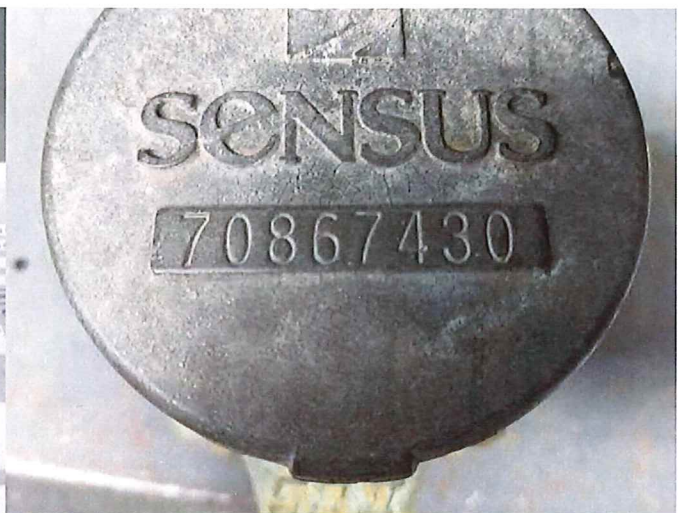
City RIVERSIDE

State CA

RR / Case # 1037232

RMA Number

WAR Number P-16768



ATTACHMENT

4

Route History

Service Id or Address

10731 mast ave

Action type



Request from:

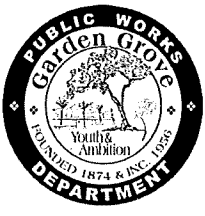
mm/dd/yyyy

Range

Search:

Service	Type	Requested	Req By	Remark	Notes	Completed
28018108	Contact Request	2023-11-22	paulv	Customer contact	Did meter test passed 2023-11-27 12:51:21 -0800	stevem Y
28018108	Close Read	2023-11-15	system	Close	See Pic 2023-11-15 13:03:50 -0800	andrewo 2325 Y
28018108	Close Read	2023-10-03	system	Close Read	2023-10-03 13:08:49 -0700	stevem 1923 Y
28018108	Prelim Read	2023-05-16	system	Flow indicator moving/flashing	2023-05-16 13:21:32 -0700	davidm 1853 Y
28018108	Close Read	2022-12-01	system	Close	2022-12-01 12:44:00 -0800	stevem 1700 Y
28018108	Close Read	2022-11-15	system	Close	2022-11-15 13:32:00 -0800	andrewo 1697 Y

Showing 1 to 6 of 6 entries



GARDEN GROVE PUBLIC WORKS DEPARTMENT SERVICE REQUEST #560831

Service Request: 560831

Department: Public Works

Status: CLOSED

Priority: NORMAL

Created at: November 27, 2023 10:18AM

Requester: Steven Moya Jr

Home Phone:

Work Phone:

Other Phone:

Created by: stevem

Request: Customer contact meter test.Met with Steve-at his property.Did a meter test started at 2377.14 finished at 2377.17 meter passed

Location: 10731 MAST AVE,

Public Property: YES

Square Feet:

Eng. Permit:

Police Num.:

Fire Num.:

New Meter: #87886827 (Read: 0)

Old Meter: #70867430 (Read: 2329)

Service line material (City):

Service line material (Customer):

Constuction:

Chlorine Res Free:

Chlorine Res Total:

Task #1

Status: CLOSED on November 27, 2023 10:21AM by Steven Moya Jr

Description: Customer contact meter test.Met with Steve-at his property.Did a meter test started at 2377.14 finished at 2377.17 meter passed

Category: W32 Customer Service (AUTO-NOTIFY) **Assigned to:** Steven Moya Jr

Division: WATER SERVICES

Requester contacted:

Completed by: Steven Moya Jr

ECD:

Task #2

Status: CLOSED on December 05, 2023 10:26AM by Steven Moya Jr

Description: Changed out meter 70867430 to be 3rd party test aquametirs. Then inspected by manufacture

Category: W32 Customer Service (AUTO-NOTIFY) **Assigned to:** Steven Moya Jr

Division: WATER SERVICES

Requester contacted:

Completed by: Steven Moya Jr

ECD:

Task #3

Status: CLOSED on December 05, 2023 10:32AM by Steven Moya Jr

Description: Program meter

Comments: Programmed per les

Category: W85 METER PROGRAMMING

Assigned to: Tina Huong Ngo

Division: WATER SERVICES

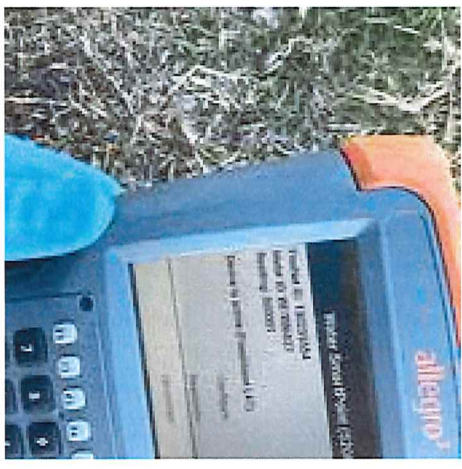
Requester contacted:

Completed by: Andrew Ornelas

ECD:



Photos for Workorder #560831



ATTACHMENT

5



GARDEN GROVE PUBLIC WORKS DEPARTMENT SERVICE REQUEST #571625

Service Request: 571625

Department:

Status: OPEN

Priority: NORMAL

Created at: May 08, 2024 02:35PM

Requester: Lisa Nguyen

Home Phone:

Work Phone:

Other Phone:

Created by: lisan

Request: 5/8 Meter flow test to atmosphere results:
37.5 gpm at 75 psi at 10:45 a.m. on 5-08-24. LR

Location: BEACON AVE / SAIL ST, 15672 Sail St

Public Property: YES

Square Feet:

Eng. Permit:

Police Num.:

Fire Num.:

Note #1 (05/08/24 by lisan): A video is attached to the work order. To download the video, click "Original" on the file that looks like a paper.

Task #1

Status: OPENED on May 08, 2024 02:35PM by Lisa Nguyen

Description:

Category: W36 HIGH WATER BILLS (AUTO-

Division: WATER SERVICES

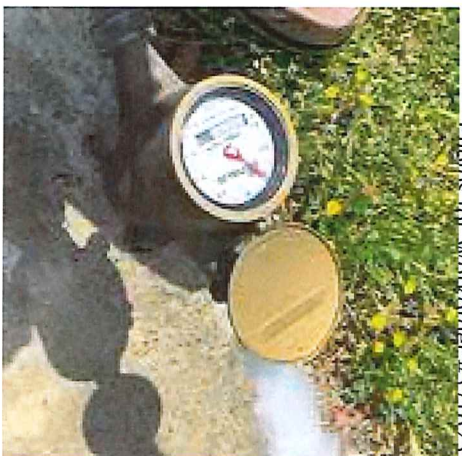
Completed by:

Assigned to: Les Ruitenschild

Requester contacted:

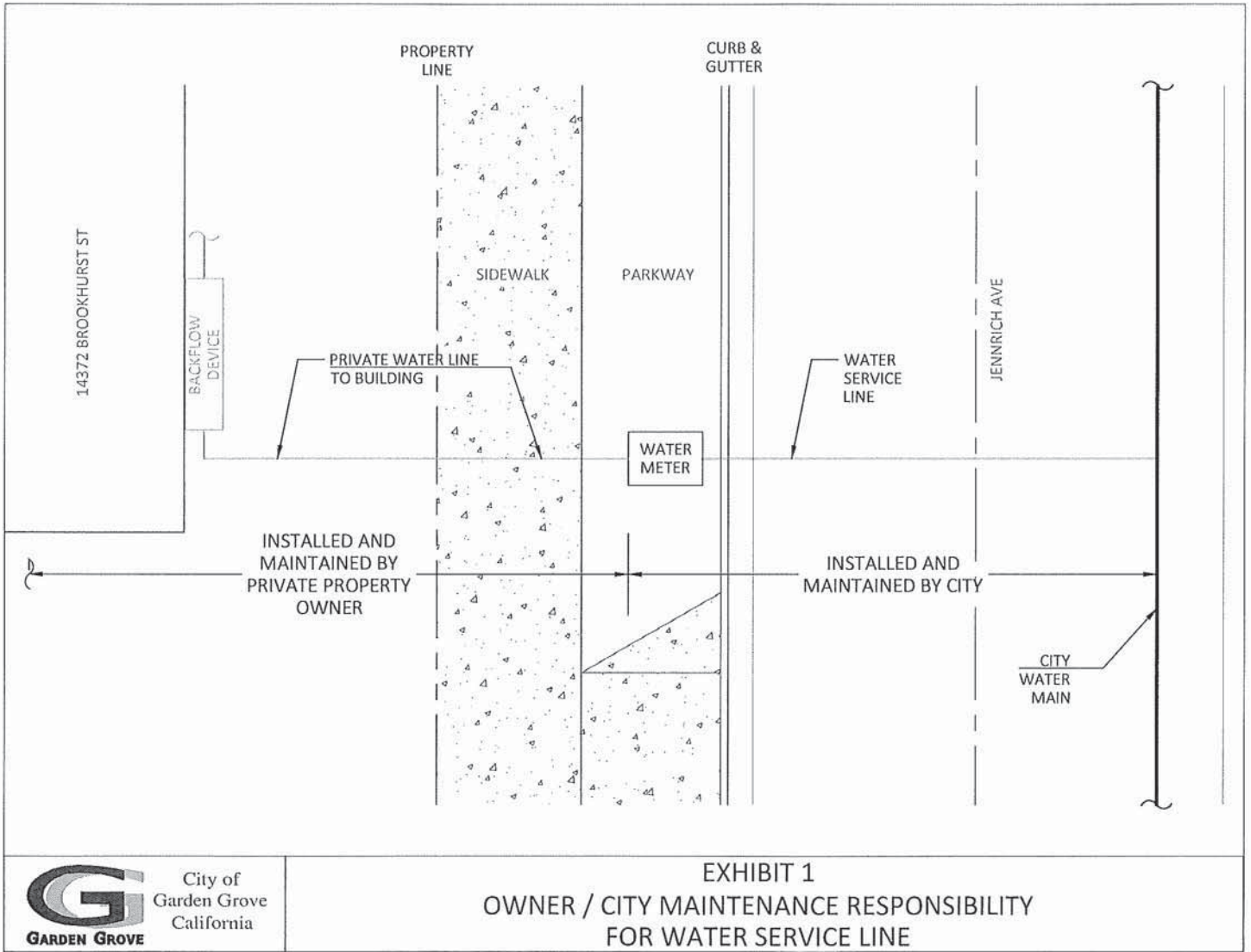
ECD:

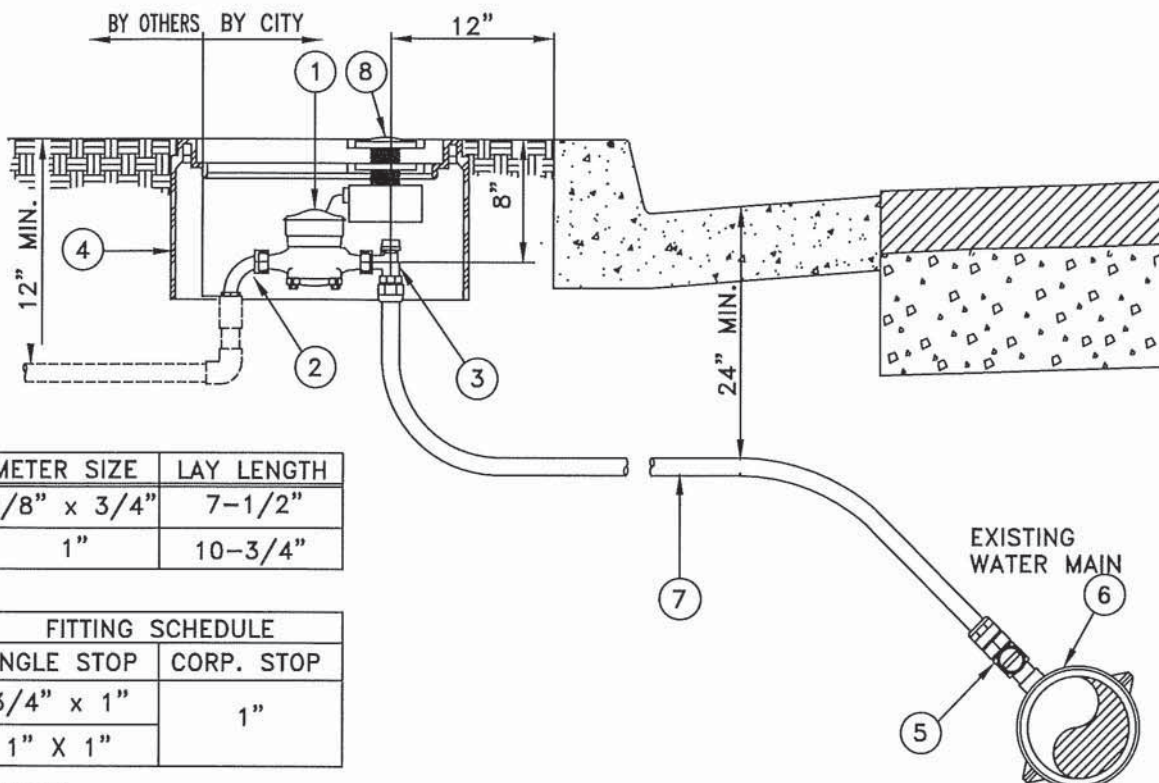
Photos for Workorder #521625



ATTACHMENT

6





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

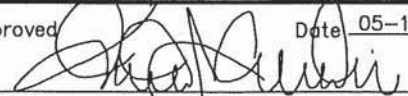
1. ALL CITY SERVICES TO BE TYPE "K" SOFT COPPER.
2. TUBING TO BE ONE CONTINUOUS PIECE, NO SPLICES OR HEATING PERMITTED UNLESS APPROVED BY WATER SERVICES.
3. TAPS SHALL BE MADE AT LEAST 12" FROM ANY OTHER TAP OR COUPLING. STAGGER ANGLE OF TAPS MADE NEXT TO EACH OTHER 15°.
4. METER, METER BOX, ANGLE METER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



**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

7

RESOLUTION NO. 004-2024

A RESOLUTION OF THE ADMINISTRATIVE BOARD OF APPEALS OF THE CITY OF GARDEN GROVE, CALIFORNIA, DENYING THE APPEAL OF STEVE LE OF THE GARDEN GROVE DEPUTY PUBLIC WORKS DIRECTOR'S DENIAL OF THE REQUEST TO ADJUST A WATER BILL FOR ONE THE PERIOD OF NOVEMBER 8 TO NOVEMBER 15, 2023.

WHEREAS, Steve Le ("Appellant") requested an adjustment to his water bill for the closing billing period of November 8 through November 15, 2023; and

WHEREAS, the Deputy Public Works Director denied Appellant's request and Appellant appealed the Director's decision on May 7, 2024; and

WHEREAS, on August 14, 2024, 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 Deputy Director's decision; and

WHEREAS, Appellant 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 August 14, 2024 hearing.

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 Tammy Le, on behalf of Steve Le on November 27, 2023 regarding a higher than normal water use after receiving a seven day bill for the period of November 8, 2023 to November 15, 2023, in the amount of \$1,773.74 for the use of 401 units (approximately 57 units per day).
2. On November 27, 2023, the City investigated the water meter to determine whether it was the cause of increased water billing.
3. On December 5, 2023, the existing water meter was replaced with a new water meter and the old meter was tested by, and passed, a third party's accuracy test.
4. On May 8, 2024, the maximum water flow rate was field tested. Field test results measured 75 PSI and 37.5 GPM, while Appellant used an assumed 40 PSI with 29 GPM to perform their calculation of maximum water flow.
5. The Appellant did not provide evidence that they or their 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 their tenants did not increase their water consumption.

6. The Deputy Public Works Director correctly denied the Appellant’s request to adjust and reduce its water bill.

SECTION 2. Based on the findings of fact referenced herein and after consideration of all relevant testimony and evidence submitted at the August 14, 2024 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 Steve Le on May 7, 2024, 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, Steve Le within seven (7) days of the date this Resolution is adopted.

SECTION 4. This Resolution shall become final effective immediately.

Adopted this 14th day of August, 2024.

ATTEST:

CHAIR

SECRETARY

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

I, JUDITH MOORE, 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 14th day of August, 2024, 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).