

**SUMMARY PROPOSAL SUBMITTED TO
MUTUAL BOARD OF DIRECTORS**

November 26, 2024

Parking Enforcement (Towing) Procedures

REPORT PREPARED BY: Young Chung

RECOMMENDED ACTION(S):

1. Formalize Standard Operating Procedure for enforcement of parking violations subject to FWCM Policy 3.0 Paragraph F. Parking Enforcement: Towing

The SOP shall include the following steps to ensure that the Mutual complies with all applicable Vehicle Code provisions and Walnut Creek ordinances.:

- a. Securitas will be informed of the violation (by Director?)
 - b. Securitas will issue citations/summons/warnings (placed on the vehicle)
 - c. MOD will post "Towing" signs in the entry where the violation(s) are occurring.
 - i. The towing sign must include the phone number of the WCPD, and the phone number for where the towed vehicle can be reclaimed.
 - d. After 2 Securitas citations have been issued without the vehicle owner curing the violation, and at least 72 hours after the "Towing" signs have been posted, the Mutual delegate is authorized to have the vehicle towed.
2. Delegate the President of the FWCM Board to authorize towing.

BACKGROUND: There are no defined processes in place to actually do Parking Enforcement within the Mutual – which basically means that the Mutual does not enforce this policy at all, despite numerous complaints from our Members.

ALTERNATIVES & OPTIONS: (list all alternatives/implications of implementation)

1. Accept Recommendation
 - a. The proposed SOP meets and exceeds all state and local requirements for towing a violating vehicle from private property (i.e. the Mutual).
 - b. If the towing company does not charge an up-front fee for towing, there is no cost to the Mutual for the enforcement action.
 - i. If the towing company charges an up-front fee, the costs to the Mutual can be recovered via Reimbursement Assessment to the Member, or reimbursement from the towing company when the vehicle is reclaimed by the owner.

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- c. The owner of the vehicle has ample time to address the violation prior to the final action of towing the vehicle. It is agnostic about whether the owner is a Member or a guest.
- 2. Reject Recommendation
 - a. Leave the status quo, Do not enforce the parking policy.
- 3. Modify Recommendation
 - a. Add requirement to have a Board of Director vote to allow a vehicle to be towed.
 - i. Add more bureaucracy and yet another set of tasks for a board that is already struggling.
 - ii. Add more delay to enforcement – since the timeline for enforcement would be:
 - 1. Initial complaint from resident
 - 2. Securitas alerted to issue citations -- at least 2 weeks
 - 3. Board sends out warning letter(s) – at least 2 weeks
 - 4. Board ascertains that warning is ineffective – 3-4 weeks
 - 5. Board sends out summons to ES – 4-6 weeks
 - 6. Board meets in ES to authorize tow, fine violator - 2-3 weeks
 - 7. Board authorizes posting of Towing signs -- 1 week
 - 8. Final tow action – 1 week

SUBSEQUENT ACTIONS: Post SOP in Mutual website

FINANCIAL IMPACT: Minimal financial impact beyond cost of signage and installation costs. Towing fees would be paid by the vehicle owner to reclaim the vehicle, or by reimbursement assessment.

SCHEDULE: Immediate implementation – post SOP on Mutual website.

MANAGEMENT IMPACT: Minimal management impact, most processes and procedures from Securitas and MOD are already in place to support this method of enforcement.

ATTACHMENTS: None

Date delivered November 26, 2024