

# Resolution – Passed by FWCM BOARD OF DIRECTORS

January 2, 2025

## Parking Enforcement (Towing) Procedures

REPORT PREPARED BY: Young Chung

### RECOMMENDED ACTION(S):

1. Formalize Standard Operating Procedure for enforcement of Mutual 1 rule proscribing parking for periods in excess of 72 hours, subject to FWCM Policy 3.0 Paragraph F. Parking Enforcement: Towing

This procedure 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 any Member
  - 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 Walnut Creek Police Department (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, at the vehicle owner’s expense.
2. Delegate the President of the FWCM Board the authority to authorize towing.

### BACKGROUND:

1. This SOP meets and exceeds all state and local requirements for towing a violating vehicle from private property (i.e. the Mutual).
  - a. 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.
  - b. The owner of the vehicle is provided ample time to cure the violation prior to the final action of towing the vehicle. The procedure applies to any violating vehicle, whether the vehicle owner is a Member or a guest.
  - c. The Mutual Board of Directors reserves the right to take other disciplinary actions, including hearings, fines, etc. prior to towing enforcement.

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**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 by the Board.

**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.