Report of Investigation

Sewerage & Water Board Employees' Fraudulent Utilization of Handicap Hang-tags

February 8, 2022

This correspondence is part of an ongoing investigation, examination, audit, inspection, or performance review and is exempt from the Public Records Act until the investigation, examination, audit, inspection, or performance review is complete. See La. R.S. 33:9614 and La. R.S. 44:4.1(B)(18). Please notify this office immediately should you receive a Public Records Request which includes this correspondence.

OIG NEW ORLEANS OFFICE OF INSPECTOR GENERAL

Edward Michel, CIG

REPORT OF INVESTIGATION

TITLE: Sewerage & Water Board Employees' Fraudulent Utilization of Handicap Hang-tags

LOCATION OF OCCURRENCE: Vicinity of Sewerage & Water Board main office at 625 Saint Joseph Street, New Orleans, LA

DATE OF OCCURRENCE: October 27, 2021 and November 4, 2021

INVESTIGATED BY: William Bonney – City of New Orleans Office of Inspector General

VIOLATIONS: Parking at an expired meter (citation fee $30)[1]

New Orleans Civil Service Rule IX, Section 1 – Disciplinary Actions-Maintaining Standards of Service.[2]

Sewerage & Water Board Policy Memorandum 6, Professional Conduct[3]

ACTION TAKEN: Referred to the Sewerage & Water Board for administrative action and the Department of Public Works for parking meter enforcement along with the Louisiana State Police and the New Orleans District attorney for whatever actions they deem appropriate.

BASIS FOR INVESTIGATION

On November 27, 2017, the Office of Inspector General issued a letter to Department of Public Works concerning able-bodied Sewerage & Water Board (S&WB) employees who were displaying handicap hang-tags in their personal vehicles, which enabled them to park for free in metered parking spaces adjacent to the S&WB main office at 625 Saint Joseph Street.[4] Prior to the issuance of this letter, the OIG contacted the City of New Orleans Americans with Disabilities Act Administrator Page McCranie and the Louisiana State Police regarding the issuance and proper use of handicap hang-tags. According to these sources, handicap hang-tags are distributed by the State Police, Division of Motor Vehicles office. These hang-tags may be issued to those with permanent or temporary disabilities. A person to whom a handicap hang-tag has been issued should also possess a handicap ID card. This identification number appears on the handicap hang-tag. Vehicles bearing a handicap hang-tag issued to a mobility-impaired person or person with disabilities that are being operated for the transport of the mobility-impaired person or

[1] *See* https://www.nola.gov/dpw/parking/parking-101/
[2] *See* Exhibit 1, New Orleans Civil Service Rule IX, Section 1.
[3] *See* Exhibit 2, Sewerage & Water Board Policy Memorandum 6, Professional Conduct
[4] *See* Exhibit 3, November 27, 2017 letter issued to Department of Public Works

person with disabilities can park in a metered parking space for up to three (3) hours without payment.[5] According to Parking Division Manager Katrina Craft, these individuals can also purchase an additional two (2) hours of parking at the regular hourly rate.

The Office of Office of Inspector General has conducted a follow-up investigation to determine if S&WB employees were currently violating the rules regarding the use of handicap hang-tags.

RESULTS OF INVESTIGATION

Over the course of two days, OIG investigators found twenty-six (26) vehicles that were registered to S&WB employees or their relatives, bearing a handicap hang-tag parked and parked in a metered parking space in the immediate vicinity of the S&WB Office.

Seven (7) of these twenty-six (26) S&WB employees were AUTHORIZED to possess a handicap hang-tag. Nineteen (19) were NOT AUTHORIZED to possess a handicap hang-tag.

The nineteen (19) S&WB employees who were NOT AUTHORIZED to possess a handicap hang-tag were divided into the following categories:

- Eight (8) S&WB employees have a relative who is authorized to possess a handicap hang-tag, but they are not.
- Eleven (11) employees were using a handicap hang-tag that does not belong to a relative, including three (3) employees who are using a handicap hang-tag that was issued to **deceased persons**.

The S&WB has made their employees aware of the rules regarding handicap parking.[6]

During one of these visits, a S&WB employee entered a vehicle bearing a handicap hang-tag and shouted, "Write it down baby, it's legit" to OIG investigators. The use of the handicap hang-tag was not legitimate in this instance because the hang-tag was issued to the employee's husband. In addition, the husband was not an employee of the S&WB nor was he sitting inside the vehicle at the time the statement was made.

Nine (9) of the vehicles bearing a handicap hang-tag displayed a parking receipt dispensed by a parking kiosk, but the amount paid per the receipt was usually a nickel, which is valid for only one (1) minute of parking. In some instances, S&WB employees left their vehicles parked in metered parking spaces for the entire duration of their work shift. However, none of these vehicles were ticketed.

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[5] *See* Exhibit 4, City Code Sec. 154-1093

[6] *See* Exhibit 5, June 30, 2017 Inter-Office Memorandum issued to St Joseph Street staff

S&WB currently provides free parking to some of its employees in a nearby parking garage, pursuant to a Contract Parking Agreement, effective February 1, 2021. The S&WB pays $5,200 per month for 65 spaces in the garage.[7]

Three (3) of the S&WB employees that improperly utilized a handicap hang-tag to park for free also have an assigned parking space in a nearby garage at cost to the S&WB of $80 per month per employee.

CONCLUSION

The twenty-six (26) S&WB employees mentioned above may be depriving the City of approximately $132,957 per year in parking meter revenue because nineteen (19) were not entitled to any handicap parking privileges and the other seven (7) who legitimately possessed a handicap hang-tag exceeded the three-hour free parking benefit.

Refer to Figure 1 as shown below.

Figure 1: Potential Lost Parking Meter Revenue per Year

	Legitimately possess a handicap hang-tag	**Do not legitimately possess a handicap hang-tag**	**Total**
# of Employees	7	19	
X Hours per day[8]	5 hours[9]	8 hours	
X Hourly Rate[10]	$3.00	$3.00	
X Working Days per Year[11]	237 days	237 days	
Potential Lost Parking Meter Revenue per Year	**$24,885**	**$108,072**	**$132,957**

In addition to lost revenue, S&WB customers, including those who legitimately Three (3) of the S&WB employees that improperly utilized a handicap hang-tag to park for free also have an assigned parking space in a nearby garage at cost to the S&WB of $80 per month per employee possess a handicap hang-tag, are unable to park in a metered parking space near the S&WB Office because S&WB

[7] *See* Exhibit 6, Contract Parking Agreement between Sewerage and Water Board of New Orleans and Howard Avenue Garage, L.L.C.

[8] Operating hours for the meters are 8 a.m. to 7 p.m., Monday-Saturday. However, the S&WB employees work an eight-hour shift, including lunch.

[9] Valid handicap hang-tag holders receive three hours of free parking and can also purchase an additional 2 hours of parking.

[10] The on-street parking meter rate in the Warehouse District is $3.00 per hour.

[11] Five days per week x 52 weeks – (13 holidays +10 days of leave) = 237 working days per year.

employees, utilizing handicap hang-tags, occupy those spaces. Consequently, some customers are double parking in front of the S&WB main office.

Based upon the above-described findings, the OIG has also determined that the nineteen (19) S&WB employees who were NOT AUTHORIZED to possess a handicap hang-tag may have violated Section III, Professional Conduct, of the Sewerage & Water Board Policy Memorandum 6, which states:

> **Professionalism**
> *While performing their duties for the Board, employees shall conduct themselves in a professional manner with the utmost concern for the dignity of the individual with whom they are interacting. Employees shall not unnecessarily inconvenience or demean an individual or otherwise act in a manner which brings discredit to the Board.*[12]

[12] *See* Exhibit 2, Sewerage & Water Board Policy Memorandum 6, Professional Conduct

RECOMMENDATIONS

S&WB management and other City departments should advise their employees that:

1. All employees must pay the metered parking rate, and vehicles with insufficient meter time will be ticketed.
2. Employees improperly using handicap hang-tags to park in metered parking spaces will be ticketed.
3. Any vehicle bearing a handicap hang-tag that remains in a metered parking space beyond the three-hour free parking benefit without paying for additional time limit will be ticketed.

In addition, Parking Control officers should monitor vehicles parked in metered spaces, including those bearing handicap hang-tags in the vicinity of the S&WB Office and those parked on St. Charles Avenue for potential violations. Parking Control officers should issue citations to vehicles bearing handicap hang-tags that exceed the three-hour free parking benefit without paying for additional time up to the two-hour limit.

A draft copy of this report was issued to S&WB management and the Department of Public Works on November 30, 2021. Their responses to this report appears on page seven (7). Please contact Deputy Inspector General for Investigations William Bonney at (504) 681-3207 or via email at wbonney@nolaoig.gov if you have any question regarding this investigation. I can be contacted at (504) 681-3263 or via email at emichel@nolaoig.gov.

Sincerely,

Edward Michel
Inspector General
City of New Orleans

EXHIBITS ATTACHED

Exhibit 1:	Photocopy of New Orleans Civil Service Rule IX (2 pages)
Exhibit 2:	Photocopy of Sewerage & Water Board Policy Memorandum 6, Professional Conduct
Exhibit 3:	Photocopy of November 27, 2017 letter issued to Department of Public Works (5 pages)
Exhibit 4:	Photocopy of City Code Sec. 154-1093.-Use by mobility-impaired/disabilities (1 page)
Exhibit 5:	Photocopy of June 30, 2017 Inter-Office Memorandum issued to St Joseph Street staff (1 page)
Exhibit 6:	Contract Parking Agreement between Sewerage and Water Board of New Orleans and Howard Avenue Garage, L.L.C. (6 pages)

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OFFICIAL COMMENTS FROM THE NEW ORLEANS SEWERAGE AND WATER BOARD AND THE DEPARTMENT OF PUBLIC WORKS

City Code Section 2-1120(8)(b) provides that a person or entity who is the subject of a report shall have 30 days to submit a written explanation or rebuttal of the findings before the report is finalized, and that such timely submitted written explanation or rebuttal shall be attached to the finalized report. On November 30, 2021, the OIG distributed a draft report to S&WB management and the Department of Public Works so that they would have an opportunity to comment on the report prior to its public release. The names of the nineteen (19) S&WB employees who were utilizing a handicap hang-tag that they were not authorized to possess were provided to the S&WB and DPW in a separate communication.

On December 23, 2021, the Department of Public Works (DPW) issued a letter in response to OIG report, which is attached. On January 7, 2022, the DPW also issued a public notice advising that the Parking Division will begin fully enforcing Section 154-874 "Restricted Areas of Parking Spaces for Registered Vehicles with Disabilities" and Section 154-1093 "Use by Mobility Impaired/Disabilities." This notice is also attached.

S&WB responded via email on January 4, 2022 in which they stated:

> 1: S&WB notified all S&WB (employees) via email on December 6, 2021 regarding the Use of Handicap Parking Placards and License Plates around the St. Joseph Office building.
>
> 2: A separate memo went to each employee named in the OIG investigation regarding the Use of Handicap Parking Placards.

RULE IX

DISCIPLINARY ACTIONS

(amended February 9, 1955, July 22, 1975, August 9, 1979, June 10, 1982, January 21, 1988, September 27, 1990, December 14, 2000, adopted November 13, 2002, amended February 17, 2014, effective March 1, 2014)

Section 1. MAINTAINING STANDARDS OF SERVICE

1.1 When an employee in the classified service is unable or unwilling to perform the duties of his/her position in a satisfactory manner, or has committed any act to the prejudice of the service, or has omitted to perform any act it was his/her duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may include one or more of the following:

(a) termination from the service. (amended January 21, 1988, effective February 1, 1988)

(b) involuntary retirement. (adopted June 10, 1982)

(c) reduction in pay within the pay grade for the employee's classification, subject to the provisions of Rule IV, Section 3. A reduction in pay includes involuntary time away from work without pay, no matter how brief (e.g., involuntary leave without pay). (amended September 27, 1990, amended February 17, 2014)

(d) demotion to any position of a lower classification that the employee is deemed by the Appointing Authority and the Director to be competent to fill, accompanied by a reduction in pay which is within the pay grade range for the lower classification, subject to the provisions of Rule IV, Section 3. (amended September 27, 1990)

(e) suspension without pay not exceeding one hundred twenty (120) calendar days.

(f) fine.

(g) letters of reprimand as defined in Rule I. (amended February 17, 2014)

(Section 1.1. (a)-(f) and amended June 10, 1982, effective June 10, 1982, Section 1.1 (c) and (g) , amended February 17, 2014, effective March 1, 2014)

1.2 In every case of termination of employment of a regular employee, the appointing authority shall conduct a pre-termination hearing as required by law and shall notify the employee of the disciplinary action being recommended prior to taking the action. (adopted January 21, 1988, effective February 1, 1988)

1.3 In every case of termination, suspension, reduction in pay, letter of reprimand, or fine of any employee in the classified service or of involuntary retirement or demotion of the employee, within five (5) working days of the effective date of the action, the appointing

authority shall furnish the employee and the Personnel Director a statement in writing of the reasons therefore. The notification also must advise the employee of the possible right of appeal, which must be exercised within thirty (30) calendar days of the date of the disciplinary letter. (amended January 21, 1988, effective February 1, 1988, amended February 17, 2014, effective March 1, 2014)

1.4 In the event that any investigation conducted of any classified employee subject to L.R.S. 40:2531 is anticipated to exceed 60 days, the appointing authority shall, not later than 30 days after commencement of the investigation, advise the Director of the need for an extension of the time within which to complete the investigation pursuant to L.R.S. 40:2531(7). The Director shall assign the matter for the taking of testimony before a hearing officer and notify the appointing authority and the employee their rights to attend the hearing and to present evidence and arguments for or against the extension. The hearing officer shall, upon conclusion of the hearing, either grant or deny the requested extension. The hearing officer's action shall be ratified by the Commission at its next regular meeting. (adopted November 13, 2002, effective December 1, 2002)

SEWERAGE AND WATER BOARD OF NEW ORLEANS

POLICY MEMORANDUM No. 6 **DATE OF APPROVAL: 02/20/2017**

TO: **All Departments**

FROM: **Cedric S. Grant, Executive Director, Sewerage and Water Board** CSG

SUBJECT: **PROFESSIONAL CONDUCT**

I. PURPOSE

The purpose of this policy is to clearly establish a professional code of conduct defining expectations and behaviors for all Sewerage and Water Board employees.

II. SCOPE

The scope of this policy is to define to the public and Board employees the expectations of employees both on and off duty.

III. PROFESSIONAL CONDUCT

Professionalism
While performing their duties for the Board, employees shall conduct themselves in a professional manner with the utmost concern for the dignity of the individual with whom they are interacting. Employees shall not unnecessarily inconvenience or demean an individual or otherwise act in a manner which brings discredit to the Board.

Abuse of Power
Employees shall not use their position or employee identification card for personal or financial gain, for obtaining privileges, or for avoiding consequences of an act. Employees shall not lend to another person their identification card or uniform parts that identify the wearer as a Board employee.

Neatness and Attire
No apparel bearing the official Sewerage and Water Board logo may be worn while off duty except immediately to and from work. All Sewerage and Water Board clothing bearing the official Sewerage and Water Board logo must be returned upon separation from employment with the Board.

Accepting Anything of Value
Employees shall not solicit or accept from any person or business organization, any gift, donation, goods, money, property (tangible, intangible, real or personal), loan, promise, service, or entertainment for the benefit of the employee in accordance with the Louisiana Code of Governmental Ethics.

Theft
The following policies are cited for your reference; Policy Memorandum No. 48, Report of Personal Theft; Policy Memorandum No. 49, Surplus Property; and Policy Memorandum No. 74, Inventory Control and Policy Procedures. The following is an excerpt from LA Revised Statute §14:67:

> Theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. Intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.

The Board will immediately institute disciplinary action and will prosecute violators of the above referenced statute to the fullest extent of the law and will seek financial restitution for any incidents involving employee theft of Board property.

Commercial Endorsement
Employees shall not knowingly permit or authorize the use of their names, photographs, or titles which identify them as employees of the Board, in connection with testimonials or advertisements of any commodity or commercial enterprise.

Use of Drugs/Substance Abuse Testing
Employees shall be guided by the City of New Orleans Substance Abuse Policy as defined under Rule V, Section 9 of Civil Service Rules and City of New Orleans Policy Memorandum No. 89, and Sewerage and Water Board's Substance and Alcohol Abuse policy No. 67.

Use of Alcohol/on Duty
Employees shall not consume intoxicating beverages while on duty. Employees shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with any odor of intoxicants on their breath or clothing.

Use of Alcohol/Off-Duty
Employees while off duty, shall refrain from consuming intoxicating beverages to the extent that it would render the employee unfit to report for the next regular work assignment.

Dangerous Weapons, Threats and Intimidation

Employees of the Board, who brandish, carry, discharge or possess a dangerous weapon on their person on or in Sewerage and Water Board property, will be subject to immediate disciplinary action, up to and including dismissal. Threats or intimidation of employees in the workplace by any individual will not be tolerated. Refer to Sewerage and Water Board Policy No. 29 for additional information.

IV. INQUIRIES.

Any inquiries concerning this policy memorandum may be addressed to Security at (504) 942-2915 or Human Resources at (504) 585-2026.

OIG NEW ORLEANS OFFICE OF INSPECTOR GENERAL

HOWARD SCHWARTZ
INTERIM INSPECTOR GENERAL

November 27, 2017

Dani Galloway, Interim Director
Department of Public Works
City of New Orleans
1300 Perdido Street. Room 6W03
New Orleans, Louisiana 70112

This correspondence is part of an ongoing investigation, examination, audit, inspection, or performance review and is exempt from the Public Records Act until the investigation, examination, audit, inspection, or performance review is complete. See La. R.S. 33:9614 and La. R.S. 44:4.1(B)(18). Please notify this office immediately should you receive a Public Records Request which includes this correspondence.

Re: Sewerage & Water Board Employees are utilizing handicap hang-tags to park for free in metered spaces on Saint Joseph Street

Dear Ms. Galloway:

The City of New Orleans Office of Inspector General (OIG) has completed an investigation/review concerning an allegation that able-bodied Sewerage & Water Board (S&WB) employees display handicap hang-tags in their personal vehicles, which enables them to park for free in metered parking spaces adjacent to the S&WB main office at 625 Saint Joseph Street.

The OIG contacted the City of New Orleans Americans with Disabilities Act Administrator Page McCranie and the Louisiana State Police regarding the issuance and proper use of handicap hang-tags. According to these sources, handicap hang-tags are distributed by the State Police, Division of Motor Vehicles office. These hang-tags may be issued to those with permanent or temporary disabilities. A person to whom a handicap hang-tag has been issued should also possess a handicap ID card. This number appears on the handicap hang-tag. Vehicles bearing a handicap hang-tag issued to a mobility-impaired person or person with disabilities that are being operated for the transport of the mobility-impaired person or person with disabilities can park in a metered parking space for up to three (3) hours without payment[1]. According to Parking Division Manager Katrina Craft, these individuals can also purchase an additional two (2) hours of parking.

[1] Refer to Appendix 1, City Code, § 154-1093.

Over the course of two (2) days, OIG investigators found forty (40) vehicles bearing a handicap hang-tag parked in metered parking spaces in the immediate vicinity of the S&WB Office located at 625 Saint Joseph Street. Thirty-seven (37) of these vehicles were registered to S&WB employees or their relatives. Eleven (11) of these thirty-seven (37) S&WB employees were authorized to possess a handicap hang-tag. The twenty-six (26) S&WB employees who were NOT authorized to possess a handicap hang-tag can be subdivided into the following categories:

- Twelve (12) S&WB employees have a relative who is authorized to possess a handicap hang-tag, but they are not.
- Fourteen (14) employees were using a handicap hang-tag that does not belong to a relative. Of these fourteen (14) handicap hang-tags, nine (9) were either invalid or unreadable.

During these visits, OIG investigators also observed that none of the vehicles bearing a handicap hang-tag had received a parking ticket for parking beyond the allotted three hours. Thirty-one (31) of these vehicles bearing a handicap hang-tag displayed a parking receipt dispensed by a parking kiosk, but the amount of the receipt was usually a nickel, which is valid for only one (1) minute of parking. In some instances, S&WB employees leave their vehicles parked in metered parking spaces for the entire duration of their work shift.

Consequently, the thirty-seven (37) above-described S&WB employees may be depriving the City of approximately $197,000 per year in parking meter revenue because twenty-six (26) are not entitled to any handicap parking privileges, while the other eleven (11) who legitimately possess a handicap hang-tag are exceeding the three-hour free parking benefit. Refer to Figure 1 as shown below.

Figure 1: Potential Lost Parking Meter Revenue per Year

	Legitimately possess a handicap hang-tag	**Do not legitimately possess a handicap hang-tag**	**Total**
# of Employees	11	26	
X Hours per day[2]	5 hours[3]	8 hours	
X Hourly Rate[4]	$3.00	$3.00	
X Working Days per Year[5]	250 days	250 days	
Potential Lost Parking Meter Revenue per Year	**$41,250**	**$156,000**	**$197,250**

In addition to the potentially lost revenue, S&WB customers may be unable to park in a metered parking space near the S&WB Office because S&WB employees occupy those spaces.

S&WB management and other City departments should advise their employees that:

1. All employees must pay the metered rate, and vehicles with insufficient meter time will be ticketed.
2. Employees improperly using handicap hang-tags to park in metered parking spaces will be ticketed.
3. Any vehicle bearing a handicap hang-tag that remains in a metered parking space beyond the three-hour free parking benefit without paying for additional time up to the two (2) hour limit will be ticketed.

In addition, Parking Control officers should monitor vehicles parked in metered spaces including those bearing handicap hang-tags in the vicinity of the S&WB Office and those parked on St. Charles Avenue for potential violations. Parking Control officers should be aware of vehicles bearing handicap hang-tags that exceed the three-hour free parking benefit without paying for additional time up to the two hour limit and those with insufficient meter time.

[2] Operating hours for the meters are 8 a.m. to 7 p.m., Monday-Saturday. However, the S&WB employees work an eight-hour shift, including lunch.

[3] Valid handicap hang-tag holders receive three hours of free parking and can also purchase an additional 2 hours of parking.

[4] The on-street parking meter rate in the Warehouse District is $3.00 per hour.

[5] Five days per week x 52 weeks – 10 holidays = 250 working days per year.

The OIG is referring this matter for your review and consideration. Please take whatever action you deem appropriate.

Thank you for your cooperation and assistance with this matter.

Sincerely,

Howard Schwartz
Interim Inspector General
City of New Orleans
Office of Inspector General

cc: Rebecca H. Dietz, City Attorney
Jeff Hebert, Chief Administrative Officer
Bruce Adams, S&WB Deputy General Superintendent

Sec. 154-1093. - Use by mobility-impaired/disabilities.

When a motor vehicle bearing a plate or displaying a hang tag or a special *parking* card issued to a mobility-impaired person or person with disabilities in conformance with state regulations is being operated for the transport of the mobility-impaired person or person with disabilities, the motor vehicle may be parked for a period of up to a maximum of three hours without payment, regardless of meter fares otherwise applicable to the *parking* space. This provision shall apply except as restricted or prohibited by ordinance, or where *parking* is prohibited by ordinance or police on a roadway for the purpose of creating a fire lane or for the accommodation of heavy traffic during morning, afternoon, or evening hours or where the motor vehicle is parked in such a manner as to clearly be a traffic hazard.

The city shall recognize hang tags, special *parking* cards, or other removable windshield placards and special license plates which have been issued by authorities of other states and countries for the purpose of identifying vehicles transporting a mobility-impaired person or person with disabilities. Additionally, special registration of the vehicle license shall be recognized in the OPS.

(M.C.S., Ord. No. 23215, § 1, 9-11-08; M.C.S., Ord. No. 26070, § 2, 10-2-14)

#

Sec. 154-1093. - Use by mobility-impaired/disabilities.

When a motor vehicle bearing a plate or displaying a hang tag or a special parking card issued to a mobility-impaired person or person with disabilities in conformance with state regulations is being operated for the transport of the mobility-impaired person or person with disabilities, the motor vehicle may be parked for a period of up to a maximum of three hours without payment, regardless of meter fares otherwise applicable to the parking space. This provision shall apply except as restricted or prohibited by ordinance, or where parking is prohibited by ordinance or police on a roadway for the purpose of creating a fire lane or for the accommodation of heavy traffic during morning, afternoon, or evening hours or where the motor vehicle is parked in such a manner as to clearly be a traffic hazard.

The city shall recognize hang tags, special parking cards, or other removable windshield placards and special license plates which have been issued by authorities of other states and countries for the purpose of identifying vehicles transporting a mobility-impaired person or person with disabilities. Additionally, special registration of the vehicle license shall be recognized in the OPS.

(M.C.S., Ord. No. 23215, § 1, 9-11-08; M.C.S., Ord. No. 26070, § 2, 10-2-14)

From: JUDKINS, Sharon <sjudkins@swbno.org>
Sent: Friday, June 30, 2017 5:32 PM
To: Saint Joseph Building
Subject: SWB Parking Memo St. Joseph Street

SEWERAGE AND WATER BOARD
Inter-Office Memorandum

Date: June 30, 2017
To: St. Joseph Street Staff
From: Ronald Doucette, Deputy Director of Security
Re: Handicap Parking

If you use a handicap parking placard or license plate from the LA Office of Motor Vehicles to park near the St. Joseph Street Administration Building, please be aware of the following:

According to the Department of Motor Vehicles for the state of Louisiana, the Disability Parking Rules state that "A handicap parking placard or license plate from the LA Office of Motor Vehicles allows you to park:
· In spaces designated for people with disabilities.
· For 2 hours longer than posted time limits (3 hours longer within New Orleans city limits), UNLESS:
o Parking is prohibited because of traffic.
o You are parked in a fire lane.
o Your vehicle is a traffic hazard.

You can be fined or jailed for:
· Loaning your placard to someone else.

· Using a disabled placard or license plate for parking privileges when the disabled person is not with you.

More information can be found on http://www.dmv.org/la-louisiana/disabled-drivers.php

Additional information from the Department of Public Works for the City of New Orleans states that unlawful parking in a handicapped zone without proper permit (citation fee - $500). http://www.nola.gov/dpw/parking/parking-101/

Also, it has long been Board practice for S&WB personnel to leave the area in front of the main office available for customer parking. Please be considerate of our customer parking policy as well as the DMV's parking regulations.

Parking in this space has become the subject of customer complaints and an investigation. Continued abuse of this will result in the consequences outlined in this memo.

CONTRACT PARKING AGREEMENT
BETWEEN
SEWERAGE AND WATER BOARD OF NEW ORLEANS
AND
HOWARD AVENUE GARAGE, L.L.C.

THIS PARKING AGREEMENT ("Agreement") is made and entered into as of February 1, 2021 (the "Effective Date"), by and between Howard Avenue Garage, L.L.C., ("Operator") a Louisiana limited liability company, with a mailing address at 918 Gravier Street, New Orleans, LA 70112, and Sewerage and Water Board of New Orleans ("Board") with a mailing address at 625 St. Joseph Street, New Orleans, LA 70165.

RECITALS

WHEREAS, Operator owns and operates a controlled-access, self-parking service at the Howard Avenue Garage located at 932 Howard Avenue, New Orleans, LA (the "Garage") consisting of secure, multi-level, covered parking spaces (the "Spaces") and frequent, regular shuttle passenger service for persons parking in the Garage as more fully described hereinbelow (the "Services"); and

WHEREAS, Board desires to lease from Operator at least sixty-five (65) Spaces and Services relating thereto, all upon the terms and conditions hereinafter provided; and

WHEREAS, Operator is ready, willing and able to provide such Spaces and Services, and has agreed to do so for Board.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the parties agree as follows:

ARTICLE I
APPOINTMENT

Operator hereby leases sixty-five (65) Spaces and shall provide Services to and for Board and its designees (including but not limited to employees, officers, directors, and contractors) during the term of this Agreement in accordance with the policies, standards and procedures established by Operator and Board in accordance with the terms and conditions hereinafter set forth.

ARTICLE II
OPERATOR'S OBLIGATIONS

Section 2.1. Spaces.

Operator shall provide at least sixty-five (65) first-class, professionally operated parking Spaces for the Board ("Board Spaces", every Monday through Friday during the Term hereof, with unlimited in and out, continual access from 5:00 A.M. on Mondays through 6:00 P.M. on Fridays.

Section 2.2. Services.

When Operator provides regularly scheduled shuttle service for all persons parking in Board Spaces, such service shall also be available to all persons parking in Board Spaces at no additional cost.

Section 2.3. Equipment.

All supplies, trade equipment, displays and tools, car checks or tickets and other equipment which may be needed to lease and operate the Spaces and provide the Services shall be supplied and maintained by Operator.

Section 2.4. Personnel.

A. Operator will, at its own expense, recruit, employ, train and properly supervise all employees necessary for the smooth and efficient operation of the Spaces and the Services. All personnel employed by the Operator will at all times and for all purposes be solely in the employment of Operator.

B. All employees of Operator shall wear appropriate uniforms and conduct themselves in a professional, courteous and safe manner.

Section 2.5. License, Permits and Taxes.

Operator will comply with and observe all applicable federal, state, local laws and regulations. Operator will, at its own expense, secure any and all licenses and permits required. The Board will provide the Operator evidence of its "Sales Tax Exempt" status with regard to the City of New Orleans and the State of Louisiana.

ARTICLE III
TRADEMARKS AND TRADE NAMES

Operator shall not use the word "Sewerage and Water Board" or any trademark, trade-names or trade-style belonging to the Board for any purpose whatsoever, unless provided otherwise by law or written agreement between the parties.

ARTICLE IV
FINANCIAL

Section 4.1. Fees.

On or before the 10th day of each month, Board shall pay Operator in full for all leased Spaces at the rate of $80.00 per month per space (minimum of $5,200.00, which is $80.00 times 65 spaces guaranteed). For any month when additional tags are requested, the amount Board shall pay Operator shall be pro-rated on per diem basis based on the date on which additional tags for spaces are issued, based on proration of the monthly rate.

Section 4.2. Billing and Accounting.

Operator shall keep true and accurate records pursuant to Generally Accepted Accounting Principles. Operator shall provide a monthly invoice to the Board by the 3rd business day of each month based upon the number of spaces that Operator is providing the Board for that month (minimum sixty-five (65) spaces).

ARTICLE V
INSURANCE

Section 5.1. Insurance.

Operator will provide and maintain the following insurance its own cost and expense, and will name Sewerage and Water Board of New Orleans as an additional insured with waivers on each required policy, provide a Certificate of Insurance evidencing such coverage, and shall require its insurers to provide at least thirty (30) days' advance written notice to Board of any change, alteration, cancellation, lapse or termination of such insurance. Each and any time a change is made in any required insurance or insurance carrier, Operator will furnish Board an updated Certificate of Insurance as to the terms and coverage of the insurance in force, the persons insured, including Board as an additional named insured, and the fact that the coverage may not be canceled, altered or permitted to lapse of expire without thirty (30) days' advance written notice to Board. Operator will provide a copy of all Insurance certificates at the time of signing of contact. All insurance carries must be AM Best "A" rated carriers.

A. Workers' Compensation Insurance that affords statutory limits and be in accordance with all Louisiana Workers' Compensation Statutes.

B. Liability Insurance. Operator will carry and maintain comprehensive public liability insurance, including employer's liability, automobile liability, contractual liability and property damage insurance, with a combined single limit for personal and bodily injury

and property damage of not less than $1,000,000.00 each occurrence plus a $500,000.00 garage keeper and which is underwritten by a reputable insurance carrier approved by Board.

1. The Employers' Liability limit shall not be less than $1,000,000 each claim for bodily injury by accident and $1,000,000 each employee/policy limit for bodily injury by disease with a waiver of subrogation endorsement.

2. Commercial General Liability Insurance, with a limit not less than $1,000,000 each occurrence and $2,000,000 general aggregate, including Explosion, Collapse, and Underground Property Damage Hazards with a waiver of subrogation endorsement and Primary/Non-contributory endorsement.

3. Business Automobile Insurance shall cover liability arising out of any auto (including owned, hired, and non-owned vehicle) with limits not less than $2,000,000 each occurrence and $4,000,000 general aggregate, for all injuries, property damage, and/or death resulting from any one occurrence with a waiver of subrogation endorsement and Primary/Non-contributory endorsement. Monthly contract customers are "Self-Parking" customers. Accordingly, Operator is not responsible for property damages or loss claims resulting from theft, burglary, fire, flood, acts of god, or other self-parking customers. Operator will assist customers with such claims as much as possible through the use its security camera system.

ARTICLE VI
TERM AND TERMINATION

Section 6.1. Term.

A. Initial Term. The initial term of this Agreement is one (1) year from the Effective Date.

B. Extension. The Board may extend the term of this Agreement for up to five (5) additional one (1) year periods pursuant to validly executed amendments.

Section 6.2. Termination.

The parties shall each have the right to terminate this Agreement whether with or without cause by giving the other party written notice of its intent to terminate at least thirty (30) days prior to the date of termination.

ARTICLE VII
MISCELLANEOUS

Section 7.1. Notices.

Except as provided in Section 2.2, any and all other notices shall be in writing and sent by registered or certified mail, addressed as follows:

To Operator: Howard Avenue Garage, LLC
c/o Parking Management Services, Inc.
918 Gravier Street
New Orleans, LA 70112

To Board: Sewerage and Water Board of New Orleans
625 St. Joseph Street
New Orleans, LA 70165
Attn: Executive Director

and

Sewerage and Water Board of New Orleans
625 St. Joseph Street
New Orleans, LA 70165
Attn: Special Counsel

or to such other persons or places as either party may from time to time designate by written notice.

Section 7.2. Successors and Assigns.

The provisions hereof will be binding upon and inure to the benefit of the parties and to their respective successors and assigns. The Agreement cannot be assigned by either party without the prior written consent of the other. The Operator shall not enter into any agreement for the sale or lease of the Garage or the property on which it is located, or for the assignment, transfer, assumption or other change in management of the Garage, the Spaces or the Services, without providing Board at least sixty (60) days' advance written notice thereof; and in the event of any such transaction, Operator shall require any purchaser, lessee, transferee, or other contracting party to commit to all the provisions, terms and conditions of this Agreement.

Section 7.3. Force Majeure.

If, because of weather, acts of God, strikes or other labor disputes, vendor delays, or unavoidable cause, either party is unable to perform its obligations hereunder, such non-performance shall not be considered a breach of this Agreement.

Section 7.4. Equal Opportunity Employer.

Operator affirms that it is an Equal Opportunity Employer and will comply with all laws and regulations prohibiting employment discrimination in the performance of the Agreement.

Section 7.5. Waiver.

A failure to either party to insist upon or enforce any term or provision or to exercise any right, option, or remedy of this Agreement, or to require at any time performance of any provision hereof, shall not be construed as a waiver or any such term or provision. No waiver by either party of any term or provision hereof shall be binding unless made in writing and signed by both parties.

Section 7.6. Jurisdiction and Choice of Law.

A. The Operator consents and yields to the jurisdiction of the State Civil Courts of the Parish of Orleans and formally waives any pleas or exceptions of jurisdiction or venue.

B. This Agreement will be construed and enforced in accordance with the laws of the State of Louisiana without regard to its conflict of laws provisions.

Section 7.7. Severability.

If any provisions of this Agreement are held to be invalid, illegal, or unenforceable, the remaining provisions shall remain in full force and effect.

Section 7.8. Entire Agreement and Amendments.

The Agreement is the entire agreement between the parties, superseding any prior agreements either oral or written and may not be changed other than by an agreement in writing signed by both parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement the day and year first above written.

SEWERAGE AND WATER BOARD OF NEW ORLEANS

BY: _____

GHASSAN KORBAN, P.E., EXECUTIVE DIRECTOR

FORM AND LEGALITY APPROVED:

Legal Department

BY: _____

YOLANDA Y. GRINSTEAD, SPECIAL COUNSEL

HOWARD AVENUE GARAGE, L.L.C.

BY: _____

THOMAS R. GIGLIOTTI, JR., PRESIDENT

26-1697108

CORPORATE TAX ID

DEPARTMENT OF PUBLIC WORKS
CITY OF NEW ORLEANS

December 23, 2021

Edward Michel, Interim Inspector General
New Orleans Office of Inspector General
525 St. Charles Ave.
New Orleans, LA 70130

Re: Response to Letter Entitled *Report of Investigation, Sewerage & Water Board Employees Utilization of Handicap Hang-tags*

Mr. Michel:

The Department of Public Works (DPW) agrees with your office's recommendation in the letter and will be fully enforcing Section 154-874 *Restricted Areas of Parking Spaces for Registered Vehicles with Disabilities.,* and Section 154-1093 *Use by Mobility Impaired/Disabilities,* and more specifically, the following requirements:

When a motor vehicle bearing a plate or displaying a hang-tag or a special parking card issued to a mobility-impaired person or person with disabilities…. the motor vehicle may be parked for a period of up to a maximum of three hours without payment, regardless of meter fares otherwise applicable to the parking space….

The DPW Parking Division has been operating under prior administration directives to disregard timing vehicles for three (3) hours at meters with handicapped/disabled credentials, under assumptions that parking enforcement officers (PEOs) were unable to determine if the driver operating the vehicle with handicapped/disabled credentials had paid the meter after the three (3) hours had expired. I have directed the DPW Parking Administrator, Zepporiah A. Edmonds, in the Parking Division, to enforce these sections of City code mentioned above. Vehicles with handicapped/disabled credentials will be required to provide proof of payment to a meter after three (3) hours by displaying a receipt from the pay station/meter on the dashboard of the vehicle, or by using the Park Mobile Payment App. Failure to supply this information will result in a parking ticket.

PEOs currently monitor the area of concern, including streets adjacent to the Sewerage and Water Board of New Orleans located at 625 St. Joseph St., as part of their regular patrols. Full enforcement of the above codes will begin in January 2022, after the City reminds the public of these requirements via formal notice and/or press release. If your office has any further questions regarding this response, please contact me at 504 606-0707 or jwhartley@nola.gov.

Sincerely,

Josh Hartley

Josh Hartley
Acting Director of Public Works

Cc: Ramsey Green, Deputy CAO Infrastructure
Sarah McLaughlin Porteous, Director Special Projects & Strategic Engagement Office
Zepporiah A. Edmonds, DPW Parking Administrator
Sarah Wellman, Assistant City Attorney

1300 PERDIDO STREET | SUITE 6W03 | NEW ORLEANS, LOUISIANA | 70112
PHONE 504-658-8000 | FAX 504-658-8007

City Announces Changes for Vehicles with Mobility-Impaired Parking Credentials

This bulletin was sent at 01/07/2022 03:59 PM CST

View it in your browser.

City of New Orleans
Mayor LaToya Cantrell

FOR IMMEDIATE RELEASE
Jan. 7, 2022

For Media Inquiries Only
communications@nola.gov
(504) 658-4945

City Announces Changes for Vehicles with Mobility-Impaired Parking Credentials

NEW ORLEANS — The City of New Orleans Department of Public Works' Parking and Towing Divisions today announced that changes to parking enforcement for vehicles with mobility impaired parking credentials will begin Monday, Jan. 24, 2022.

Following recommendation from the New Orleans Office of Inspector General, the Parking Division will begin fully enforcing Section 154-874 ***Restricted Areas of Parking Spaces for Registered Vehicles with Disabilities***, and Section 154-1093 ***Use by Mobility Impaired/Disabilities***, specifically that motor vehicles bearing special parking credentials for mobility impaired persons or persons with disabilities may be parked for a period of up to three hours without payment, regardless of meter fares otherwise applicable to the parking space.

Motor vehicles parked at these metered locations will now be required to provide proof of payment to a meter after three hours by displaying a receipt from the pay station/meter on the dashboard of the vehicle, or by using the Park Mobile Payment App. Failure to supply this information will result in a parking citation.

Standard parking enforcement protocol includes regulating parking meters, ticket writing, towing and vehicle booting. Parking Enforcement can be requested 24/7 by calling (504) 658-8100.

Motor vehicles bearing special parking credentials for mobility impaired persons or persons with disabilities may currently park for a period of up to three hours without payment, regardless of meter fares otherwise applicable to the parking space, as long as the vehicle meets all other parking requirements. Residents are reminded to reference the Parking 101 guide from the City's Parking Division to avoid citations and ensure that their vehicle is parked safely. For more information regarding Mobility Impaired Hang Tags and Plates, please visit the Louisiana Office of Motor Vehicles.

For any questions regarding these changes or any parking enforcement questions in general, please call the City of New Orleans Department of Public Works' Parking Division at (504) 658-8100.

* * *

About the Department of Public Works

The Department of Public Works is composed of five divisions responsible for maintaining approximately 1,547 miles of streets (21 million square yards of pavement) and 149 bridges in the city of New Orleans. This system includes 72,000 catch basins and approximately 8.2 million linear feet of drainage lines. The Louisiana Department of Transportation and Development is responsible for maintaining an additional 105 miles of state and federal highways within the City limits.