

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO ELLER-I.T.O. STEVEDORING COMPANY L.L.C., TO PROVIDE STEAMSHIP AGENT SERVICES FOR A ONE-YEAR TERM AT PORT EVERGLADES; PROVIDING FOR NON-DISCRIMINATION/APPLICABLE LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Broward County Board of County Commissioners (the "Board") adopted Resolution 94-1302 creating Chapter 32 of the Broward County Administrative Code, effective November 22, 1994, to provide for the regulation of businesses requiring franchises to conduct operations at Port Everglades; and

WHEREAS, Eller-I.T.O. Stevedoring Company L.L.C. has submitted an application for a non-exclusive franchise, and the Board has relied on the representations of Eller-I.T.O. Stevedoring Company L.L.C. and reviewed the application in light of the requirements of Chapter 32 of the Broward County Administrative Code as amended; and

WHEREAS, the public hearing required for this franchise was conducted on April 8, 2014; and

WHEREAS, based on representations of Eller-I.T.O. Stevedoring Company L.L.C. and information presented by County staff and the public, the Board does hereby find, determine and declare the non-exclusive franchise to be in the public interest; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

1 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and
2 hereby ratified by the Board of County Commissioners.

3 **Section 2. AWARD OF FRANCHISE TO ELLER-I.T.O. STEVEDORING**
4 **COMPANY L.L.C.**

5 Eller-I.T.O. Stevedoring Company L.L.C. is hereby granted a non-exclusive
6 franchise to provide steamship agent services at Port Everglades.

7 **Section 3. TERM.**

8 The non-exclusive franchise shall be for a period of one (1) year, commencing
9 April 8, 2014, and ending on April 7, 2015, unless sooner terminated in accordance with
10 the provisions of the franchise agreement including, Broward County Administrative
11 Code, Chapter 32, Section 32.29 as amended.

12 **Section 4. NON-DISCRIMINATION/APPLICABLE LAW.**

13 By accepting this non-exclusive franchise, Eller-I.T.O. Stevedoring Company
14 L.L.C. agrees that its effectiveness is subject to strict compliance with Broward County
15 Human Rights Act (Broward County Code, Chapter 16-1/2), all rules, regulations and
16 ordinances, including the Broward County Administrative Code and Code of
17 Ordinances, now or hereafter promulgated by Broward County with respect to the
18 conduct of the business operated pursuant to this franchise and is also subject to the
19 terms and provisions of all federal and state laws, as amended from time to time,
20 affecting the conduct of the business for which Eller-I.T.O. Stevedoring Company L.L.C.
21 is hereby franchised. The imposition and enforcement of such laws to which this
22 franchise shall be subject, shall operate uniformly with respect to all persons, firms, or
23 corporations holding similar franchises within Port Everglades.

1 **Section 5. SEVERABILITY.**

2 If any portion of this Resolution is determined by any Court to be invalid, the
3 invalid portion shall be stricken, and such striking shall not affect the validity of the
4 remainder of this Resolution. If any Court determines that this Resolution, or any portion
5 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
6 or circumstance(s), such determination shall not affect the applicability hereof to any
7 other individual, group, entity, property, or circumstance.

8 **Section 6. EFFECTIVE DATE.**

9 This Resolution shall become effective upon its adoption.

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12 ADOPTED this _____ day of _____, 2014.
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23 RJM:dh
24 Rev. 2/26/14
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