

1 RESOLUTION NO. 2017-

2
3 A RESOLUTION OF THE BOARD OF COUNTY
4 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
5 GRANTING OF A NONEXCLUSIVE FRANCHISE TO CLIFF
6 BERRY, INC., FOR A ONE-YEAR TERM TO PROVIDE
7 VESSEL OILY WASTE REMOVAL SERVICES AT PORT
8 EVERGLADES; AND PROVIDING FOR
9 NONDISCRIMINATION, COMPLIANCE WITH APPLICABLE
10 LAW, SEVERABILITY, AND AN EFFECTIVE DATE.

11 WHEREAS, the Broward County Board of County Commissioners (the "Board")
12 adopted Resolution No. 94-1302 creating Chapter 32 of the Broward County
13 Administrative Code, effective November 22, 1994, to provide for the regulation of
14 businesses requiring franchises to conduct operations at Port Everglades; and

15 WHEREAS, Cliff Berry, Inc., has submitted an application for a franchise, and the
16 Board has relied on the representations of Cliff Berry, Inc., and reviewed the application
17 in light of the requirements of Chapter 32 of the Broward County Administrative Code;
18 and

19 WHEREAS, the public hearing required for this franchise was conducted on
20 August 22, 2017; and

21 WHEREAS, based on representations of Cliff Berry, Inc., and information
22 presented by County staff and the public, the Board does hereby find, determine, and
23 declare the franchise to be in the public interest, NOW, THEREFORE,

24 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 hereby
2 ratified by the Board of County Commissioners.

3 Section 2. AWARD OF FRANCHISE TO CLIFF BERRY, INC.

4 Cliff Berry, Inc., is hereby granted a nonexclusive franchise to provide vessel oily
5 waste removal services at Port Everglades.

6 Section 3. TERM.

7 The franchise shall be for a period of one (1) year, commencing on
8 August 22, 2017, and ending on August 21, 2018, unless sooner terminated in
9 accordance with the provisions of the franchise, including Section 32.29 of the Broward
10 County Administrative Code.

11 Section 4. NONDISCRIMINATION/APPLICABLE LAW.

12 By accepting this nonexclusive franchise, Cliff Berry, Inc., agrees that the
13 effectiveness of the franchise is subject to strict compliance with the Broward County
14 Human Rights Act (Chapter 16½, Broward County Code of Ordinances), and all rules,
15 regulations, and ordinances, including the Broward County Administrative Code and
16 Code of Ordinances, now or hereafter promulgated by Broward County pertaining to the
17 conduct of the business operated pursuant to this franchise, and is also subject to the
18 terms and provisions of all federal and state laws, as amended from time to time, affecting
19 the conduct of the business for which Cliff Berry, Inc., is hereby franchised. The
20 imposition and enforcement of such laws to which this franchise shall be subject shall
21 operate uniformly with respect to all persons, firms, or corporations holding similar
22 franchises within Port Everglades.

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1 Section 5. SEVERABILITY.

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

8 Section 6. EFFECTIVE DATE.

9 This Resolution shall become effective upon adoption.

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12 ADOPTED this _____ day of _____, 2017.

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15 Approved as to form and legal sufficiency:
16 Joni Armstrong Coffey, County Attorney

17
18 By /s/ Russell J. Morrison 05/10/17
19 Russell J. Morrison (date)
20 Sr. Assistant County Attorney

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23 RJM:dh
05/10/17
24 CliffBerry_R2
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