

1 RESOLUTION NO. 2017-

2
3 A RESOLUTION OF THE BOARD OF COUNTY
4 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
5 GRANTING A RENEWAL APPLICATION OF A
6 NONEXCLUSIVE FRANCHISE TO TUGZ COMPANY LLC
7 D/B/A McALLISTER TOWING OF PORT EVERGLADES
8 FOR A TEN-YEAR TERM TO PROVIDE TUGBOAT AND
9 TOWING SERVICES AT PORT EVERGLADES; AND
10 PROVIDING FOR NONDISCRIMINATION, COMPLIANCE
11 WITH APPLICABLE LAW, SEVERABILITY, AND AN
12 EFFECTIVE DATE.

13 WHEREAS, Chapter 94-429, Laws of Florida, Section 8, Franchises, Subpart (1)
14 provides, in part, that no tugboat or towing concern shall operate in the Port Jurisdictional
15 Area without first securing a franchise from the County; and

16 WHEREAS, the Broward County Board of County Commissioners (the "Board")
17 adopted Resolution No. 94-1302 creating Chapter 32 of the Broward County
18 Administrative Code, effective November 22, 1994, which provides in part, for the
19 regulatory policy governing the issuance of tugboat and towing franchises at Port
20 Everglades; and

21 WHEREAS, Tugz Company LLC d/b/a McAllister Towing of Port Everglades has
22 submitted a renewal application for a tugboat and towing franchise at Port Everglades,
23 Florida, and the Board has conducted a duly noticed public hearing to consider the
24 application on October 3, 2017; and

WHEREAS, the Board has relied upon the application submitted by Tugz
Company LLC d/b/a McAllister Towing of Port Everglades together with the information
and recommendations made by County staff, Tugz Company LLC d/b/a McAllister Towing
of Port Everglades, and the public, made at the public hearing on October 3, 2017; and

1 WHEREAS, the granting of the franchise renewal to Tugz Company LLC d/b/a
2 McAllister Towing of Port Everglades will not impair the quality of tugboat and towing
3 services to persons using the port and harbor facilities located at Port Everglades, Florida,
4 nor lead to uncertainty, disruption, or instability in the rendering of such services at Port
5 Everglades, Florida; and

6 WHEREAS, based on representations of Tugz Company LLC d/b/a McAllister
7 Towing of Port Everglades, and information presented by County staff and the public, the
8 Board does hereby find, determine, and declare that the franchise renewal meets the
9 public convenience and necessity requirement contained in Chapter 32 of the Broward
10 County Administrative Code, and that the renewal is in the public interest, NOW,
11 THEREFORE,

12
13 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
14 BROWARD COUNTY, FLORIDA:

15
16 Section 1. The foregoing "WHEREAS" clauses are true and correct and hereby
17 ratified by the Board of County Commissioners.

18 Section 2. AWARD OF FRANCHISE TO TUGZ COMPANY LLC d/b/a
19 McALLISTER TOWING OF PORT EVERGLADES.

20 Tugz Company LLC d/b/a McAllister Towing of Port Everglades is hereby granted
21 renewal of a nonexclusive franchise to provide tugboat and towing services at Port
22 Everglades.

23 Section 3. TERM.

24 The franchise shall be for a period of ten (10) years, commencing on October 29,

1 2017, and ending on October 28, 2027, unless sooner terminated in accordance with the
2 provisions of the franchise agreement, including Section 32.29 of the Broward County
3 Administrative Code.

4 Section 4. NONDISCRIMINATION/APPLICABLE LAW.

5 By accepting this nonexclusive franchise, Tugz Company LLC d/b/a McAllister
6 Towing of Port Everglades agrees that the effectiveness of the franchise is subject to
7 strict compliance with the Broward County Human Rights Act (Chapter 16½, Broward
8 County Code of Ordinances), and all rules, regulations, and ordinances, including the
9 Broward County Administrative Code and Code of Ordinances, now or hereafter
10 promulgated by Broward County pertaining to the conduct of the business operated
11 pursuant to this franchise, and is also subject to the terms and provisions of all federal
12 and state laws, as amended from time to time, affecting the conduct of the business for
13 which Tugz Company LLC d/b/a McAllister Towing of Port Everglades is hereby
14 franchised. The imposition and enforcement of such laws to which this franchise shall be
15 subject shall operate uniformly with respect to all persons, firms, or corporations holding
16 similar franchises within Port Everglades.

17 Section 5. SEVERABILITY.

18 If any portion of this Resolution is determined by any Court to be invalid, the invalid
19 portion shall be stricken, and such striking shall not affect the validity of the remainder of
20 this Resolution. If any Court determines that this Resolution, or any portion hereof, cannot
21 be legally applied to any individual(s), group(s), entity(ies), property(ies), or
22 circumstance(s), such determination shall not affect the applicability hereof to any other
23 individual, group, entity, property, or circumstance.

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Section 6. EFFECTIVE DATE.

This Resolution shall become effective upon adoption.

ADOPTED this _____ day of _____, 2017.

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

By /s/ Russell J. Morrison 06/20/17
Russell J. Morrison (date)
Sr. Assistant County Attorney

RJM:dh
06/20/17
Tugz_tugboat_R2
#17-3600