



# Broward County

## Legislation Details (With Text)

**File #:** 22-577      **Version:** 1

**Status:** Agenda Ready

**In control:** PUBLIC HEARING

**On agenda:** 5/10/2022      **Final action:** 5/10/2022

**Title:** MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, granting renewal of a nonexclusive franchise to Everglades Waste Removal Services, LLC, for a five-year term to provide vessel sanitary waste water removal services at Port Everglades; providing for franchise terms and conditions; and providing for severability and an effective date.

**Sponsors:**

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - Resolution, 2. Exhibit 2 - Application, 3. Exhibit 3 - Resolution to Publish Notice of Public Hearing, 4. Exhibit 4 - Notice of Public Hearing

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Jonathan Daniels

**Department:** Port Everglades

**Division:** Business Development

### Information

#### Requested Action

MOTION TO ADOPT Resolution of the Board of County Commissioners of Broward County, Florida, granting renewal of a nonexclusive franchise to Everglades Waste Removal Services, LLC, for a five-year term to provide vessel sanitary waste water removal services at Port Everglades; providing for franchise terms and conditions; and providing for severability and an effective date.

#### Why Action is Necessary

Pursuant to Section 32.22 of the Broward County Administrative Code ("Administrative Code"), Broward County (the "County") must hold a public hearing prior to granting, renewing, placing on probation, suspending, or revoking a franchise.

#### What Action Accomplishes

Grants the renewal of a nonexclusive franchise to Everglades Waste Removal Services, LLC, for a five-year term to provide vessel sanitary waste water removal services at Port Everglades.

#### Is this Action Goal Related

Yes

#### Previous Action Taken

Request to set Public Hearing was approved by the Broward County Board of County Commissioners on April 5, 2022 (Item No. 15).

### **Summary Explanation/Background**

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This action supports the Broward County Board of County Commissioners' ("Board") Value of "Ensuring economic opportunities for Broward's diverse population and businesses" and the Goal to "Increase the economic strength and impact of revenue-generating County enterprises balancing economic, environmental, and community needs."

Everglades Waste Removal Services, LLC ("Everglades Waste"), has been providing vessel sanitary waste water removal services at Port Everglades under a series of approved franchise agreements since 2006. On May 9, 2017 (Item No. 33), the Board granted renewal of a nonexclusive franchise to Everglades Waste to provide vessel sanitary waste water removal services at Port Everglades for a five-year term, from June 13, 2017, through June 12, 2022. Everglades Waste has applied for renewal of the franchise.

Staff reviewed the vessel sanitary waste water removal service franchise renewal application against the enumerated renewal criteria outlined in Chapter 32 of the Administrative Code. Staff's due diligence included, among other things: (a) corresponding with Everglades Waste's representative to clarify franchise requirements; (b) reviewing Everglades Waste's corporate status, resumes of executive staff, list of managerial personnel, business history/experience, litigation history, insurance certificate(s), financial documents and creditworthiness, discharge of previous financial obligations to the County, compliance with all franchise terms and conditions and established rules and regulations of the County, required licenses and certificates, company programs and policies, list of equipment to be used at Port Everglades, statement of activities and actions indicating that Everglades Waste has maintained a favorable service performance record in Port Everglades during the term of its prior franchise agreements; and (c) ensuring that Everglades Waste has promoted and developed growth in the business activities, projects, or facilities of Port Everglades. Staff also reviewed Everglades Waste's safety and environmental history and infractions are listed in Section Q of the application ("Exhibit 2"). On March 7, 2022, an Everglades Waste tank trailer collided with a beam on the passenger loading bridge at Port Everglades' Berth 25, causing a hole in the side of the tanker that released approximately 1,200 gallons of oily water onto the dock. Everglades Waste responded promptly to have the spill cleaned up and the spilled oily water was recovered with no impact to the environment. No violations were issued as a result of this incident. Everglades Waste was also cited by the US Occupational Safety and Health Administration ("OSHA") on March 31, 2021, for an incident on September 30, 2020, involving an employee cleaning a tank truck without the required personal protective equipment. Everglades Waste paid OSHA an assessed penalty and the case was closed. The incident did not occur at Port Everglades.

By submitting the signed franchise application, Everglades Waste has agreed to comply with all franchise conditions outlined in Section 32.24 of the Administrative Code.

Based on the review of information provided in the franchise renewal application, staff recommends renewing the vessel sanitary waste water removal service franchise. Per Section 32.20 of the Administrative Code, the County may grant vessel sanitary waste water removal service franchises for any period of up to five years. Consistent with past practice, staff recommends renewing the franchise for a five-year term.

The complete application and supporting documents are on file in the Port Everglades Business Development Division's office.

The Resolution to Publish Notice of Public Hearing and Notice of Public Hearing from the Request to Set Public Hearing agenda item approved by the Board on April 26, 2022 (Item No. 15), are attached as Exhibit 3 and Exhibit 4.

**Source of Additional Information**

Jorge Hernández, Director, Business Development Division, Port Everglades Department, (954) 468-3501

Angela Osorno-Belleme, Franchises and Business Permit Manager, Business Development Division, Port Everglades Department, (954) 468-0112

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Everglades Waste has paid the required annual fee of \$2,250 and will pay an additional \$9,000 in annual franchise fees over the term of the franchise, for a total of \$11,250.