



# Broward County

## Legislation Text

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File #: 20-1458, Version: 1

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### **Broward County Commission Regular Meeting**

**Director's Name:** Jonathan Daniels

**Department:** Port Everglades

**Division:** Business Administration

### **Information**

#### **Requested Action**

**MOTION TO ADOPT** Resolution No. 2020-486 of the Board of County Commissioners of Broward County, Florida, granting renewal of a nonexclusive franchise to Kirby Inland Marine, LP, for a five-year term to provide vessel bunkering services at Port Everglades, from October 13, 2020, through October 12, 2025; providing for franchise terms and conditions; and providing for severability and an effective date.

#### **Why Action is Necessary**

Public hearing is required pursuant to Chapter 94-429, Laws of Florida, and Section 32.22.a of the Broward County Administrative Code. Franchises are granted pursuant to Chapter 32 of the Broward County Administrative Code.

#### **What Action Accomplishes**

It allows franchisee to continue to provide vessel bunkering 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 September 10, 2020 (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."

On September 10, 2015 (Item No. 1-PH), the Board granted renewal of a nonexclusive franchise to Kirby Inland Marine, LP ("Kirby"), to provide vessel bunkering services at Port Everglades for a five-year term, from October 13, 2015, through October 12, 2020.

Staff has reviewed the vessel bunkering service franchise renewal application against the

enumerated renewal criteria set forth in Chapter 32 of the Broward County Administrative Code. Staff's due diligence included corresponding with Kirby's representative to clarify franchise requirements and reviewing Kirby's corporate status, resumes of executive staff and list of managerial personnel, business history/experience, litigation history, insurance, financial documents and creditworthiness, discharge of previous financial obligations to 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 Kirby has maintained a favorable service performance record in Port Everglades during the term of the franchise, and that it has promoted and developed growth in the business activities, projects, or facilities of Port Everglades. Kirby disclosed violations in Section Q of the application for spills of oil into the navigable waters of the United States. All incidents involved spills of less than five gallons of oil. None of the violations occurred as a result of operations at Port Everglades. During the reporting period, a total of 42 violations were issued: 39 in the state of Texas, and three in the state of Alabama, for spills and reporting deficiencies associated with fuel barge operations in those states. Kirby paid a total of \$37,895 in fines and all cases were closed. According to Kirby, it operates the nation's largest fleet of inland tank barges (1,157) and towing vessels (350), with a combined cargo capacity of nearly 26.3 million barrels. No false or misleading information was submitted as part of the franchise renewal application. Kirby has, through the submission of the signed franchise renewal application, agreed to comply with all franchise conditions set forth in Section 32.24 of the Broward County Administrative Code.

Based on the review of information provided in the franchise renewal application, staff has determined that Kirby meets the criteria for renewal of the vessel bunkering service franchise. Vessel bunkering service franchises may be granted for any period of time up to five years. Past practice has been for staff to recommend granting the renewal of a vessel bunkering service franchise for a term of five years. Accordingly, staff is recommending that the franchise be renewed for a five-year term. The complete application and supporting documents are on file in the Port Everglades Business Administration Division.

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 September 10, 2020 (Item No. 15), are attached as Exhibit 3 and Exhibit 4.

#### **Source of Additional Information**

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

Angela Osorno Belleme, Franchise Manager, Business Administration Division, Port Everglades Department, (954) 468-0112

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

Kirby Inland Marine, LP, 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.