



Interoffice Memorandum

Date March 8, 2023

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Joseph C. Kunkel, P.E., Director, Public Works Department 

CONTACT PERSON: Dale V. Mudrak, P.E., Manager 
Development Engineering Division

PHONE NUMBER: (407) 836-7904

SUBJ: A Resolution Amending Resolution No. 91-M-62 and Superseding Resolution No. 2013-M-48 and Resolution No. 2018-M-23 regarding Letters of Credit and Cash Escrows

On October 1, 1991, the Board adopted Resolution No. 91-M-62 which authorized the County Chairman [Mayor] to approve the acceptance and release of letters of credit and cash escrows for the Public Works Department in conjunction with Excavation and Fill projects, infrastructure for residential and commercial subdivisions, and other road and improvement projects. On February 8, 1994, the Board adopted Ordinance No. 94-4 which amended Chapter 34 of the Orange County Code, Subdivision Regulations, and included an attachment entitled "Engineering Forms and Formulas".

On November 5, 2013, the Board adopted Resolution No. 2013-M-48 which updated the standard letter of credit form as contained in the 1994 Supplement and created a new letter of credit insert for site stabilization projects. On August 7, 2018, the Board adopted Resolution No. 2018-M-23 which amended the 1991 Resolution and the 2013 Resolution to allow the Mayor to amend, as well as accept, letters of credit or cash escrows of any of the project types.

Staff is requesting that the Board approve this resolution which would supersede the 2013 and 2018 Resolutions, so that all of the updated letter of credit forms are in one resolution, while also reaffirming all of the forms and responsibilities contained therein. This Resolution would also create a new Second Lift of Asphalt letter of credit insert and create a new letter of credit for performance and maintenance of construction in the county rights-of-way pursuant to the requirements of Section 21-202 and Section 21-208 of the Orange County Code. Additionally, this Resolution would allow the Mayor to appoint a "Designee" to authorize, accept or amend letters of credit or cash escrows. Lastly, the effective date of this Resolution would be retroactive to January 1, 2018, to allow for certain letters of credit that had been accepted for second lifts of asphalt in the past. This Resolution has been reviewed by the County Attorney's Office and found acceptable as to form.

March 8, 2023

Mayor Jerry L. Demings and County Commissioners

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Action Requested: Approval and execution of Resolution of the Orange County Board of County Commissioners Amending Resolution No. 91-M-62 and Superseding Resolution No. 2013-M-48 and Resolution No. 2018-M-23 regarding Acceptance and Release of Letters of Credit or Cash Escrows Securing Excavation and Fill Projects, Infrastructure for Residential and Commercial Subdivisions, and Other Road and Improvement Projects; Reaffirming the Standard Orange County Standard Letter of Credit Form; Reaffirming a Letter of Credit Insert for Site Stabilization Projects; Creating New Letter of Credit Forms for the Performance and Maintenance of Construction Pursuant to a Right-of-Way Utilization Permit; Creating a New Letter of Credit Insert for Second Lift of Asphalt Projects; and Delegating to the County Mayor or Designee the Authority to Accept or Amend, and to the Public Works Director or the County Engineer the Authority to Release, Letters of Credit or Cash Escrows Securing those Above-described Construction Projects. All Districts.

JCK/DVM/sa

Attachments