

# Judge denies injunction against JCC government center

Work will continue, county says



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Rendering of proposed \$190 million government center

A substitute judge denied an emergency injunction to stop preliminary work on the James City County government center Wednesday. The judge said she was not convinced the case against the county would eventually succeed.

Local taxpayers represented by Attorney Christopher Woodfin argued James City County needed to go through a voter referendum to approve a bond to pay for the \$190 million government center.

The county, which has denied that premise, filed a motion saying the statute of limitations for filing the complaint had passed.

Substitute Judge Jan Brody set a Jan. 13 date in Williamsburg-James City County Circuit Court to continue the case.

Site work on the government center will continue.

At the center of the legal arguments is whether the bonds being used for the current work, issued by the James City County Economic Development Authority, are a long-term debt obligation of the county, which would then require a voter referendum under Virginia law.

Woodfin told the judge the EDA is not truly independent, and the use of the EDA money was an attempt to avoid issuing a general obligation bond.

County attorney Adam Kinsman responded that the EDA was established in full compliance with state law and is, in fact, an independent body even if its members are appointed by the board of supervisors. He said the Oct. 8, 2024 board resolution on the bond in question made it clear the current board of supervisors was not obliging future boards to repay it, and thus it was not a county debt obligation.

He noted the county was paying half a percentage point more in interest with the EDA debt because it does not pledge the county to repay it.

County supervisors approved the complex transaction as a lease financing, described by Finance Director Sharon B. McCarthy as a legal alternative to bonded indebtedness for Virginia counties in those cases where the county cannot commit to a general obligation financing.

The debt was issued as a revenue bond because the facilities are leased to the EDA, which then leases them back to the county for a sum that is enough to pay for annual debt service.

The county's legal argument hinges on the resolution approved at that Oct. 8 meeting, which says the repayment would come from money appropriated by the board of supervisors. Kinsman said that does not legally bind future boards from repaying, and the judge agreed.

"I can't imagine" the county not continuing to pay on the EDA bond, Woodfin argued. The judge agreed nonpayment would create problems, but said the resolution was clear that the county was not pledging repayment.



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## Rider struck by SUV dies

Wesley Wheeler, 62, of the 3700 block of Mesa River, died just before midnight Nov. 25 from injuries he suffered after being struck by an SUV a week earlier, James City County police announced.

Police said Wheeler was hit by an SUV when he rode his electric bike through a red light at the intersection of Monticello Avenue and Casey Boulevard on Nov. 18.

The driver of the GMC Envoy that struck Wheeler, a 72-year-old York County man, stopped and tried to help the victim. The driver had a green light and was not charged, police said.

The accident occurred before sunrise just after 6 a.m., police said.

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