

AT A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE JAMES CITY SERVICE AUTHORITY, JAMES CITY COUNTY, VIRGINIA, HELD ON THE 2ND DAY OF MAY, NINETEEN HUNDRED NINETY-FOUR, AT 9:25 P.M. IN THE COUNTY GOVERNMENT CENTER BOARD ROOM, 101 MOUNTS BAY ROAD, JAMES CITY COUNTY, VIRGINIA.

A. ROLL CALL

David L. Sisk, Chairman
Robert A. Magoon, Jr., Vice Chairman
Perry M. DePue
Jack D. Edwards
Stewart U. Taylor

David B. Norman, Secretary
John E. McDonald, Treasurer
Frank M. Morton, III, County Attorney
Larry M. Foster, General Manager

B. BOARD CONSIDERATION

Mr. Larry M. Foster, General Manager, James City Service Authority, provided a formal report regarding a sewer back-up that affected four residences, 502, 503, 504, and 505 Spring Trace in the Season's Trace subdivision on March 27, 1994. He stated that the written report was provided giving the same information that was orally reported during Public Comment at the April 18, 1994, Board of Directors' meeting.

He further stated that the sewer blockage was caused by a piece of concrete that was lodged in the main sewer line located in Spring Trace Street, and property loss report was filed with the insurance carrier per normal procedures. He indicated that the insurance adjuster determined that the Service Authority was not negligent.

Mr. DePue made a motion that the Board of Directors allow an amount of compensation to the four homeowners affected by the sewer back-up.

Mr. Frank M. Morton, III, County Attorney, reminded the Board that the Service Authority had sovereign immunity which would prohibit making a payment in this instance and the Commonwealth's Attorney General had ruled that sovereign immunity can not be waived.

Mr. DePue withdrew his motion.

The Board expressed frustration and regret that it could not compensate the home owners for their losses.

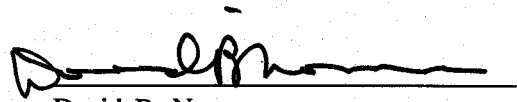
Mr. Magoon made a motion for staff to provide an information sheet to customers in their utility bill encouraging them to obtain insurance coverage for this type of loss.

On a roll call, the vote was: AYE: Magoon, Edwards, Taylor (3). ABSTAIN: Sisk, DePue (2). NAY: (0).

Mr. DePue made a motion to adjourn.

The motion passed by unanimous voice vote.

The Board adjourned at 9:42 p.m.



David B. Norman
Secretary to the Board

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