

**AN ORDER OF THE BOARD OF EDUCATION
OF THE COUNTY OF BERKELEY
DIRECTING AN ELECTION TO BE HELD FOR THE PURPOSE OF
SUBMITTING TO THE VOTERS OF BERKELEY COUNTY
SCHOOL DISTRICT ALL QUESTIONS
CONNECTED WITH THE CONTRACTING OF A DEBT AND THE ISSUING
OF BONDS IN THE PRINCIPAL AMOUNT NOT TO EXCEED
ONE HUNDRED TWENTY FOUR MILLION NINE HUNDRED FORTY THOUSAND
DOLLARS (\$124,940,000)**

**BE IT ORDERED AND ENTERED OF RECORD BY THE BOARD OF
EDUCATION OF THE COUNTY OF BERKELEY:**

It appears to The Board of Education of the County of Berkeley (the "Board"), from the experience of the Board in operating the schools in the Berkeley County School District (the "School District"), and after carefully reviewing and considering information available to the Board and the needs of the School District regarding the desire for an improved educational program and facilities, the Board does accordingly find, determine and order that:

1. Adverse conditions now exist in the School District, including but not limited to inadequate, obsolete, and inefficient school buildings and related facilities, and excessive maintenance costs, that are negatively affecting proper and adequate education of students to prepare them for gainful employment or further education, and those adverse conditions, together with due regard for proper health and safety standards, make it necessary that the Board acquire, enlarge, equip, extend, furnish, improve, construct, and renovate certain school buildings and facilities, all as further described and shown below (collectively, the "Projects"); and such adverse conditions and requirements have been found and are hereby determined to exist, pursuant to investigation caused to be made by this Board.

2. The funds derived from current levies which this Board is now authorized by law to lay, after providing for administration of the affairs of the Board and meeting the current expenses thereof required by law, are insufficient to finance the Projects and, therefore, bonds should be issued to provide funds for such Projects.

3. To obtain the required funds for the Projects, it will be necessary to incur debt and issue bonds for the construction, acquisition, improvement, renovation, equipping and furnishing of the Projects. Information provided to the Board, including estimates of architects and engineers engaged by the Board, show that the School District anticipates spending the sum of One Hundred Forty Nine Million Nine Hundred Forty Thousand Dollars (\$149,940,000) for such purposes, including the proceeds of the sale of the general obligation bonds hereinafter referenced (the "Bonds") in the amount not to exceed One Hundred Twenty Four Million Nine Hundred Forty Thousand Dollars (\$124,940,000), all for the general purposes of providing adequate, safe, efficient and convenient educational facilities for the School District, including costs of issuance and sale of the Bonds, all as further described below.

4. As of the date hereof, the current aggregate valuation of the taxable property in the School District, as shown by the last assessment thereof for State and County taxation purposes, is \$7,170,532,185 and valuation of each class of property within the School District is as follows:

Class I	\$0
Class II	\$4,598,416,472

Class III	\$2,033,726,305
Class IV	\$538,389,408
<u>Total</u>	<u>\$7,170,532,185</u>

5. As of the date hereof, the Board and the School District have outstanding bonded indebtedness in the aggregate amount of \$11,635,000 for which taxes have been levied, and outstanding unbonded indebtedness in the amount of \$17,195,000. The maximum bonded indebtedness the Board may incur is \$358,526,609.25. Accordingly, Bonds in the amount of \$124,940,000, taking into account the other Bonds issued by or on behalf of the Board currently outstanding in the aggregate of amount of \$11,635,000 and outstanding unbonded indebtedness in the amount of \$17,195,000, together being less than five percent (5%) of the value of such taxable property as ascertained by the last assessments thereof for State and County taxes, may be issued and sold without violating any constitutional or statutory provision.

6. Bonds in the denomination of \$5,000.00 each, or integral multiples thereof, aggregating up to an amount **not to exceed \$124,940,000** should be issued and sold, the proceeds of which shall be used for the Projects in the manner hereinafter described; provided, however, that in the event that any part of the Bond proceeds should not be needed for completion of the Projects or as otherwise approved by the voters, such unneeded funds shall be deposited with the Municipal Bond Commission of West Virginia to be used solely for the purchase of any Bonds of this issue outstanding at not more than the par value thereof plus accrued interest to date of purchase or for the payment of such Bonds and the interest thereon at the maturities thereof. The proceeds of sale of the Bonds will not be used except as herein specified; provided, that the Board shall have the authority to pay matured interest and the principal amount of any matured Bonds from Bond proceeds until levy money is available to pay the same and thereafter, the Bond proceeds expended for this purpose shall be reimbursed from levy money collected.

7. The question of incurring said debt and issuing said Bonds and all other questions properly connected therewith shall be submitted to the voters of the School District at the general election to be held on **Tuesday, November 8, 2022**, and the commissioners and clerks for holding said election, at each of the legally established voting precincts in Berkeley County, West Virginia, shall be those commissioners and clerks designated, appointed and certified by the County Commission of Berkeley County, West Virginia in connection with said general election.

8. The Bonds shall bear interest at a rate or rates not exceeding the rate of **five and three-quarters percent (5.75%) per annum**, with interest payable semiannually and principal payable annually, but it is hoped that the best bid for the Bonds will provide a lower interest rate (which could result in somewhat lower levy rates needed to pay the Bonds and the interest thereon); and the Bonds shall be payable for a maximum term of **fifteen and three-quarter (15 3/4) years** from the date thereof.

9. The Bonds shall be issued only in book entry or registered form as to principal and interest in compliance with the United States Internal Revenue Code Sections 103 and 149 (26 U.S.C.A. §§ 103 and 149), as amended, and as authorized by the West Virginia Public Obligations Registration Act, Article 2F, Chapter 13 of the Code of West Virginia, 1931, as amended (the "Code").

10. The proceeds of the Bonds, if authorized by the voters, are to be expended on the following Projects:

[See the table on the following page.]

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
<p>A New Falling Waters Area Elementary School</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for a new Falling Waters Area Elementary School, which will meet School Building Authority of West Virginia standards and guidelines and provide a safe and engaging learning environment for students. The new school will serve students in grades K-2.</p>	<p>In the vicinity of Falling Waters, WV</p>	<p>\$34,080,000</p>
<p>A New Gerrardstown Area Elementary School</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for a new Gerrardstown Area Elementary School, which will meet School Building Authority of West Virginia standards and guidelines and provide a safe and engaging learning environment for students. The new school will serve students in grades K-2.</p>	<p>In the vicinity of Gerrardstown, WV</p>	<p>\$34,080,000</p>
<p>Bedington Elementary School</p> <p>Develop, acquire, design, construct, equip, furnish, improve, renovate, remodel, and pay all fees and expenses for improvements to Bedington Elementary School.</p>	<p>Martinsburg, WV</p>	<p>\$1,875,000</p>
<p>Marlowe Elementary School</p> <p>Develop, acquire, design, construct, equip, furnish, improve, renovate, remodel, and pay all fees and expenses for improvements to Marlowe Elementary School.</p>	<p>Falling Waters, WV</p>	<p>\$1,875,000</p>
<p>Hedgesville Pre-K Center</p>	<p>Hedgesville, WV</p>	<p>\$14,910,000</p>

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
<p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for a new Hedgesville Pre-K Center, which will meet West Virginia Department of Education standards and guidelines and provide a safe and engaging learning environment for students. The center will serve students aged 3-5 years old.</p>		
<p>Inwood Pre-K Center</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for a new Inwood Pre-K Center, which will meet West Virginia Department of Education standards and guidelines and provide a safe and engaging learning environment for students. The center will serve students aged 3-5 years old.</p>	Inwood, WV	\$14,910,000
<p>Tomahawk Intermediate School</p> <p>Develop, acquire, design, construct, equip, improve, furnish and pay all fees and expenses for additional classrooms, corridors, and related facilities in Tomahawk Intermediate School.</p>	Hedgesville, WV	\$4,260,000
<p>Installation of Safe School Entrances Throughout the School District</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for the installation of safe school entrances throughout the School District, including but not limited to the following schools: Spring Mills Middle School; Marlowe Elementary School; Bedington Elementary School; Hedgesville Elementary School; Tomahawk Intermediate School; Hedgesville Middle School; Back Creek Valley Elementary School; Gerrardstown Elementary School; Inwood Primary School; Burke Street</p>	Throughout the School District	\$4,425,000

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
<p>Elementary School; Rosemont Elementary School; Tuscarora Elementary School; Winchester Avenue Elementary School; and Hedgesville High School.</p>		
<p>Updates and Improvements to Security Systems, Fire Alarms, Cameras, and Intercoms Throughout the School District</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for security systems, fire alarms, cameras, and intercoms throughout the School District, including but not limited to the following schools: Berkeley Heights High School; Rosemont Elementary School; Valley View Elementary School; Back Creek Valley Elementary School; Opequon Elementary School; Tuscarora Elementary School; Burke Street Elementary School; Winchester Avenue Elementary School; Eagle Intermediate School; Orchard View Intermediate School; Potomack Intermediate School; Hedgesville Middle School; Mountain Ridge Middle School; Musselman Middle School; North Middle School; South Middle School; Spring Mills Middle School; Hedgesville High School; Martinsburg High School; Musselman High School; and Spring Mills High School.</p>	<p>Throughout the School District</p>	<p>\$4,484,150</p>
<p>Major Roof Repairs and Replacements Throughout the School District</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for major roof repairs, renovations, and replacements throughout the School District, including but not limited to the</p>	<p>Throughout the School District.</p>	<p>\$5,971,200</p>

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
<p>following schools: Back Creek Valley Elementary School; Bedington Elementary School; Hedgesville Elementary School; Inwood Primary School; Marlowe Elementary School; Pikeside Learning Center; Mill Creek Intermediate School; Orchard View Intermediate School; Tomahawk Intermediate School; South Middle School; Spring Mills Middle School; and Hedgesville High School.</p>		
<p>Fencing Improvements at Eagle School Intermediate, Mountain Ridge Intermediate School, Orchard View Intermediate School, and Potomack Intermediate School</p> <p>Improving, repairing, renovating, and supplementing fencing in the School District, including but not limited to the following schools: Eagle School Intermediate; Mountain Ridge Intermediate School; Orchard View Intermediate School; and Potomack Intermediate School.</p>	Throughout the School District	\$300,000
<p>HVAC Improvements and Replacements Throughout the School District</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for HVAC improvements and replacements throughout the School District, including but not limited to the following schools: Bedington Elementary School; Hedgesville High School; Tomahawk Intermediate School; Back Creek Valley Elementary School; Musselman Middle School; Inwood Primary School; Burke Street Elementary School; Winchester Avenue Elementary School; and Martinsburg High School.</p>	Throughout the School District	\$15,829,650

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
<p>Plumbing and Electrical Improvements Throughout the School District</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for plumbing and electrical improvements and renovations throughout the School District, including but not limited to the following schools: Burke Street Elementary School; Hedgesville Elementary School; Winchester Avenue Elementary School; Mill Creek Intermediate School; and Martinsburg High School.</p>	<p>Throughout the School District.</p>	<p>\$2,513,000</p>
<p>Renovations and Improvements to Athletic Facilities Throughout the School District</p> <p>Design, construct, equip, furnish, renovate, improve, and pay all fees and expenses for the restrooms and concessions, softball field, track, and tennis lights at Martinsburg High School; the turf, track, and tennis lights at Musselman High School; the turf, restrooms, and tennis lights at Hedgesville High School; and the turf, restrooms, press box, and batting cages at Spring Mills High School, among other schools.</p>	<p>Throughout the School District</p>	<p>\$4,232,000</p>
<p>Renovations and Improvements to the Fine Arts Facilities at Martinsburg High School and Musselman Middle School</p> <p>Design, construct, equip, furnish, renovate, improve, and pay all fees and expenses for renovations and improvements to the auditorium and fine arts facilities at Martinsburg High School and for renovations and improvements to the auditorium ceiling</p>	<p>Martinsburg, WV Bunker Hill, WV</p>	<p>\$5,820,000</p>

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
at Musselman Middle School, among other schools.		
	Total Estimated Project Cost (including Costs of Issuance): Estimated Project Costs Funded by Other Sources, including but not limited to SBA Funds, and/or Federal, State, Local, Lease Purchase, and/or Private Funds: Project Costs Funded by Bond Proceeds: Estimated Costs of Issuance: <u>TOTAL PAR AMOUNT OF BONDS:</u>	\$149,940,000 \$25,000,000* \$124,565,000 \$375,000 <u>\$124,940,000</u>

* For the avoidance of doubt, the Estimated Project Costs Funded by Other Sources may be an amount greater or less than \$25,000,000, depending on the final designs, plans and specifications of the respective Projects and actual costs of construction of the Projects.

The amounts set forth above as “Total Par Amount of Bonds” for the Projects includes the estimated Costs of Issuance for the Bonds, which may be funded from the proceeds of the Bonds that would be issued in the aggregate principal amount of One Hundred Twenty Four Million Nine Hundred Forty Thousand Dollars (\$124,940,000). The Board shall be authorized to pay such Costs of Issuance from its general funds and/or from the proceeds of the Bonds, as the Board deems appropriate at the time such Costs of Issuance are required to be paid.

If the Bond issue is approved by the voters of the School District, the Board receives an award or commitment of School Building Authority of West Virginia funds and/or other federal, state, local, lease purchase, and/or private funds sufficient, in the Board’s reasonable discretion, to complete the Projects, and the Bonds proposed hereby are issued, then, in connection with the Projects proposed in this Order, upon the completion of the new Falling Waters Area Elementary School, the existing Marlowe Elementary School (serving students in grades PK-2) and the existing Bedington Elementary School (serving students in grades PK-2) will be closed as elementary schools and renovated, remodeled, and repurposed as pre-K centers, and certain of those students in grades K-2 will attend the new Falling Waters Area Elementary School. Further, upon completion of the new Gerrardstown Area Elementary School, the existing Gerrardstown Elementary School (serving students in grades PK-2) will be repurposed for Berkeley County Schools programming, and the existing Inwood Primary School (serving students in grades PK-2) will be retired and a new pre-K center will be erected in its place, and

certain of those students in grades K-2 at Gerrardstown Elementary School and Inwood Primary School will attend the new Gerrardstown Area Elementary School.

The foregoing estimated Project Cost amounts include the costs of acquiring any necessary lands, sites and rights-of-way and easements, if necessary, to complete the Projects, the payment of interest on the Bonds while the Projects are under construction and up to six months thereafter, and any engineering and architectural costs, construction costs, including, but not limited to, construction manager fees and expenses, the cost of using county maintenance personnel, the costs of erecting, improving, equipping and furnishing the Projects, the costs and estimated costs of the issuance of the Bonds, and such other costs, fees, and expenses as may be necessary and/or properly incurred in carrying out the Projects. All Handicapped and E.S.S.I.A. Title 1 expenditures are subject to written approval by the West Virginia Department of Education.

The estimated Project Costs set forth above are based upon the estimates provided to the Board by its architects, engineers and other professional advisers, and the actual costs of completing any one or more of the Projects may vary due to circumstances beyond the reasonable control of the Board. The Board may, in its discretion, allocate to and expend for any one or more of the above described Projects and/or for capital additions, renovations or improvements to existing school facilities in the School District any sum remaining unused upon completion of the Projects, whether any such sum remains unused upon such completion by reason of lower than estimated costs for such Projects or a grant or grants upon the cost of any such Projects received by the Board from the state or federal government, or any state or government agency, and/or from any other source whatsoever. If the proceeds of the Bonds and/or amounts allocated for the above-stated purposes are insufficient to complete the Projects, then the Board, in its discretion, shall allocate such shortfall to one or more of the above-stated purposes. In the event the Board shall obtain additional money by grant or otherwise from the School Building Authority of West Virginia, the State or Federal government, or from any agency of either, or from any other source (including, without limitation, other funds available to the Board, lease purchase financing, and/or private funds) for use in the acquisition, construction, renovation, improvement, furnishing, and/or equipping of the Projects, such additional money may be used either in substitution for or in addition to the proceeds of the sale of the Bonds proposed hereby, as may be determined by the Board and the granting body or agency, unless otherwise set forth in this Order.

11. The issuance of the Bonds (i) may be subject to (a) the School Building Authority of West Virginia's timely award or commitment of funds to the Board in amounts sufficient, in the Board's reasonable discretion, to undertake and complete the Projects and/or (b) the availability of other funds to the Board (including Federal, State, local, lease purchase proceeds and/or private funds from any source or any combination thereof), in amounts sufficient, in the Board's reasonable discretion, to undertake and complete the Projects, and (ii) may further be subject to any and all other necessary actions, approvals and consents required by applicable law; provided, however, that any such award of funds by the School Building Authority of West Virginia shall not be a condition precedent to the issuance of the Bonds.

12. If the voters of the School District approve the incurring of said debt and the issuance of said Bonds, the Board will lay annually upon the assessed valuation of all the taxable property within the School District an additional levy sufficient to provide funds for the payment of the annual interest upon the Bonds as such interest accrues semiannually and the principal of the Bonds at maturity, for which purposes a levy upon each \$100 valuation, based upon the last assessment of such property for State and County purposes, will be required as follows:

Upon Class I Property approximately	7.25 cents
Upon Class II Property approximately	14.50 cents
Upon Class III Property approximately	29.00 cents
Upon Class IV Property approximately	29.00 cents

For the avoidance of doubt, the levy rates set forth above are in addition to any other levies currently in place in the School District, including the levy in connection with the Board’s outstanding Public School Refunding Bonds, Series 2020.

13. In the laying of said levy, the assessment levy authorized to be laid by said Board by the Constitution of West Virginia and the statutes enacted pursuant thereto shall not be exceeded; provided, however, that said rates hereinabove set forth may, whenever necessary, be exceeded in making the annual levy for interest and principal of said Bonds within statutory and constitutional limitations; and that in the levy, collection and disbursement of taxes within constitutional and statutory limitations, this levy for interest and principal shall have preference over all other taxes collected by said School District for any purpose whatsoever, except the payment of the interest and sinking fund requirements on any other bond issue or issues which lawfully have been authorized heretofore or which may be authorized hereafter.

14. If the debt represented by this Bond issue shall be approved by the voters, such Bonds, together with all existing bonded indebtedness heretofore incurred under Section 1, Article X, of the Constitution, will not exceed in the aggregate five percent (5%) of the taxable property in the School District ascertained in accordance with Sections 8 and 10, Article X, of the Constitution of this State and will be payable from a direct annual tax levied and collected in each year on all taxable property in said School District, sufficient to pay the principal and interest maturing on said Bonds in each year, which maximum rates are provided for tax levies for school districts on the several classes of property in Section 1, Article X of the Constitution, but in the same proportions as such maximum rates are levied outside the limits fixed by Section 1, Article X of the Constitution.

15. If the debt and Bonds submitted to the voters shall be approved, by virtue of Section 8, Article X of the Constitution, known as the “School Bond Amendment,” and the enabling legislation enacted by the Legislature of West Virginia Regular Session, 1951, amending and reenacting Sections 3 and 4, Article 1, Chapter 13, of the Code, and the enabling legislation enacted by the Legislature of West Virginia, Regular Session, 1959, amending and reenacting Section 4 and adding Section 34, Article 1, Chapter 13, of the Code, levies hereinbefore provided will not violate any constitutional or statutory provisions of this State establishing maximum levies, said levies herein provided shall be levied and allocated each year for the purposes of discharging the interest and principal of the Bonds to be authorized, and for such purposes shall be laid separate and apart from all other levies made for all other purposes of the School District, and the Board does further find that after laying and allocating said special levies for payment of principal and interest requirements of said Bonds, there will be, out of the levies authorized by law and apportioned for current expenses, a sufficient levy authorized by law which, when added to other income, will be sufficient to carry out the proper requisite functions of said Board and of said School District.

16. Bowles Rice LLP is hereby approved, authorized and retained to serve as bond counsel to the Board in connection with the Bonds, and Piper Sandler & Co. is hereby approved, authorized and retained to serve as municipal advisor to the Board in connection with the Bonds.

17. The commissioners and clerks appointed and certified for the purpose of the general election shall be the same commissioners and clerks designated, appointed and certified by the County Commission and, if necessary, as adopted by a supplemental order of this Board.

18. Notice of this question shall be given by publication of this Order at least once each week for two (2) successive weeks before the election and within fourteen (14) consecutive days next preceding such general election in *The Journal*, a qualified newspaper of primary circulation in the School District as certified by the Secretary of State of the State of West Virginia.

19. The ballot shall be in the form set forth on the following page:

OFFICIAL BALLOT
 THE BOARD OF EDUCATION OF THE COUNTY OF BERKELEY
 GENERAL ELECTION HELD TUESDAY, NOVEMBER 8, 2022

Shall The Board of Education of the County of Berkeley incur debt and issue Bonds, in one or more series, in the amount of not more than ONE HUNDRED TWENTY FOUR MILLION NINE HUNDRED FORTY THOUSAND DOLLARS (\$124,940,000), with maturities on such Bonds to run not more than fifteen and three-quarter (15 3/4) years from the date of such Bonds, with interest not exceeding the rate of five and three-quarters percent (5.75%) per annum, payable semi-annually, for purposes of designing, planning, developing, constructing, acquiring, improving, renovating, equipping, and/or furnishing certain school building facilities and related real property, as more particularly described in the project list set forth below (collectively, the “Projects”) in the Berkeley County School District (the “School District”) to provide adequate, safe and convenient educational facilities for the School District, and levy taxes sufficient to pay the interest on and the principal of such Bonds:

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
<p>A New Falling Waters Area Elementary School</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for a new Falling Waters Area Elementary School, which will meet School Building Authority of West Virginia standards and guidelines and provide a safe and engaging learning environment for students. The new school will serve students in grades K-2.</p>	<p>In the vicinity of Falling Waters, WV</p>	<p>\$34,080,000</p>
<p>A New Gerrardstown Area Elementary School</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for a new Gerrardstown Area Elementary School, which will meet School Building Authority of West Virginia standards and guidelines and provide a safe and engaging learning environment for students. The new school will serve students in grades K-2.</p>	<p>In the vicinity of Gerrardstown, WV</p>	<p>\$34,080,000</p>

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
<p>Bedington Elementary School</p> <p>Develop, acquire, design, construct, equip, furnish, improve, renovate, remodel, and pay all fees and expenses for improvements to Bedington Elementary School.</p>	Martinsburg, WV	\$1,875,000
<p>Marlowe Elementary School</p> <p>Develop, acquire, design, construct, equip, furnish, improve, renovate, remodel, and pay all fees and expenses for improvements to Marlowe Elementary School.</p>	Falling Waters, WV	\$1,875,000
<p>Hedgesville Pre-K Center</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for a new Hedgesville Pre-K Center, which will meet West Virginia Department of Education standards and guidelines and provide a safe and engaging learning environment for students. The center will serve students aged 3-5 years old.</p>	Hedgesville, WV	\$14,910,000
<p>Inwood Pre-K Center</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for a new Inwood Pre-K Center, which will meet West Virginia Department of Education standards and guidelines and provide a safe and engaging learning environment for students. The center will serve students aged 3-5 years old.</p>	Inwood, WV	\$14,910,000
<p>Tomahawk Intermediate School</p> <p>Develop, acquire, design, construct, equip, improve, furnish and pay all fees and expenses for additional classrooms, corridors, and related facilities in Tomahawk Intermediate School.</p>	Hedgesville, WV	\$4,260,000

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
<p>Installation of Safe School Entrances Throughout the School District</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for the installation of safe school entrances throughout the School District, including but not limited to the following schools: Spring Mills Middle School; Marlowe Elementary School; Bedington Elementary School; Hedgesville Elementary School; Tomahawk Intermediate School; Hedgesville Middle School; Back Creek Valley Elementary School; Gerrardstown Elementary School; Inwood Primary School; Burke Street Elementary School; Rosemont Elementary School; Tuscarora Elementary School; Winchester Avenue Elementary School; and Hedgesville High School.</p>	Throughout the School District	\$4,425,000
<p>Updates and Improvements to Security Systems, Fire Alarms, Cameras, and Intercoms Throughout the School District</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for security systems, fire alarms, cameras, and intercoms throughout the School District, including but not limited to the following schools: Berkeley Heights High School; Rosemont Elementary School; Valley View Elementary School; Back Creek Valley Elementary School; Opequon Elementary School; Tuscarora Elementary School; Burke Street Elementary School; Winchester Avenue Elementary School; Eagle Intermediate School; Orchard View Intermediate School; Potomack Intermediate School; Hedgesville Middle School; Mountain Ridge Middle</p>	Throughout the School District	\$4,484,150

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
<p>School; Musselman Middle School; North Middle School; South Middle School; Spring Mills Middle School; Hedgesville High School; Martinsburg High School; Musselman High School; and Spring Mills High School.</p>		
<p>Major Roof Repairs and Replacements Throughout the School District</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for major roof repairs, renovations, and replacements throughout the School District, including but not limited to the following schools: Back Creek Valley Elementary School; Bedington Elementary School; Hedgesville Elementary School; Inwood Primary School; Marlowe Elementary School; Pikeside Learning Center; Mill Creek Intermediate School; Orchard View Intermediate School; Tomahawk Intermediate School; South Middle School; Spring Mills Middle School; and Hedgesville High School.</p>	<p>Throughout the School District.</p>	<p>\$5,971,200</p>
<p>Fencing Improvements at Eagle School Intermediate, Mountain Ridge Intermediate School, Orchard View Intermediate School, and Potomack Intermediate School</p> <p>Improving, repairing, renovating, and supplementing fencing in the School District, including but not limited to the following schools: Eagle School Intermediate; Mountain Ridge Intermediate School; Orchard View Intermediate School; and Potomack Intermediate School.</p>	<p>Throughout the School District</p>	<p>\$300,000</p>

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
<p>HVAC Improvements and Replacements Throughout the School District</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for HVAC improvements and replacements throughout the School District, including but not limited to the following schools: Bedington Elementary School; Hedgesville High School; Tomahawk Intermediate School; Back Creek Valley Elementary School; Musselman Middle School; Inwood Primary School; Burke Street Elementary School; Winchester Avenue Elementary School; and Martinsburg High School.</p>	Throughout the School District	\$15,829,650
<p>Plumbing and Electrical Improvements Throughout the School District</p> <p>Develop, acquire, design, construct, equip, furnish, improve, and pay all fees and expenses for plumbing and electrical improvements and renovations throughout the School District, including but not limited to the following schools: Burke Street Elementary School; Hedgesville Elementary School; Winchester Avenue Elementary School; Mill Creek Intermediate School; and Martinsburg High School.</p>	Throughout the School District.	\$2,513,000
<p>Renovations and Improvements to Athletic Facilities Throughout the School District</p> <p>Design, construct, equip, furnish, renovate, improve, and pay all fees and expenses for the restrooms and concessions, softball field, track, and tennis lights at Martinsburg High School; the turf, track, and tennis lights</p>	Throughout the School District	\$4,232,000

<u>PROJECT</u>	<u>LOCATION</u>	<u>ESTIMATED COST</u>
at Musselman High School; the turf, restrooms, and tennis lights at Hedgesville High School; and the turf, restrooms, press box, and batting cages at Spring Mills High School, among other schools.		
<p>Renovations and Improvements to the Fine Arts Facilities at Martinsburg High School and Musselman Middle School</p> <p>Design, construct, equip, furnish, renovate, improve, and pay all fees and expenses for renovations and improvements to the auditorium and fine arts facilities at Martinsburg High School and for renovations and improvements to the auditorium ceiling at Musselman Middle School, among other schools.</p>	Martinsburg, WV Bunker Hill, WV	\$5,820,000
	<p>Total Estimated Project Costs (including Costs of Issuance):</p> <p>Estimated Project Costs Funded by Other Sources, including but not limited to SBA Funds, and/or Federal, State, Local, Lease Purchase, and/or Private Funds:</p> <p>Project Costs Funded by Bond Proceeds:</p> <p>Estimated Costs of Issuance:</p> <p><u>TOTAL PAR AMOUNT OF BONDS:</u></p>	<p>\$149,940,000</p> <p>\$25,000,000*</p> <p>\$124,565,000</p> <p>\$375,000</p> <p><u>\$124,940,000</u></p>

* For the avoidance of doubt, the Estimated Project Costs Funded by Other Sources may be an amount greater or less than \$25,000,000, depending on the final designs, plans and specifications of the respective Projects and actual costs of construction of the Projects.

The amounts set forth above as “Total Par Amount of Bonds” for the Projects includes estimated Costs of Issuance for the Bonds, which may be funded from the proceeds of the Bonds that would be issued in the aggregate principal amount of One Hundred Twenty Four Million Nine Hundred Forty Thousand Dollars (\$124,940,000). The Board shall also be authorized to pay such Costs of Issuance from its general funds and/or the proceeds of the Bonds, as the Board deems appropriate at the time such Costs of Issuance are required to be paid.

If the Bond issue is approved by the voters of the School District, the Board receives an award or commitment of School Building Authority of West Virginia funds and/or other Federal, State, local, lease purchase, and/or private funds sufficient, in the Board’s reasonable discretion, to complete the Projects, and the Bonds proposed hereby are issued, then, in connection with the Projects proposed, upon the completion of the new Falling Waters Area Elementary School, the existing Marlowe Elementary School (serving students in grades PK-2) and the existing Bedington Elementary School (serving students in grades PK-2) will be closed as elementary schools and renovated, remodeled, and repurposed as pre-K centers, and certain of those students in grades K-2 will attend the new Falling Waters Area Elementary School. Further, upon completion of the new Gerrardstown Area Elementary School, the existing Gerrardstown Elementary School (serving students in grades PK-2) will be repurposed for Berkeley County Schools programming, and the existing Inwood Primary School (serving students in grades PK-2) will be retired and a new pre-K center will be erected in its place, and certain of those students in grades K-2 at Gerrardstown Elementary School and Inwood Primary School will attend the new Gerrardstown Area Elementary School.

The issuance of the Bonds (i) may be subject to (a) the School Building Authority of West Virginia’s timely award or commitment of funds to the Board in amounts sufficient, in the Board’s reasonable discretion, to undertake and complete the Projects and/or (b) the availability of other funds to the Board (including Federal, State, local, lease purchase proceeds and/or private funds from any source or any combination thereof), in amounts sufficient, in the Board’s reasonable discretion, to undertake and complete the Projects, and (ii) may further be subject to any and all other necessary actions, approvals and consents required by applicable law; provided, however, that any such award of funds by the School Building Authority of West Virginia shall not be a condition precedent to the issuance of the Bonds.

If the voters of the School District approve the incurring of said debt and the issuance of said Bonds, the Board will lay annually upon the assessed valuation of all the taxable property within the School District an additional levy sufficient to provide funds for the payment of the annual interest upon the Bonds as such interest accrues semiannually and the principal of the Bonds at maturity, for which purposes a levy upon each \$100 valuation, based upon the last assessment of such property for State and County purposes, will be required as follows:

Upon Class I Property approximately	7.25 cents
Upon Class II Property approximately	14.50 cents
Upon Class III Property approximately	29.00 cents
Upon Class IV Property approximately	29.00 cents

For the avoidance of doubt, the levy rates set forth above are in addition to any other levies currently in place in the School District, including the levy in connection with the Board’s outstanding Public School Refunding Bonds, Series 2020.

The foregoing estimated Project Cost amounts include the costs of acquiring any necessary lands, sites and rights-of-way and easements, if necessary to complete the Projects, the payment of interest on the Bonds while the Projects are under construction and up to six months thereafter, and any engineering and architectural costs, construction costs, including, but not limited to, construction manager fees and expenses, the cost of using county maintenance personnel, the costs of erecting, improving, equipping and furnishing the Projects, the costs and estimated costs of the issuance of the Bonds, and such other costs, fees, and expenses as may be necessary and/or properly incurred in carrying out the Projects. All Handicapped and E.S.S.I.A. Title 1 expenditures are subject to written approval by the West Virginia Department of Education.

The estimated Project Costs set forth above are based upon the estimates provided to the Board by its architects, engineers and other professional advisers, and the actual costs of completing any one or more of the Projects may vary due to circumstances beyond the reasonable control of the Board. The Board may, in its discretion, allocate to and expend for any one or more of the above described Projects and/or for capital additions, renovations or improvements to existing school facilities in the School District any sum remaining unused upon completion of the Projects, whether any such sum remains unused upon such completion by reason of lower than estimated costs for such Projects or a grant or grants upon the cost of any such Projects received by the Board from the state or federal government, and/or any state or government agency, or from any other source whatsoever.

If the proceeds of the Bonds and/or amounts allocated for the above-stated purposes are insufficient to complete the Projects, then the Board, in its discretion, shall allocate such shortfall to one or more of the above-stated purposes. In the event the Board shall obtain additional money by grant or otherwise from the State or Federal government, or from any agency of either, or from any other source (including private funds, local funds, lease purchase proceeds, or other funds made available to the Board), for use in the acquisition, construction, renovation, improvement, furnishing, and/or equipping of the Projects, such additional money may be used either in substitution for or in addition to the proceeds of the sale of the Bonds proposed hereby, as may be determined by the Board and the granting body or agency.

NOTICE TO VOTERS:

To vote in favor of the proposition (for the Bond Issue) submitted on this ballot, mark an “X” in the box next to “Yes.”

To vote against the proposition (against the Bond Issue), mark an “X” in the box next to “No.”

- Yes (For the Bond Issue.)
- No (Against the Bond Issue.)

* * * * END OF SAMPLE BALLOT * * * *

20. The Secretary of the Board is hereby authorized to take any actions, and execute and deliver any documents, that may be necessary or appropriate to assist the Clerk of the County Commission of the County of Berkeley in connection with the general election and the official ballot approved by this Order, and said Clerk is hereby designated and appointed as an agent of the Board to perform all actions and duties imposed by law upon clerks of the County Commission in relation to said general election.

21. Absentee ballots shall be applied for, obtained from, and returned to the Clerk of the County Commission of the County of Berkeley, and said Clerk is hereby appointed the agent for the Board to perform all duties relating to absentee ballots in the general election.

22. The registration of voters and the use of the registration booths shall be governed by the permanent registration laws of the State, and the Board hereby adopts the registration list of Berkeley County as the official registration list of the School District for this election.

The foregoing Order was duly approved and adopted by The Board of Education of the County of Berkeley on the 15th day of August, 2022.

**THE BOARD OF EDUCATION OF
THE COUNTY OF BERKELEY**

By: _____
President

ATTEST:

Secretary

Given under my hand this 15th day of August, 2022.

Superintendent and Secretary of The Board of Education
of the County of Berkeley