

Upon motion of Brian Ferguson, the following Order was adopted:

ORDER

After full consideration thereof, The Board of Education of the County of Brooke (the "Board"), being of the opinion that the levies for current expenses authorized by Article 8, Chapter 11, of the Code of West Virginia, as amended (the "Code"), will not provide sufficient funds for the payment of current expenses of schools in Brooke County, including expenditures for the purposes herein set forth, and that a special election should be held, as provided for under the provisions of Section 16, Article 8, Chapter 11 of the Code, as amended, to approve the increase of such levies (the "Excess Levy") for the fiscal years beginning July 1, 2019, July 1, 2020, July 1, 2021, July 1, 2022, and July 1, 2023, and hereby ORDERS and DECLARES as follows:

1. The purposes and approximate amounts for which such additional funds are needed annually are set forth as follows:

<u>PURPOSES FOR WHICH ADDITIONAL FUNDS ARE NEEDED</u>	<u>ANNUAL AMOUNT FOR EACH PURPOSE</u>
<p>1. Professional and Service Salary Supplements, Stipends, Extracurricular and Extra Duty Wages and Supplements, Substitute Costs, Homebound Costs and certain Fixed Charges not funded by the State (collectively, "Professional and Service Costs") and Benefits, respectively, as more particularly described below:</p> <p>(A) Professional and Service Costs and Benefits, including, but not limited to, dental and optical plans, at the levels already provided under the excess levy in effect in Brooke County for Fiscal Years 2014 through 2018; and</p> <p>(B) Additional Professional and Service Costs, but <u>specifically excluding</u> the Assistant Superintendent, all Directors, all Principals, all Professional Accountants and the Supervisor of Child Nutrition, employed by the Board (collectively, "Excluded Employees"). For the avoidance of doubt, such Excluded Employees shall not receive any of the excess levy funds allocated to this Subpart 1(B).</p>	<p>\$1,981,940</p> <p>\$3,141,780</p>
<p>2. Health, Safety and Security Enhancements, including, but not limited to, the provision before and after care costs, new playground and Wellness Center equipment, engagement of Resource Officers and additional security for each of the schools located in Brooke County, the purchase and/or</p>	<p>\$1,434,255</p>

rental of uniforms (and related equipment and/or costs) for service personnel, capital improvements, renovations and repair of facilities for the health, safety and security of students, staff and guests and to comply with fire marshal, health, Americans with Disabilities Act, E.P.A and O.S.H.A standards.	
3. Instructional Materials, Textbooks, Supplies, Equipment and Activities , including, but not limited to, the purchase of instructional equipment, teaching supplies, textbooks, workbooks, library books, computer software, hardware and infrastructure, training and technical support, furniture and related materials, for all programs, including the music and band program.	\$171,000
4. Providers of Services and Related Costs , including, but not limited to, funds to supplement the state aid formula for the cost of transportation, and funds for the costs of legal and medical advisors and costs of expulsion hearings, grievances and court reporters.	\$335,867
5. Renovations and New Construction , including, but not limited to, updated HVAC systems, roof replacements, stadium renovations, maintenance and field equipment, paving and athletic facility repairs, maintenance and/or improvements.	\$723,397
TOTAL ANNUAL AMOUNT:	\$7,788,239

2. If any item in the above-stated purposes is declared unconstitutional or invalid due to judicial or legislative action, then any affected funds will be distributed among the remaining constitutional and valid itemized purposes.

3. The total amount necessary for said purposes, after making due allowances for uncollectibles, exonerations, delinquent taxes and tax discounts, is approximately \$7,788,239 annually, and the total amount necessary to be expended during the five-year term of this Excess Levy is approximately \$38,941,195.

4. If additional funds are made available to the Board for any of the above-stated purposes by some form of matching funds by either State or Federal governments, the amounts herein set forth may be used, solely or on a matching basis, to secure said additional funds or provide additional services. Additional funds received by grant, donation or otherwise from the state or federal government, or from any agency of either, or from any other public or private source, for the above-stated purposes, may be used either in substitution for or in addition to the funds obtained from this Excess Levy.

5. The Board may, in its discretion, reduce the maximum rates in any given year or years during the term of this Excess Levy after determining the sufficiency of funds for school purposes for the next ensuing tax year.

6. The Board is hereby authorized and empowered to expend, during the term of this Excess Levy and one additional year, the surplus, if any, accruing in excess of the above amounts needed for any of the above-stated purposes, plus excess collections due to increased assessed valuations for the enrichment, supplementation, operation, and improvement of educational services and/or facilities in the public schools of Brooke County, as Board may determine from time to time, in its discretion.

7. In the event that the actual amount collected is less than the amounts noted for the above-stated purposes for any one or more fiscal years, the Board is hereby authorized and empowered to determine, in its discretion, which one or more of the above-stated purposes shall be reduced for each such fiscal year, and the amount of each such reduction for such fiscal year; provided, that the total of all such reductions shall not exceed the amount of such collection shortfall each year; provided, further, that if any such reduction for one or more of the above-stated purposes is necessary, the Board shall not reduce the funds allocated for Subparts 1(A) and 1(B) set forth in the chart above.

8. The separate and aggregate assessed valuation of each class of taxable property within the County of Brooke is as follows:

Class I	\$	0
Class II (Homestead Excluded)		317,693,617
Class III		261,780,588
Class IV		472,041,096
Total		\$1,051,515,301

9. That the proposed additional rate of levy, in cents per \$100 of assessed value on each class of property, is as follows:

Class I Property	22.95 cents
Class II Property	45.90 cents
Class III Property	91.80 cents
Class IV Property	91.80 cents

10. That the proposed years to which the renewed excess levy shall apply are the fiscal years beginning **July 1, 2019, July 1, 2020, July 1, 2021, July 1, 2022, and July 1, 2023.**

11. That the question of such additional levies shall be submitted to a vote at a special election to be held in Brooke County, West Virginia on the 23rd day of February, 2019.

12. That notice calling such special election shall be given by the publication of this Order for said special election in the *Brooke County Review*, *Wheeling News Register*, *Steubenville Herald Star*, newspapers of general circulation in the Brooke County School District, as qualified

by the West Virginia Secretary of State. All the provisions of the laws concerning elections shall apply as far as they are practicable.

13. That the number of election officials necessary to properly conduct said election shall be three commissioners and two clerks at each place of voting, regardless of the number of voters registered to vote thereat.

14. The official ballot to be used in the election herein provided shall be in form as follows:

FORM OF BALLOT

OFFICIAL BALLOT

**Special Election to Authorize the Renewal of Additional Levies
According to the Order of The Board of Education
of the County of Brooke Adopted and Entered on November 19, 2018**

A special election to authorize additional levies (the "Excess Levy") for the fiscal years beginning July 1, 2019, July 1, 2020, July 1, 2021, July 1, 2022, and July 1, 2023, in the total amount of \$7,788,239, annually, for the purposes and approximate amounts for which such funds are needed, as follows:

<u>PURPOSES FOR WHICH ADDITIONAL FUNDS ARE NEEDED</u>	<u>ANNUAL AMOUNT FOR EACH PURPOSE</u>
<p>1. Professional and Service Salary Supplements, Stipends, Extracurricular and Extra Duty Wages and Supplements, Substitute Costs, Homebound Costs and certain Fixed Charges not funded by the State (collectively, "Professional and Service Costs") and Benefits, respectively, as more particularly described below:</p> <p>(A) Professional and Service Costs and Benefits, including, but not limited to, dental and optical plans, at the levels already provided under the excess levy in effect in Brooke County for Fiscal Years 2014 through 2018; and</p> <p>(B) Additional Professional and Service Costs, but <u>specifically excluding</u> the Assistant Superintendent, all Directors, all Principals, all Professional Accountants and the Supervisor of Child Nutrition, employed by the Board (collectively, "Excluded Employees"). For the</p>	<p>\$1,981,940</p> <p>\$3,141,780</p>

avoidance of doubt, such Excluded Employees shall not receive any of the excess levy funds allocated to this Subpart 1(B).	
2. Health, Safety and Security Enhancements , including, but not limited to, the provision before and after care costs, new playground and Wellness Center equipment, engagement of Resource Officers and additional security for each of the schools located in Brooke County, the purchase and/or rental of uniforms (and related equipment and/or costs) for service personnel, capital improvements, renovations and repair of facilities for the health, safety and security of students, staff and guests and to comply with fire marshal, health, Americans with Disabilities Act, E.P.A and O.S.H.A standards.	\$1,434,255
3. Instructional Materials, Textbooks, Supplies, Equipment and Activities , including, but not limited to, the purchase of instructional equipment, teaching supplies, textbooks, workbooks, library books, computer software, hardware and infrastructure, training and technical support, furniture and related materials, for all programs, including the music and band program.	\$171,000
4. Providers of Services and Related Costs , including, but not limited to, funds to supplement the state aid formula for the cost of transportation, and funds for the costs of legal and medical advisors and costs of expulsion hearings, grievances and court reporters.	\$335,867
5. Renovations and New Construction , including, but not limited to, updated HVAC systems, roof replacements, stadium renovations, maintenance and field equipment, paving and athletic facility repairs, maintenance and/or improvements.	\$723,397
TOTAL ANNUAL AMOUNT:	\$7,788,239

If any item in the above-stated purposes is declared unconstitutional or invalid due to judicial or legislative action, then any affected funds will be distributed among the remaining constitutional and valid itemized purposes.

The total amount necessary for said purposes, after making due allowances for uncollectibles, exonerations, delinquent taxes and tax discounts, is approximately \$7,788,239

annually, and the total amount necessary to be expended during the five-year term of this Excess Levy is approximately \$38,941,195.

If additional funds are made available to The Board of Education of the County of Brooke (the "Board") for any of the above purposes by some form of matching funds by either State or Federal governments, the amounts herein set forth may be used, solely or on a matching basis, to secure said additional funds or provide additional services. Additional funds received by grant or otherwise from the state or federal government, or from any agency of either, or from any other public or private source, for the above-stated purposes, may be used either in substitution for or in addition to the funds obtained from this Excess Levy.

The Board may, in its discretion, reduce the maximum rates in any given year or years during the term of this Excess Levy after determining the sufficiency of funds for school purposes for the next ensuing tax year. The Board will not issue bonds in connection with the approval of the proposed increased levy.

The Board is hereby authorized and empowered to expend, during the term of this Excess Levy and one additional year, the surplus, if any, accruing in excess of the above amounts needed for any of the above-stated purposes, plus excess collections due to increased assessed valuations for the enrichment, supplementation, operation, and improvement of educational services and/or facilities in the public schools of Brooke County, as Board may determine from time to time, in its discretion.

In the event that the actual amount collected is less than the amounts noted for the above-stated purposes for any one or more fiscal years, the Board is hereby authorized and empowered to determine, in its discretion, which one or more of the above-stated purposes shall be reduced for each such fiscal year, and the amount of each such reduction for such fiscal year; provided, that the total of all such reductions shall not exceed the amount of such collection shortfall each year; provided, further, that if any such reduction for one or more of the above-state purposes is necessary, the Board shall not reduce the funds allocated for Subparts 1(A) and 1(B) set forth in the chart above.

That the proposed additional rate of levy, in cents per \$100 of assessed value on each class of property, is as follows:

Class I Property	22.95 cents
Class II Property	45.90 cents
Class III Property	91.80 cents
Class IV Property	91.80 cents

That the proposed years to which the additional rate of levies shall apply are the fiscal years beginning **July 1, 2019, July 1, 2020, July 1, 2021, July 1, 2022, and July 1, 2023.**

FOR THE LEVY

AGAINST THE LEVY

INSTRUCTION TO VOTER

Those favoring the renewal of the 100% levy, mark in the square before "FOR THE LEVY"; and those against such levy, mark in square before "AGAINST THE LEVY".

END OF FORM OF BALLOT

15. The Board will not issue bonds in connection with the approval of the proposed increased levy.

16. The Secretary of the Board with the assistance of the Clerk of the County Commission of the County of Brooke, which said Clerk is hereby designated and appointed as an agent of this Board for this election, are hereby authorized and directed to procure and furnish to the election commissioners at each voting precinct, insofar as practicable, the ballots, poll books, tally sheets and other things necessary for conducting the election, as provided by Section 11, Article 1, Chapter 13 of the Code, and perform all duties imposed by law upon clerks of the County Commission in relation to primary, special and general elections, and assist the County Commission, sitting as the board of canvassers, with canvassing the results of the election in accordance with Section 13, Article 1, Chapter 13 of the Code. The commissioners and clerks appointed and certified for the purpose of the election shall be the same commissioners and clerks designated, appointed and certified by the County Commission.

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

18. The registration of voters and the use of the registration booths shall be governed by the permanent registration law of the State of West Virginia and the Board hereby adopts the registration list of Brooke County as the official registration list of the school district for this special election.

[Signature page follows this page.]

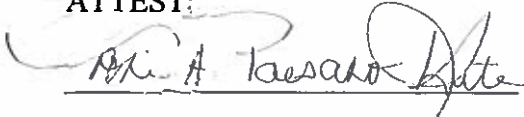
Adopted and entered on this 19th day of November, 2018.

THE BOARD OF EDUCATION OF THE
COUNTY OF BROOKE



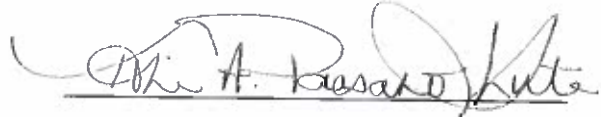
President

ATTEST:



M. A. Pasano

Given under my hand this 19th day of November, 2018.



M. A. Pasano