

ORDER

After full consideration thereof, The Board of Education of the County of Clay [West Virginia] (the "Board"), being of the opinion that the levies for current expenses authorized by Article 8, Chapter 11 of the Code of West Virginia, 1931, as amended (the "Code"), will not provide sufficient funds for the payment of general current expenses of schools in Clay County, West Virginia, including expenditures for the purposes hereinafter stated, during the fiscal years beginning July 1, 2024, July 1, 2025, July 1, 2026, July 1, 2027, and July 1, 2028, and having ascertained that the approximate average amounts hereinafter shown in excess of the amounts raised by regular levies will be needed by the Board, subject to variations from year to year, during each of said five (5) fiscal years, and that the question of increase of such levies should be submitted to the voters of Clay County at a primary election to be held on May 14, 2024, in accordance with applicable law, it is hereby ORDERED and DECLARED that:

1. The purposes for which additional funds are needed during the term of this five-year levy, and the approximate average annual amount for such purposes after due allowances for discounts, delinquencies, exonerations, uncollected taxes and shrinkage, subject to variation from year to year as set forth herein, are as follows:

<u>PURPOSES FOR WHICH ADDITIONAL FUNDS ARE NEEDED</u>	<u>AVERAGE ANNUAL AMOUNT FOR EACH PURPOSE</u>
School Health, Safety, and Security , including but not limited to the following: <ul style="list-style-type: none">• Employment of two school security officers (one to service Clay High School and Clay Middle School and one to service Clay Elementary and Big Otter Elementary);• Installation of safe school entrances for Big Otter Elementary School, Clay Elementary School, and Clay Middle School;• Intruder locksets for all classroom doors; and panic alert systems;• Surveillance and communication upgrades, including security cameras and telephone and intercom systems; and/or• Accident and liability insurance.	\$387,791
Extra-Curricular and Co-Curricular Programs and Transportation , including but not limited to the following: <ul style="list-style-type: none">• Maintain activity buses for August for fall sports and extracurricular activities, along main routes, to transport students for practices, competitions, and educational field trips;• Pay for buses to transport students to afterschool football, baseball, track and cross-country practice to Maysel Park and to Dundon;	\$88,640

<ul style="list-style-type: none"> • Alleviate expenses incurred for national competitions by qualifying teams; • Pay for travel for Clay Middle School and Clay High School bands, chorus, choir and the arts to competitions; and/or • Offer free admittance for students, employees of Clay County Board of Education, and residents of Clay County with a school issued pass to attend regular home sporting events. 	
<p>Maintenance, Repair, and Improvement of School Buildings, Playgrounds, and Athletic Facilities, including but not limited to the following:</p> <ul style="list-style-type: none"> • Playground equipment at Clay Elementary School; • Outdoor basketball court at Big Otter Elementary; • Cost to improve and maintain athletic facilities including but not limited to: <ul style="list-style-type: none"> ○ Funding source to turf Bradley Field; and/or ○ Improvements required by local, state, and federal agencies to ensure the safe and efficient operation of facilities; • Pay for repair and replacement of instruments for Clay Middle School and Clay High School bands; and/or • Custodial and maintenance supplies and equipment. 	\$177,279
<p>Support Student-Related Community Organizations and Agencies, including the following:</p> <ul style="list-style-type: none"> • Maintain and keep the Clay Pool open, purchase of pool supplies, chemicals, water, sewage, maintenance and utilities; • Pay for water and electricity for Maysel Park usage for Clay High School baseball, Clay Middle School baseball, Clay County Youth baseball and Clay County Youth Football; • Clay County Health Department; • Clay County WVU Extension Office (4-H); and • Clay County Public Library. 	\$66,480
<p>Free Textbooks and Workbooks (including digital and electronic equivalents) for all students in preschool through twelfth grade, including but not limited to the following:</p> <ul style="list-style-type: none"> • Required textbooks and tuition for Advanced Placement and dual credit courses at Clay High School; • Required textbooks for grades PreK-12; • Software to facilitate virtual school instruction; and/or • Software and licenses for supplemental programs. 	\$110,799

Instructional Supplies, Materials and Equipment for the classroom teachers and students, including but not limited to the following: <ul style="list-style-type: none"> • Copiers, toner, paper, and contracts to service copy machines; • Replacement of iPads, laptops, mobile computer labs, and printers; and/or • Other electronic equipment for all students as needed. 	\$110,799
Establishment of a Permanent Improvement Fund to allow for the following: <ul style="list-style-type: none"> • Constructing new facilities; • Remodeling and major improvements to existing facilities; and/or • A contingency fund for inflation and other unforeseen costs. 	\$77,560
Contracted Services , including but not limited to the following: <ul style="list-style-type: none"> • Speech, occupational, and physical therapy services for special education and qualifying students; • Required inspections; • Maintenance and Pest control; • Random drug testing and background checks; and/or Legal services. 	\$88,640
Total:	\$1,107,988

As noted above and as further provided in this Order, the amounts set forth above are the anticipated average annual amounts for each purpose. The actual amounts for each purpose likely will vary from one fiscal year to the next. 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.

2. The total amount necessary to carry out the above purposes over five fiscal years, after making reasonable allowances for discounts, delinquencies, exonerations, uncollected taxes and shrinkage, is \$5,539,940 or the average sum of \$1,107,988 annually. The actual amounts budgeted, as well as the amounts spent, for each purpose and in aggregate, likely will vary from one fiscal year to the next depending on the realized tax collections and the needs of the Clay County School District, as determined by the Board with respect to each fiscal year. If the amounts budgeted by the Board for a specific purpose or purposes for a fiscal year are not able to be spent entirely in such fiscal year, then the unspent amounts shall be carried over and, in the Board's sole discretion, spent on such specific purpose or purposes in subsequent fiscal years.

3. If additional State, Federal, private or other special funds are made available to the Board for any of the above-stated purposes, 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.

4. The Board reserves unto itself as the levying body, in its discretion, the right and authority to reduce the rates of this Excess Levy if increased property assessments result in funds in excess of the projected needs in any year specified in this Order in accordance with §11-8-6g of the Code.

5. 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 Clay County, as the Board may determine from time to time, in its discretion.

6. 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.

7. The separate and aggregate assessed valuation of each class of taxable property within Clay County for the assessment year ending June 30, 2024, is as follows:

Class I Property	\$0
Class II Property	\$126,973,769
Class III Property	\$158,115,872
Class IV Property	\$12,339,574
TOTAL	\$297,429,215

8. That the proposed additional rate of levy, in cents per \$100 of assessed value on each class of property for the fiscal years beginning July 1, 2024, July 1, 2025, July 1, 2026, July 1, 2027, and July 1, 2028, is as follows:

Class I Property	13.00 cents
Class II Property	26.00 cents
Class III Property	52.00 cents
Class IV Property	52.00 cents

9. That the proposed years to which the excess levy shall apply are the fiscal years beginning **July 1, 2024, July 1, 2025, July 1, 2026, July 1, 2027, and July 1, 2028.**

10. That the question of such additional levies shall be submitted to a vote at a primary election to be held in Clay County, West Virginia on the 14th day of May, 2024.

11. That notice calling such election shall be given by the publication of this Order for said election in the *Clay County Free Press*, a newspaper of general circulation in the Clay County School District, as qualified by the West Virginia Secretary of State. All the provisions of the laws concerning primary elections shall apply as far as they are practicable.

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

[See Form of Ballot on the following pages.]

FORM OF BALLOT

OFFICIAL BALLOT

**Special Levy Election
to Authorize Additional Levies
According to the Order of The Board of Education
of the County of Clay Adopted and Entered on January 23, 2024**

Special election to authorize additional levies (the “Excess Levy”) for the fiscal years beginning July 1, 2024, July 1, 2025, July 1, 2026, July 1, 2027, and July 1, 2028, in the approximate average amount of \$1,107,988, annually, for the purpose of the payment of the general current expenses of The Board of Education of the County of Clay (the “Board”), including for the purposes hereinafter set forth; all according to the Order of the Board entered on the 23rd day of January 2024, and as more particularly described below.

The purposes for which additional funds are needed during the term of this five year levy, and the approximate average annual amount for such purposes after due allowances for discounts, delinquencies, exonerations, uncollected taxes and shrinkage, subject to variation from year to year as set forth herein, are as follows:

PURPOSES FOR WHICH <u>ADDITIONAL FUNDS ARE NEEDED</u>	AVERAGE ANNUAL AMOUNT <u>FOR EACH PURPOSE</u>
School Health, Safety, and Security , including but not limited to the following: <ul style="list-style-type: none">• Employment of two school security officers (one to service Clay High School and Clay Middle School and one to service Clay Elementary and Big Otter Elementary);• Installation of safe school entrances for Big Otter Elementary School, Clay Elementary School, and Clay Middle School;• Intruder locksets for all classroom doors; and panic alert systems;• Surveillance and communication upgrades, including security cameras and telephone and intercom systems; and/or• Accident and liability insurance.	\$387,791
Extra-Curricular and Co-Curricular Programs and Transportation , including but not limited to the following: <ul style="list-style-type: none">• Maintain activity buses for August for fall sports and extracurricular activities, along main routes, to transport students for practices, competitions, and educational field trips;	\$88,640

<ul style="list-style-type: none"> • Pay for buses to transport students to afterschool football, baseball, track and cross-country practice to Maysel Park and to Dundon; • Alleviate expenses incurred for national competitions by qualifying teams; • Pay for travel for Clay Middle School and Clay High School bands, chorus, choir and the arts to competitions; and/or • Offer free admittance for students, employees of Clay County Board of Education, and residents of Clay County with a school issued pass to attend regular home sporting events. 	
<p>Maintenance, Repair, and Improvement of School Buildings, Playgrounds, and Athletic Facilities, including but not limited to the following:</p> <ul style="list-style-type: none"> • Playground equipment at Clay Elementary School; • Outdoor basketball court at Big Otter Elementary; • Cost to improve and maintain athletic facilities including but not limited to: <ul style="list-style-type: none"> ○ Funding source to turf Bradley Field; and/or ○ Improvements required by local, state, and federal agencies to ensure the safe and efficient operation of facilities; • Pay for repair and replacement of instruments for Clay Middle School and Clay High School bands; and/or • Custodial and maintenance supplies and equipment. 	\$177,279
<p>Support Student-Related Community Organizations and Agencies, including the following:</p> <ul style="list-style-type: none"> • Maintain and keep the Clay Pool open, purchase of pool supplies, chemicals, water, sewage, maintenance and utilities; • Pay for water and electricity for Maysel Park usage for Clay High School baseball, Clay Middle School baseball, Clay County Youth baseball and Clay County Youth Football; • Clay County Health Department; • Clay County WVU Extension Office (4-H); and • Clay County Public Library. 	\$66,480
<p>Free Textbooks and Workbooks (including digital and electronic equivalents) for all students in preschool through twelfth grade, including but not limited to the following:</p> <ul style="list-style-type: none"> • Required textbooks and tuition for Advanced Placement and dual credit courses at Clay High School; • Required textbooks for grades PreK-12; • Software to facilitate virtual school instruction; and/or 	\$110,799

<ul style="list-style-type: none"> • Software and licenses for supplemental programs. 	
Instructional Supplies, Materials and Equipment for the classroom teachers and students, including but not limited to the following: <ul style="list-style-type: none"> • Copiers, toner, paper, and contracts to service copy machines; • Replacement of iPads, laptops, mobile computer labs, and printers; and/or • Other electronic equipment for all students as needed. 	\$110,799
Establishment of a Permanent Improvement Fund to allow for the following: <ul style="list-style-type: none"> • Constructing new facilities; • Remodeling and major improvements to existing facilities; and/or • A contingency fund for inflation and other unforeseen costs. 	\$77,560
Contracted Services , including but not limited to the following: <ul style="list-style-type: none"> • Speech, occupational, and physical therapy services for special education and qualifying students; • Required inspections; • Maintenance and Pest control; • Random drug testing and background checks; and/or Legal services. 	\$88,640
Total:	\$1,107,988

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The total amount necessary to carry out the above purposes over five fiscal years, after making reasonable allowances for discounts, delinquencies, exonerations, uncollected taxes and shrinkage, is \$5,539,940 or the average sum of \$1,107,988 annually. The actual amounts budgeted, as well as the amounts spent, for each purpose and in aggregate, likely will vary from one fiscal year to the next depending on the realized tax collections and the needs of the Clay County School District, as determined by the Board with respect to each fiscal year. If the amounts budgeted by the Board for a specific purpose or purposes for a fiscal year are not able to be spent entirely in such fiscal year, then the unspent amounts shall be carried over and spent on such specific purpose or purposes in subsequent fiscal years.

If additional State, Federal, private or other special funds are made available to the Board for any of the above-stated purposes, 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.

The Board reserves unto itself as the levying body, in its discretion, the right and authority to reduce the rates of this Excess Levy if increased property assessments result in funds in excess of the projected needs in any year specified in this Order in accordance with West Virginia Code §11-8-6g.

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 Clay 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.

If a majority of the voters approve the proposed additional levies, the Board will not issue bonds in connection with the approval of such additional levies.

The additional levy, in cents per \$100 of assessed value on each class of property, shall be on Class I property **13.00 cents**; on Class II property **26.00 cents**; on Class III property **52.00 cents**; on Class IV property **52.00 cents**.

That the proposed years to which the additional rate of levies shall apply are the fiscal years beginning **July 1, 2024, July 1, 2025, July 1, 2026, July 1, 2027, and July 1, 2028**.

INSTRUCTION TO VOTER

Those favoring the additional levies, mark in the square "FOR THE LEVIES"; and those against such additional levies, mark in the square "AGAINST THE LEVIES".

☐ FOR THE LEVIES

☐ AGAINST THE LEVIES

END OF FORM OF BALLOT

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

14. The Secretary of the Board with the assistance of the Clerk of the County Commission of the County of Clay, 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 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.

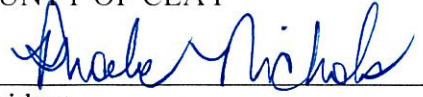
15. Absentee ballots shall be applied for, obtained from and returned to the Clerk of the County Commission of the County of Clay, and said Clerk is hereby appointed the agent for the Board to perform all duties relating to absentee ballots in elections.

16. 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 Clay County as the official registration list of the school district for this election.

[Signature page follows this page.]

Adopted and entered on this 23rd day of January 2024.

THE BOARD OF EDUCATION OF THE
COUNTY OF CLAY

A handwritten signature in blue ink, appearing to read "Shane Nichols", written over a horizontal line.

President

ATTEST:

A handwritten signature in blue ink, appearing to read "Philip R. Dobbs", written over a horizontal line.
Superintendent and Secretary