

Resolution Regarding Public Hearing

RESOLUTION

WHEREAS, The County Commission of Berkeley County (the “County Commission”) is authorized the West Virginia County Economic Opportunity Development District Act, Chapter 7, Article 22 of the Code of West Virginia 1931, as amended (the “Act”) to create Economic Opportunity Development Districts, to approve Economic Development District projects, to issue bonds or notes to finance development expenditures and other costs permitted by the Act and to take other actions as are necessary or desirable to stimulate the construction, supplementation, reconstruction and repair of structures and facilities in undeveloped, underdeveloped or seriously deteriorated areas within Berkeley County, West Virginia (the “County”), which will serve a public purpose and promote the health, safety, prosperity, security and general welfare of all citizens in the State of West Virginia all as more fully set forth in the Act;

WHEREAS, the Berkeley County Development Authority (the “Development Authority”) has prepared an Economic Opportunity Development District Application (the “Application”) relating to the proposed creation of a economic opportunity development district within the County to be known and designated as the “Berkeley County Economic Opportunity Development District (Conference Center/Sports Complex)” (the “Excise Tax District”) for submission to the West Virginia Division of Economic Development (“WVDED”); and

WHEREAS, the County Commission desires, under and pursuant to the Act, to hold a public hearing at which interested parties be afforded a reasonable opportunity to express their views on the proposed creation of the Excise Tax District and its proposed boundaries.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF BERKELEY COUNTY, AS FOLLOWS:

1. It is hereby found and determined, subject to a public hearing and other required actions, that the County Commission will consider the Application for approval and, if approved, will submit the Application to the WVDED for consideration and obtain all other necessary approvals.
2. The County Commission hereby sets a public hearing regarding the Application for February 5, 2026, at 11:00 a.m. prevailing time (or as soon thereafter on such date as the matter may be heard).
3. The County Commission hereby approves for publication, under and in accordance with the applicable provision of the Act, that certain Notice of Public Hearing, substantially in the form attached hereto as **Exhibit A** and incorporated herein by reference.
4. This Resolution shall become effective immediately upon adoption.

Adopted this January 8, 2026.

THE COUNTY COMMISSION OF BERKELEY
COUNTY

By:  _____
Its President

CERTIFICATION

The undersigned, being the duly qualified, elected and acting County Clerk of The County of Berkeley, West Virginia, does hereby certify that the foregoing Resolution was duly adopted by The County Commission of Berkeley County, at a regular meeting duly held, pursuant to proper notice thereof, on January 8, 2026, a quorum being present and acting throughout, and which Resolution has not been modified, amended or revoked and is a true, correct and complete copy thereof as of this 1-8, 2026.

By:

Its County Clerk

EXHIBIT A

[TO BE PUBLISHED IN *THE JOURNAL*
ON _____, JANUARY __, 2026]

NOTICE OF PUBLIC HEARING

APPLICATION REGARDING CREATION OF BERKELEY COUNTY ECONOMIC OPPORTUNITY DEVELOPMENT DISTRICT (CONFERENCE CENTER/SPORTS COMPLEX)

A public hearing will be held at a regular meeting of The County Commission of Berkeley County (the “County Commission”), on February 5, 2026, at 11:00 a.m. in the Berkeley County Council Chambers located at 400 W. Stephen St., Martinsburg, WV, and at such hearing any interested person may appear and present comments, protests, suggestions and otherwise express their views respecting an application regarding the creation of an Economic Opportunity Development District to be designated as “Berkeley County Economic Opportunity Development District (Conference Center/Sports Complex)” (the “Excise Tax District”) within Berkeley County, West Virginia (the “County”), and the approval of an Excise Tax District project. All comments, protests, suggestions and views shall be heard, and the County Commission shall thereafter take such actions as it shall deem proper in the premises regarding the approval, pursuant to Chapter 7, Article 22 of the Code of West Virginia, 1931, as amended (the “Act”), respecting the application regarding the creation of the Excise Tax District and the approval of the Project. Following is a brief summary of such matters.

Creation of Excise Tax District

The proposed Excise Tax District is located in southern Berkeley County adjacent to the Tabler Station interchange of Interstate 81 and includes approximately 275 acres.

[Insert Map]

Purpose of Excise Tax District

The purpose of the Excise Tax District is to facilitate the development by the Berkeley County Development Authority of certain capital improvements within or contiguous to the Excise Tax District and which serve the Excise Tax District through development expenditures promoting the economic vitality of the Excise Tax District and the general welfare of the County consistent with Section 5 of the Act (the “Project”).

Proposed Method of Financing

To finance the costs of the Project, the County Commission proposes to issue bonds or other obligations (the “Excise Tax Obligations”) in an amount not to exceed \$180,000,000, with

maturities not to exceed 30 years from the date of the creation of the Excise Tax District. Such obligations may be issued from time to time in one or more series. Proceeds of the Excise Tax Obligations are generally planned and expected to be used to (i) finance all or portion of the costs of the Project; (ii) fund reserves for the Excise Tax Obligations; (iii) fund capitalized interest on the Excise Tax Obligations; and (iv) pay costs of issuance of the Excise Tax Obligations and related costs, including costs relating to the Project and related costs. The Excise Tax Obligations would be payable from and secured by a special district excise tax, which the County Commission may be authorized to impose by the West Virginia Legislature pursuant to Section 9 of the Act and other funds which may be deposited to the credit of the Economic Opportunity Development District Fund subaccount created for the Excise Tax District and maintained by the State Treasurer pursuant to Section 8 of the Act (the “District Fund”). A portion of the costs of the Project may also be paid directly from special district excise tax revenues and other funds deposited to the credit of the District Fund as provided in Section 13 of the Act.

The base of the special district excise tax which may be imposed by the County Commission for the Excise Tax District shall be identical to the base of the consumers sales and service tax imposed pursuant to Chapter 11, Article 15 of the Code of West Virginia, 1931, as amended (the “Sales Tax Act”). Except for the exemption provided in Section 9(f) of the Sales Tax Act, all exemptions and exceptions from the consumers sales and service tax also apply to the special district excise tax. The rate of the special district excise tax shall be identical to the rate or rates of the consumer sales and service tax imposed by the Sales Tax Act on sales made and services rendered within the boundaries of the Excise Tax District.

Further information regarding the proposed Application and the Excise Tax Obligations are on file and available for inspection at the office of the Berkeley County Clerk during regular business hours, located at the Berkeley County Clerk’s office located at 100 W. King Street, Martinsburg, West Virginia.

Dated: _____, 2026.