

PRELIMINARY OFFICIAL STATEMENT DATED APRIL 19, 2024

NEW ISSUE—Book-Entry-Only

RATINGS:** S&P Global Ratings: ___ / ___
Michigan School Bond Qualification and Loan Program / Underlying

In the opinion of Thrun Law Firm, P.C., Bond Counsel, under existing law, (i) the Bonds and the interest thereon are exempt from all taxation in the State of Michigan, except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof, (ii) interest on the Bonds is excluded from gross income for federal income tax purposes to the extent and subject to the conditions described herein, and (iii) interest on the Bonds is not an item of tax preference for purposes of the federal alternative minimum tax to the extent and subject to the conditions described herein. See "TAX MATTERS" herein.



\$71,630,000**
BERKLEY SCHOOL DISTRICT
COUNTY OF OAKLAND, STATE OF MICHIGAN
2024 SCHOOL BUILDING AND SITE BONDS, SERIES II
(GENERAL OBLIGATION - UNLIMITED TAX)

Dated: Date of Delivery

Due: May 1, as shown below

On August 8, 2023, the qualified electors of the Berkley School District, County of Oakland, State of Michigan (the "School District") approved the issuance of bonds in the amount not to exceed \$88,000,000 to be issued in one or more series. Proceeds of the 2024 School Building and Site Bonds, Series II (General Obligation - Unlimited Tax) (the "Bonds") representing the second and final series of bonds issued pursuant to the 2023 authorization, in the principal amount of \$71,630,000**, will be used for school building and site purposes. The Bonds were authorized by the Board of Education of the School District by resolutions adopted on March 11, 2024 and expected to be adopted on May __, 2024 (together, the "Resolutions"). The Bonds will pledge the full faith and credit of the School District for payment of the principal and interest thereon and will be payable from ad valorem taxes, which may be levied on all taxable property in the School District without limitation as to rate or amount.

The Bonds are expected to be fully qualified as of the date of delivery for participation in the Michigan School Bond Qualification and Loan Program pursuant to Act 92, Public Acts of Michigan, 2005, as amended, enacted pursuant to Article IX, Section 16 of the Michigan Constitution of 1963. Under the terms of said constitutional and statutory provisions, if for any reason the School District will be or is unable to pay the principal of and interest on the Bonds when due, the School District shall borrow and the State of Michigan shall lend to it an amount sufficient to enable the School District to make the payment. See "QUALIFICATION BY THE STATE OF MICHIGAN" and APPENDIX A, "State Qualification," herein.

The Bonds are issuable only as fully registered bonds without coupons and, when issued, will be registered in the name of Cede & Co., as Bondholder and nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchases of beneficial interests in the Bonds will be made in book-entry-only form in the denomination of \$5,000 or any integral multiple thereof. Purchasers of beneficial interests in the Bonds (the "Beneficial Owners") will not receive certificates representing their beneficial interest in Bonds purchased. So long as Cede & Co. is the Bondholder, as nominee of DTC, references herein to the Bondholders or registered owners shall mean Cede & Co., as aforesaid, and shall not mean the Beneficial Owners of the Bonds. See "THE BONDS—Book-Entry-Only System" herein.

Principal of and interest on the Bonds will be paid by the corporate trust office of The Huntington National Bank, Grand Rapids, Michigan (the "Paying Agent"). So long as DTC or its nominee, Cede & Co., is the Bondholder, such payments will be made directly to such Bondholder. Disbursement of such payments to DTC's Direct Participants is the responsibility of DTC and disbursement of such payments to the Beneficial Owners is the responsibility of DTC's Direct Participants and Indirect Participants, as more fully described herein. Interest will be payable semiannually on May 1 and November 1, commencing November 1, 2024, to the Bondholders of record as of the applicable record dates as stated in the Bonds.

(Base CUSIP\$: _____)

Maturity**	Amount**	Interest Rate	Yield	CUSIP\$	Maturity**	Amount**	Interest Rate	Yield	CUSIP\$
2025	\$ 725,000				2038	\$2,205,000			
2026	825,000				2039	2,310,000			
2027	950,000				2040	2,425,000			
2028	1,100,000				2041	4,150,000			
2029	1,120,000				2042	4,355,000			
2030	1,420,000				2043	4,565,000			
2031	1,640,000				2044	4,790,000			
2032	1,700,000				2045	5,020,000			
2033	1,770,000				2046	5,265,000			
2034	1,855,000				2047	5,525,000			
2035	1,935,000				2048	5,795,000			
2036	2,020,000				2049	6,055,000			
2037	2,110,000								

THE BONDS OR PORTIONS OF THE BONDS MATURING ON OR AFTER MAY 1, 2035** ARE SUBJECT TO OPTIONAL REDEMPTION BEGINNING MAY 1, 2034**, IN THE MANNER AND AT THE TIMES DESCRIBED HEREIN. See "THE BONDS — Optional Redemption" herein.

The Bonds will be offered when, as and if issued by the School District and accepted by the Underwriters subject to the approving legal opinion of Thrun Law Firm, P.C., East Lansing, Michigan, Bond Counsel. Certain legal matters will be passed upon for the Underwriters by Miller, Canfield, Paddock and Stone, P.L.C., Detroit, Michigan. It is expected that the Bonds will be available for delivery through DTC on or about June __, 2024.

This cover page contains certain information for quick reference only. It is not a summary of this issue. Investors must read the entire Official Statement to obtain information essential to the making of an informed investment decision.



Huntington Capital Markets

Raymond James

The date of this Official Statement is May __, 2024.

† For an explanation of the ratings, see "RATINGS" herein.

* As of date of delivery.

** Preliminary, subject to change.

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This Preliminary Official Statement and the information contained herein are subject to completion and amendment. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds, in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such jurisdiction. As of this date, this Preliminary Official Statement has been deemed "final" by the School District for purposes of SEC Rule 15c2-12(b)(1) except for the omission of certain information permitted by SEC Rule 15c2-12(b)(1).

No dealer, broker, salesperson or other person has been authorized to give any information or to make any representation other than as contained in this Official Statement in connection with the offer made hereby and, if given or made, such other information or representation must not be relied upon as having been authorized by the School District or the Underwriters. This Official Statement and the information contained herein are subject to completion and amendment. These securities may not be sold nor may an offer to buy these securities be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds, in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such jurisdiction.

Information herein has been obtained from the School District, The Depository Trust Company and other sources believed to be reliable. The Underwriters have reviewed the information in this Official Statement in accordance with, and as part of, their responsibility to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriters do not guarantee the accuracy or completeness of such information (except for information under the section captioned "UNDERWRITING," which was obtained from the Underwriters).

Upon issuance, the Bonds will not be registered under the Securities Act of 1933, as amended, or any state securities law and will not be listed on any stock or other securities exchange. Neither the Securities and Exchange Commission nor any other federal, state, municipal or other governmental entity or agency will have passed upon the adequacy of this Official Statement, or, except for the School District and the Department of Treasury of the State of Michigan, approved the Bonds for sale.

IN CONNECTION WITH THE OFFERING, THE UNDERWRITERS MAY OVERALLOT OR EFFECT TRANSACTIONS THAT STABILIZE OR MAINTAIN THE MARKET PRICE OF THE BONDS AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

IN MAKING AN INVESTMENT DECISION, INVESTORS MUST RELY ON THEIR OWN EXAMINATION OF THE INFORMATION PRESENTED IN THIS OFFICIAL STATEMENT CONCERNING THE SCHOOL DISTRICT AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE.

BERKLEY SCHOOL DISTRICT
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BOARD OF EDUCATION

Roger Blake, President
Michael Tripp, Vice President
Sarah Mountain, Secretary
Keith Logsdon, Treasurer
Jason Deneau, Trustee
Barrie Frankel, Trustee
Ronald Justice, Trustee

ADMINISTRATIVE STAFF

Scott Francis, Superintendent of Schools
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TABLE OF CONTENTS

	PAGE
INTRODUCTION	1
PURPOSE AND SECURITY	1
QUALIFICATION BY THE STATE OF MICHIGAN	1
ESTIMATED SOURCES AND USES OF FUNDS	2
THE BONDS	2
Description and Form of the Bonds	2
Book-Entry-Only System	2
Transfer Outside Book-Entry-Only System	4
Optional Redemption	4
Notice of Redemption and Manner of Selection	4
TAX PROCEDURES	5
LEVY AND COLLECTION OF TAXES FOR PAYMENT OF THE BONDS AND BONDHOLDERS' REMEDIES	6
SOURCES OF SCHOOL OPERATING REVENUE	6
MICHIGAN PROPERTY TAX REFORM	8
LITIGATION	8
TAX MATTERS	9
State	9
Federal	9
Original Issue Premium	9
Original Issue Discount	10
Future Developments	10
APPROVAL OF LEGAL PROCEEDINGS	10
APPROVAL BY MICHIGAN DEPARTMENT OF TREASURY	11
RATINGS	11
UNDERWRITING	11
MUNICIPAL ADVISOR'S OBLIGATION	12
CONTINUING DISCLOSURE	12
OTHER MATTERS	13
APPENDIX A: State Qualification	
APPENDIX B: General Financial, Economic and School Information	
APPENDIX C: General Fund Budget Summary and Comparative Financial Statements	
APPENDIX D: Audited Financial Statements and Notes to Financial Statements of the School District for the Fiscal Year Ended June 30, 2023	
APPENDIX E: Form of Approving Opinion	
APPENDIX F: Form of Continuing Disclosure Agreement	

OFFICIAL STATEMENT
relating to

\$71,630,000¹

BERKLEY SCHOOL DISTRICT
COUNTY OF OAKLAND, STATE OF MICHIGAN
2024 SCHOOL BUILDING AND SITE BONDS, SERIES II
(GENERAL OBLIGATION – UNLIMITED TAX)

INTRODUCTION

The purpose of this Official Statement, which includes the cover page and Appendices, is to furnish information in connection with the issuance and sale by the Berkley School District, County of Oakland, State of Michigan (the "School District") of its 2024 School Building and Site Bonds, Series II (General Obligation - Unlimited Tax) (the "Bonds") in the principal amount of \$71,630,000¹.

PURPOSE AND SECURITY

On August 8, 2023, the qualified electors of the School District approved a proposal authorizing the issuance of bonds in an aggregate amount of not to exceed \$88,000,000 to be issued in one or more series of bonds. The Bonds in the principal amount of \$71,630,000¹, representing the second and final series of bonds pursuant to the 2023 authorization, are being issued for the purpose of erecting, furnishing and equipping a new indoor practice/robotics team building; erecting, furnishing and equipping additions to school buildings; remodeling, furnishing and refurbishing and equipping and re-equipping school buildings; acquiring, installing, equipping and re-equipping school buildings for instructional technology; and preparing, developing, improving and equipping playgrounds, athletic fields and facilities and sites (the "Project"); and paying the costs of issuing the Bonds.

The Bonds, as authorized for issuance by the resolutions of the Board of Education of the School District adopted on March 11, 2024 and expected to be adopted on May __, 2024 (together, the "Resolutions"), are a full faith and credit unlimited tax general obligation of the School District. The principal of and interest on the Bonds are payable from the proceeds of ad valorem taxes levied on all taxable property in the School District which may be levied without limitation as to rate or amount. As of the date of delivery, the Bonds are expected to be fully qualified for participation in the State of Michigan School Bond Qualification and Loan Program. See "QUALIFICATION BY THE STATE OF MICHIGAN" and APPENDIX A, "State Qualification," in this Official Statement.

QUALIFICATION BY THE STATE OF MICHIGAN

An application will be submitted to the Michigan Department of Treasury to obtain, and it is the School District's expectation that the Bonds will receive, final qualification as of the date of delivery to participate in the Michigan School Bond Qualification and Loan Program pursuant to Act 92 of the Public Acts of Michigan, 2005, as amended ("Act 92"), enacted pursuant to Article IX, Section 16, of the Michigan Constitution of 1963. Under the terms of said constitutional and statutory provisions, if for any reason the School District will be or is unable to pay the principal and interest on the Bonds when due, the School District shall borrow and the State of Michigan (the "State") shall lend to it from the School Loan Revolving Fund (the "School Loan Revolving Fund") established by the State, an amount sufficient to enable the School District to make the payment. Article IX, Section 16 of the State Constitution as implemented by Act 112 of the Public Acts of Michigan, 1961, as amended, authorizes the State, without approval of its electors, to borrow from time to time such amounts as shall be required, pledge the State's full faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided under such section. Loans to school districts for such purposes are made from the proceeds of such State borrowing. See APPENDIX A, "State Qualification," in this Official Statement.

¹ Preliminary, subject to change.

Complete financial statements of all of the State's funds as included in the State's Annual Comprehensive Financial Report ("ACFR") prepared by the State's Office of the State Budget are available from the Budget website: www.michigan.gov/budget. The State has agreed to file its ACFR with the Municipal Securities Rulemaking Board (as described in Rule 15c2-12(b)(5) of the Securities and Exchange Commission) annually, so long as any bonds qualified for participation in the Michigan School Bond Qualification and Loan Program remain outstanding.

ESTIMATED SOURCES AND USES OF FUNDS

SOURCES

- Par Amount of the Bonds
- Original Issue Premium
- Original Issue Discount
- Total Sources

USES

- Capital Projects Fund
- Underwriters' Discount
- Costs of Issuance for the Bonds
- Total Uses

THE BONDS

Description and Form of the Bonds

The Bonds will be issued in book-entry-only form as one fully registered Bond per maturity, without coupons, in the aggregate principal amount for each maturity set forth on the cover page hereof and may be purchased in denominations of \$5,000 or any integral multiple thereof. The Bonds will be dated as of, and bear interest from, the date of issuance. Interest on the Bonds shall be payable semiannually each May 1 and November 1 to maturity or early redemption, commencing November 1, 2024. Interest on the Bonds shall be computed using a 360-day year with twelve 30-day months, and the Bonds will mature on the dates and in the principal amounts and will bear interest at the rates as set forth on the cover of this Official Statement.

The corporate trust office of The Huntington National Bank, Grand Rapids, Michigan, will serve as the paying agent (the "Paying Agent") and also as bond registrar and transfer agent if the Bonds cease to be held in book-entry-only form. Interest on the Bonds shall be payable when due by check or draft to the person or entity who or which is, as of the fifteenth (15th) day of the month preceding each interest payment date, the registered owner of record, at the owner's registered address. For a description of payment of principal and interest, transfers, exchanges on the Bonds, which are held in the book-entry-only system, see "Book-Entry-Only System" below. For a description of transfers and exchanges on the Bonds if the Bonds cease to be held in book-entry-only form, see "Transfer Outside Book-Entry-Only System" below.

Book-Entry-Only System

The information in this section has been furnished by The Depository Trust Company, New York, New York ("DTC"). No representation is made by the School District, the Paying Agent or the Underwriters as to the completeness or accuracy of such information or as to the absence of material adverse changes in such information subsequent to the date hereof. No attempt has been made by the School District, the Paying Agent or the Underwriters to determine whether DTC is or will be financially or otherwise capable of fulfilling its obligations. Neither the School District nor the Paying Agent will have any responsibility or obligation to Direct Participants, Indirect Participants (both as defined below) or the persons for which they act as nominees with respect to the Bonds, or for any principal, premium, if any, or interest payment thereof.

DTC will act as securities depository for the Bonds. The Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Bond certificate will be issued for each maturity of the Bonds, each in the aggregate principal amount of such maturity and will be deposited with DTC.

DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC System is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has a Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at www.dtcc.com.

Purchases of Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of each Bond ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in the Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Bonds with DTC and their registration in the name of Cede & Co. or such other nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Bonds may wish to take certain steps to augment transmission to them of notices of significant events with respect to the Bonds, such as redemptions, tenders, defaults and proposed amendments to the Bond documents. For example, Beneficial Owners of Bonds may wish to ascertain that the nominee holding the Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of the notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the Bonds within a maturity are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such maturity to be redeemed.

Neither DTC nor Cede & Co. (nor such other DTC nominee) will consent or vote with respect to the Bonds unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the School District as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Payments of principal and interest and redemption amounts, if any, on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detailed information from the School District or Paying Agent, on the payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC nor its nominee, Paying Agent, or the School District, subject to any statutory or regulatory requirements as may be in effect from time to time. Payments of principal, interest and redemption amounts, if any, to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) are the responsibility of the School District or Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as securities depository with respect to the Bonds at any time by giving reasonable notice to the School District or Paying Agent. Under such circumstances, in the event that a successor securities depository is not obtained, Bond certificates are required to be printed and delivered.

The School District may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Bond certificates will be printed and delivered.

Transfer Outside Book-Entry-Only System

In the event that the book-entry-only system is discontinued, the Paying Agent shall keep the registration books for the Bonds (the "Bond Register") at its corporate trust office. Subject to the further conditions contained in the Resolutions, the Bonds may be transferred or exchanged for one or more Bonds in different authorized denominations upon surrender thereof at the corporate trust office of the Paying Agent by the registered owners or their duly authorized attorneys; upon surrender of any Bonds to be transferred or exchanged, the Paying Agent shall record the transfer or exchange in the Bond Register and shall authenticate replacement bonds in authorized denominations; during the fifteen (15) days immediately preceding the date of mailing of any notice of redemption or any time following the mailing of any notice of redemption, the Paying Agent shall not be required to effect or register any transfer or exchange of any Bond which has been selected for such redemption, except the Bonds properly surrendered for partial redemption may be exchanged for new Bonds in authorized denominations equal in the aggregate to the unredeemed portion; the School District and the Paying Agent shall be entitled to treat the registered owners of the Bonds, as their names appear in the Bond Register as of the appropriate dates, as the owners of such Bonds for all purposes under the Resolutions. No transfer or exchange made other than as described above and in the Resolutions shall be valid or effective for any purposes under the Resolutions.

Optional Redemption¹

The Bonds or portions of the Bonds in multiples of \$5,000 maturing on or after May 1, 2035¹, are subject to redemption at the option of the School District in such order as the School District may determine and by lot within any maturity, on any date occurring on or after May 1, 2034¹, at par plus accrued interest to the date fixed for redemption.

Notice of Redemption and Manner of Selection

Notice of redemption of any Bond shall be given not less than thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption by mail to the registered owner at the registered address

¹ Preliminary, subject to change.

shown on the registration books kept by the Paying Agent. The Bonds shall be called for redemption in multiples of \$5,000 and Bonds of denominations of more than \$5,000 shall be treated as representing the number of Bonds obtained by dividing the face amount of the Bond by \$5,000 and such Bonds may be redeemed in part. The notice of redemption for Bonds redeemed in part shall state that upon surrender of the Bond to be redeemed a new Bond or Bonds in an aggregate face amount equal to the unredeemed portion of the Bond surrendered shall be issued to the registered owner thereof.

If less than all of the Bonds of any maturity shall be called for redemption prior to maturity, unless otherwise provided, the particular Bonds or portions of Bonds to be redeemed shall be selected by lot by the Paying Agent, in the principal amounts designated by the School District. Any Bonds selected for redemption will cease to bear interest on the date fixed for redemption, whether presented for redemption, provided funds are on hand with the Paying Agent to redeem said Bonds. Upon presentation and surrender of such Bonds at the corporate trust office of the Paying Agent, such Bonds shall be paid and redeemed.

So long as the book-entry-only system remains in effect, in the event of a partial redemption the Paying Agent will give notice to Cede & Co., as nominee of DTC, only, and only Cede & Co. will be deemed to be a holder of the Bonds. DTC is expected to reduce the credit balances of the applicable DTC Participants in respect of the Bonds and in turn the DTC Participants are expected to select those Beneficial Owners whose ownership interests are to be extinguished or reduced by such partial redemption, each by such method as DTC or such DTC Participants, as the case may be, deems fair and appropriate in its sole discretion.

TAX PROCEDURES

Article IX, Section 3, of the Michigan Constitution provides that the proportion of true cash value at which property shall be assessed shall not exceed 50% of true cash value. The Michigan Legislature by statute has provided that property shall be assessed at 50% of its true cash value, except as described below. The Michigan Legislature or the electorate may at some future time reduce the percentage below 50% of true cash value.

On March 15, 1994, the electors of the State approved an amendment to the Michigan Constitution permitting the Legislature to authorize ad valorem taxes on a non-uniform basis. The legislation implementing this constitutional amendment added a new measure of property value known as "Taxable Value." Beginning in 1995, taxable property has two valuations -- State equalized valuation ("SEV") and Taxable Value. Property taxes are levied on Taxable Value. Generally, Taxable Value of property is the lesser of (a) the Taxable Value of the property in the immediately preceding year, adjusted for losses, and increased or reduced by the lesser of the inflation rate or 5%, plus additions, or (b) the property's current SEV. Under certain circumstances, therefore, the Taxable Value of property may be different from the same property's SEV.

When property is sold or transferred, Taxable Value is adjusted to the SEV, which under existing law is 50% of the current true cash value. The Taxable Value of new construction is equal to current SEV. Taxable Value and SEV of existing property are also adjusted annually for additions and losses.

Responsibility for assessing taxable property rests with the local assessing officer of each township and city. Any property owner may appeal the assessment to the local board of review, the Michigan Tax Tribunal, and ultimately to the Michigan appellate courts.

The Michigan Constitution also mandates a system of equalization for assessments. Although the assessors for each local unit of government within a county are responsible for actually assessing at 50% of true cash value, adjusted for Taxable Value purposes, the final SEV and Taxable Value are arrived at through several steps. Assessments are established initially by the municipal assessor. Municipal assessments are then equalized to the 50% levels as determined by the county's department of equalization. Thereafter, the State equalizes the various counties in relation to each other. SEV is important, aside from its use in determining Taxable Value for the purpose of levying ad valorem property taxes, because of its role in the spreading of taxes between overlapping jurisdictions, the distribution of various State aid programs, State revenue sharing and in the calculation of debt limits.

Property that is exempt from property taxes, e.g., churches, government property, public schools, is not included in the SEV and Taxable Value data in the Official Statement. Property granted tax abatements under Act 198, Public Acts of Michigan, 1974, amended, is recorded on a separate tax roll while subject to tax abatement. The valuation of tax-abated property is based upon SEV but is not included in either the SEV or Taxable Value data in the Official Statement except as noted. Under limited circumstances, other State laws permit the partial abatement of certain taxes for other types of property for periods of up to 12 years.

LEVY AND COLLECTION OF TAXES FOR PAYMENT OF THE BONDS AND BONDHOLDERS' REMEDIES

The Resolutions authorizing the issuance of the Bonds and State law obligate the School District to levy a tax annually in an amount sufficient so that the estimated collections therefrom, together with other amounts, if any, to be borrowed from the School Loan Revolving Fund for the Bonds, will be sufficient to pay promptly when due the principal of and interest on the Bonds becoming due prior to the time of the next tax levy. The tax levy shall not be subject to limitation as to rate or amount. Taxes for the payment of the principal of or interest on the Bonds are certified for collection each year with the school tax levies. In the event of the failure of the proper officials to certify taxes for the payment of the principal and interest requirements, a timely action in the nature of mandamus could compel certification and collection of adequate taxes or could compel the School District to make application to borrow the necessary funds from the School Loan Revolving Fund and thus prevent a default. However, if a paying agent for any bonds of the School District qualified for State loans as provided in Article IX, Section 16, of the State Constitution notifies the State Treasurer that the School District has failed to deposit sufficient funds to pay principal and interest on the qualified bonds when due or if a bondholder notifies the State Treasurer that the School District has failed to pay principal or interest on such qualified bonds when due, whether or not the School District has filed a draw request with the State Treasurer, the State Treasurer shall promptly pay the principal or interest on the qualified bonds when due.

If sufficient funds for full payment of debt service on the Bonds do not reach the Paying Agent five business days prior to the debt service payment due date, the Paying Agent will notify the School District of the amount of insufficient funds four business days prior to the due date. In the event that the School District does not immediately resolve the insufficient funds situation, the Paying Agent will notify the Michigan Department of Treasury of the deficiency three business days before the payment due date and the State Treasurer shall make the payment.

Any amount paid by the State Treasurer as described in the preceding paragraphs shall be deemed a loan made to the School District pursuant to the requirements of said Article IX, Section 16, of the State Constitution. Registered owners of the Bonds may attempt to obtain a money judgment against the School District for the principal amount of the Bonds or interest not paid when due and may periodically attempt to enforce the collection of the money judgment by requiring the tax assessing officers for the School District to place the amount of such judgment on the next tax rolls of the School District. The rights of the holders of the Bonds and the enforceability thereof are subject to bankruptcy, insolvency, fraudulent conveyance, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted and their enforcement also may be subject to the exercise of judicial discretion in appropriate cases. See APPENDIX A, "State Qualification," in this Official Statement.

SOURCES OF SCHOOL OPERATING REVENUE

On March 15, 1994, the electors of the State of Michigan approved a ballot proposition to amend the State Constitution of 1963, in part, to increase the State sales tax from 4% to 6% as part of a complex plan to restructure the source of funding of public education (K-12) in order to reduce reliance on local property taxes for school operating purposes and to reduce the per pupil finance resource disparities among school districts.

The State school aid package passed by the Legislature as part of the school finance reform legislation instituted a per pupil foundation allowance beginning in fiscal year 1994/95. With the passage of Public Act 48 of 2021, the Legislature eliminated the foundation allowance range in 2021/22 that had been in place since the passage of the school finance reform legislation in 1994. In Public Act 103 of 2023 ("PA 103"), the

Legislature established a 2023/24 target foundation allowance of \$9,608 per pupil. In the future, the foundation allowance may be adjusted annually by an index based upon the change in revenues to the State school aid fund and change in the total number of pupils statewide. The foundation allowance is funded by locally raised property taxes plus State school aid. The revenues for the State's contribution to the foundation allowance are derived from a mix of taxing sources, including, but not limited to, a statewide property tax of 6 mills on all taxable property¹, a State sales and use tax, a real estate transfer tax and a cigarette tax.

Generally, school districts are required to levy a local property tax of not more than 18 mills or the number of mills levied in 1993 for school operating purposes, whichever is less, on non-homestead properties² in order for the school district to receive its per pupil foundation allowance. An intermediate school district may seek voter approval for up to three enhancement mills for distribution to local constituent school districts on a per pupil basis. Proceeds of the enhancement mills are not counted toward the foundation allowance. Furthermore, school districts whose per pupil foundation allowance in 2023/24 calculates to an amount in excess of \$9,608 are authorized to levy additional millage to obtain the foundation allowance, first by levying such amount of the 18 mills against homestead property³ as is necessary to hold themselves harmless and, if the 18 mills is insufficient, to then levy such additional mills against all property uniformly as is necessary to obtain the foundation allowance. The School District's 2023/24 per pupil foundation allowance does not exceed \$9,608, and the School District does not levy such additional millage.

State aid appropriations and the payment schedule for State school aid may be changed by the Legislature at any time. If the amount appropriated from the State school aid fund exceeds the amount available for expenditure for a fiscal year, in the absence of overriding legislative action by the Legislature, the School Aid Act subjects most state aid payable to school districts for that fiscal year to an automatic proration on a per pupil basis in an amount necessary to eliminate the portion of the overage attributable to the appropriation to all school districts. See "STATE AID PAYMENTS" in APPENDIX B.

Public Act 144 of 2022 amended the State School Aid Act for the 2022/23 fiscal year increasing the School District's foundation allowance to \$9,150 per pupil.

PA 103 amended the State School Aid Act for the 2023/24 fiscal year increasing the School District's foundation allowance to \$9,608 per pupil.

Pursuant to PA 103, the School District may be eligible to receive various categorical grants for specific purposes, such as special education, "at-risk" students, meal programs, early education, career and technical education programs, and other instructional and non-instructional programs. The annual amendments to the State School Aid Act determine the type and amount of those categorical funds. For further information regarding the School District's receipt of categorical funds for the 2022/23 fiscal year, see the School District's audited financial statements in APPENDIX D.

In 2020 and 2021, the U.S. Congress passed three stimulus bills providing financial support to public schools through the Elementary and Secondary School Emergency Relief Fund ("ESSER Funds"). Based on the three separate federal stimulus bills the ESSER funding is generally referred to as "ESSER I Funds," "ESSER II Funds," and "ESSER III Funds," respectively.

As required under Michigan law, available ESSER Funds have been appropriated and allocated to qualifying school districts. The School District has been awarded \$227,495 of the ESSER I Funds; \$843,760 of the ESSER II Funds; and \$6,446,765 the ESSER III Funds. ESSER Funds already received by the School District are incorporated into the information in APPENDIX B and APPENDIX C. The School District may have received additional payments related to the ESSER Funds.

¹ "Taxable property" in this context does not include industrial personal property.

² "Non-homestead property" includes all taxable property other than principal residence, qualified agricultural property, qualified forestry property, supportive housing property, property occupied by a public school academy, and industrial personal property. Commercial personal property, to the extent not otherwise exempt, is exempt from the first 12 mills of not more than 18 mills levied by school districts.

³ "Homestead property", in this context, means principal residence, qualified agricultural property, qualified forestry property, supportive housing property, property occupied by a public school academy, certain industrial personal property and certain commercial personal property, to the extent not otherwise exempt.

THE SOURCES OF THE SCHOOL DISTRICT'S OPERATING REVENUE DO NOT IMPACT THE TAXING AUTHORITY OF THE SCHOOL DISTRICT FOR PAYMENT OF GENERAL OBLIGATION UNLIMITED TAX SCHOOL BONDS AND DO NOT AFFECT THE OBLIGATION OF THE SCHOOL DISTRICT TO LEVY TAXES FOR PAYMENT OF DEBT SERVICE ON GENERAL OBLIGATION UNLIMITED TAX BONDS OF THE SCHOOL DISTRICT, INCLUDING THE BONDS OFFERED HEREIN.

MICHIGAN PROPERTY TAX REFORM

On November 5, 2013, March 28, 2014, and April 1, 2014, a package of bills amended and replaced legislation enacted in 2012 to phase-out most personal property taxation in Michigan. The bills were contingent on Michigan voters approving a ballot question authorizing a new municipal entity, the Local Community Stabilization Authority ("LCSA"), to levy a local component of the statewide use tax and distribute that revenue to local units of government to offset their revenue losses resulting from the personal property tax reform. On August 5, 2014, voters approved that ballot question.

The bill package, together with the original 2012 legislation, created two new exemptions from the personal property tax. Under the "small taxpayer exemption," the commercial and industrial personal property of each owner with a combined true cash value in a local tax collecting unit of less than \$80,000 became exempt from ad valorem taxes in that collecting unit beginning in 2014, with such threshold being increased by the legislature to a combined true cash value in a local tax collecting unit of less than \$180,000 beginning in 2023. For businesses that do not qualify for the "small taxpayer exemption," all "eligible manufacturing personal property" (personal property used more than 50% of the time in industrial processing or direct integrated support) purchased and placed into service before 2006 or during or after 2013 became exempt beginning in 2016. Taxation on "eligible manufacturing personal property" placed into service after 2006 but before 2013 will be phased-out over time; with the exemption taking effect after the property has been in service for the immediately preceding 10 years. The legislation extends certain personal property tax exemptions and tax abatements for technology parks, industrial facilities and enterprise zones that were to expire after 2012, until the voter approved personal property tax exemptions take effect.

Pursuant to voter approval in August 2014, the legislation also includes a formula to reimburse school districts for 100% of their lost operating millage revenue and lost sinking fund millage revenue. To provide the reimbursement, the legislation reduces the state share of the use tax and authorizes the LCSA to levy a local component of the use tax and distribute that revenue to qualifying local units. However, the reimbursement for the school district's operating millage will come from the State use tax component, which is deposited into the State school aid fund.¹ While the legislation provides reimbursement for prospective school operating losses, pursuant to legislative changes made in 2020, the School District will be reimbursed for debt millage calculated pursuant to a statutory formula.

LITIGATION

The School District has not been served with any litigation, administrative action or proceeding, and to the knowledge of the appropriate officials of the School District no litigation or administrative action or proceeding has been threatened, restraining or enjoining, or seeking to restrain or enjoin, the issuance and delivery of the Bonds, or questioning or contesting the validity of the Bonds or the proceedings or authorities under which they are authorized to be issued, sold, executed and delivered. A certificate to such effect will be delivered to the Underwriters at the time of the original delivery of the Bonds.

¹ A school district that increases its millage rate, without voter approval, to replace debt millage revenue loss would not be eligible to receive reimbursement distributions. Because much of the reimbursement funds are deposited into the State school aid fund, the legislature may, in the future, change the funding formulas in the State School Aid Act of 1979 or appropriate funds therein for other purposes.

TAX MATTERS

State

In the opinion of Thrun Law Firm, P.C., East Lansing, Michigan ("Bond Counsel"), based on its examination of the documents described in its opinion, under existing State of Michigan statutes, regulations, rulings and court decisions, the Bonds and the interest thereon are exempt from all taxation in the State of Michigan, except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

Federal

In the opinion of Bond Counsel, based upon its examination of the documents described in its opinion, under existing statutes, regulations, rulings and court decisions, the interest on the Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals; however, interest on the Bonds held by an "applicable corporation" as defined in Section 59(k) of the Internal Revenue Code of 1986, as amended (the "Code") is included in annual "adjusted financial statement income" for purposes of calculating the alternative minimum tax imposed on an applicable corporation. The opinions set forth in the preceding sentence are subject to the condition that the School District comply with all requirements of the Code, that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. The School District has covenanted to comply with such requirements. Failure to comply with certain of such requirements may cause the inclusion of interest on the Bonds in gross income for federal income tax purposes to be retroactive to the date of issuance of the Bonds. Bond Counsel will express no opinion regarding other federal tax consequences with respect to the Bonds.

There are additional federal tax consequences relative to the Bonds and the interest thereon. The following is a general description of some of these consequences but is not intended to be complete or exhaustive and investors should consult with their tax advisors with respect to these matters. Prospective purchasers of the Bonds should be aware that (i) interest on the Bonds is included in the effectively connected earnings and profits of certain foreign corporations for purposes of calculating the branch profits tax imposed by Section 884 of the Code, (ii) interest on the Bonds may be subject to a tax on excess net passive income of certain S Corporations imposed by Section 1375 of the Code, (iii) interest on the Bonds is included in the calculation of modified adjusted gross income for purposes of determining the taxability of social security or railroad retirement benefits, (iv) the receipt of interest on the Bonds by life insurance companies may affect the federal tax liability of such companies, (v) in the case of property and casualty insurance companies, the amount of certain loss deductions otherwise allowed is reduced by a specific percentage of, among other things, interest on the Bonds, (vi) holders of the Bonds may not deduct interest on indebtedness incurred or continued to purchase or carry the Bonds, and (vii) commercial banks, thrift institutions and other financial institutions may not deduct their costs of carrying certain obligations such as the Bonds.

Original Issue Premium¹

For federal income tax purposes, the initial offering prices to the public (excluding bond houses and brokers) of certain Bonds, as set forth on the cover of this Official Statement, may be greater than the stated redemption prices at maturity (the "Premium Bonds"), and constitutes for the original purchasers of the Premium Bonds an amortizable bond premium. Such amortizable bond premium is not deductible from gross income. The amount of amortizable bond premium allocable to each taxable year is generally determined on the basis of a taxpayer's yield to maturity determined by using the taxpayer's basis (for purposes of determining loss on sale or exchange) of such Premium Bonds and compounding at the close of each six-month accrual period. The amount of amortizable bond premium allocable to each taxable year is deducted from the taxpayer's adjusted basis of such Premium Bonds to determine taxable gain upon disposition (including sale, redemption or payment on maturity) of such Premium Bonds.

¹ Preliminary, subject to change.

Original Issue Discount¹

The initial public offering prices of certain Bonds, as set forth on the cover page of this Official Statement, may be less than the stated redemption prices at maturity (hereinafter referred to as the "OID Bonds"), and, to the extent properly allocable to each owner of such OID Bond, the original issue discount is excludable from gross income for federal income tax purposes with respect to such owner. Original issue discount is the excess of the stated redemption price at maturity of an OID Bond over the initial offering price to the public (excluding bond houses and brokers) at which price a substantial amount of the OID Bonds were sold. Under Section 1288 of the Code, original issue discount on tax-exempt bonds accrues on a compound basis. For an owner who acquires an OID Bond in this offering, the amount of original issue discount that accrues during any accrual period generally equals (i) the issue price of such OID Bond plus the amount of original issue discount accrued in all prior accrual periods, multiplied by (ii) the yield to maturity on such OID Bond (determined on the basis of compounding at the close of each accrual period and properly adjusted for the length of the accrual period), less (iii) any interest payable on such OID Bond during such accrual period. The amount of original issue discount so accrued in a particular accrual period will be considered to be received ratably on each day of the accrual period, will be excluded from gross income for federal income tax purposes, and will increase the owner's tax basis in such OID Bond. Any gain realized by an owner from a sale, exchange, payment or redemption of an OID Bond would be treated as gain from the sale or exchange of such OID Bond. Owners of OID Bonds should consult with their individual tax advisors to determine whether the application of the original issue discount federal regulations will require them to include, for state and local income tax purposes, an amount of interest on the OID Bonds as income even though no corresponding cash interest payment is actually received during the tax year.

Future Developments

No assurance can be given that any future legislation or clarifications or amendments to the Code or to Michigan statutes, if enacted into law, will not contain proposals which could cause the interest on the Bonds to be subject directly or indirectly to federal or State income taxation, adversely affect the market price or marketability of the Bonds, or otherwise prevent bondholders from realizing the full current benefit of the status of the interest thereon.

Furthermore, no assurance can be given that the impact of any future court decisions will not cause the interest on the Bonds to be subject directly or indirectly to federal or State income taxation, adversely affect the market price or marketability of the Bonds, or otherwise prevent bondholders from realizing the full current benefit of the status of the interest thereon.

It is to be understood that the rights of the holders of the Bonds and the enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors' rights heretofore or hereafter enacted to the extent constitutionally applicable and that their enforcement may also be subject to the exercise of judicial discretion in appropriate cases.

INVESTORS SHOULD CONSULT WITH THEIR TAX ADVISORS AS TO THE TAX CONSEQUENCES OF THEIR ACQUISITION, HOLDING OR DISPOSITION OF THE BONDS, INCLUDING THE TREATMENT OF ORIGINAL ISSUE PREMIUM OR ORIGINAL ISSUE DISCOUNT, IF ANY.

APPROVAL OF LEGAL PROCEEDINGS

Legal matters incident to the authorization, issuance and sale by the School District of the Bonds are subject to the approving opinion of Thrun Law Firm, P.C., East Lansing, Michigan, Bond Counsel. Except to the extent necessary to issue its approving opinion as to the validity of the Bonds, Bond Counsel has made no inquiry as to any financial information, statements or materials contained in any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the Bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial information, statements or materials.

¹ Preliminary, subject to change.

Certain legal matters will be passed upon for the Underwriters by their counsel, Miller, Canfield, Paddock and Stone, P.L.C., Detroit, Michigan.

APPROVAL BY MICHIGAN DEPARTMENT OF TREASURY

The School District has received a letter from the Department of Treasury of the State of Michigan stating that the School District is in material compliance with the criteria of the Revised Municipal Finance Act, Act No. 34, Public Acts of Michigan, 2001, as amended, for a municipality to be granted qualified status. The School District may therefore issue the Bonds without further approval from the Department of Treasury of the State of Michigan.

RATINGS

S&P Global Ratings, a business unit of Standard and Poor's Financial Services LLC ("S&P"), will assign, as of the date of delivery of the Bonds, its municipal bond rating of "___" to the Bonds based upon the fact that each Bond will be fully qualified for participation in the Michigan School Bond Qualification and Loan Program as of its date of delivery. See "QUALIFICATION BY THE STATE OF MICHIGAN," "LEVY AND COLLECTION OF TAXES FOR PAYMENT OF THE BONDS AND BONDHOLDERS' REMEDIES" and APPENDIX A, "State Qualification," herein.

S&P will also assign, as of the date of delivery of the Bonds, its underlying municipal bond rating of "___" to the Bonds without regard to qualification of the Bonds for participation in the Michigan School Bond Qualification and Loan Program.

No application has been made to any other ratings service for a rating on the Bonds. The School District furnished to S&P certain materials and information in addition to that provided herein. Generally, rating agencies base their ratings on such information and materials, and on investigations, studies and assumptions. There is no assurance that such ratings will prevail for any given period of time or that they will not be revised downward or withdrawn entirely by S&P if, in its judgment, circumstances so warrant. Any such downward revision or withdrawal of such ratings may have an adverse affect on the market price of the Bonds. Any ratings assigned represent only the views of S&P. Further information is available upon request from S&P Global Ratings, 55 Water Street, New York, New York 10041, telephone: (212) 438-1000.

UNDERWRITING

Stifel, Nicolaus & Company, Incorporated, Huntington Securities, Inc., dba Huntington Capital Markets and Raymond James & Associates, Inc. (collectively, the "Underwriters") have agreed, subject to the terms of the Bond Purchase Agreement, to purchase the Bonds from the School District. The Bond Purchase Agreement provides, in part, that the Underwriters, subject to certain conditions, will purchase from the School District the aggregate principal amount of Bonds for a purchase price as set forth therein. The Underwriters have further agreed to offer the Bonds to the public at the approximate initial offering prices corresponding to the yields as set forth on the cover hereto. The Underwriters may offer and sell the Bonds to certain dealers and others at prices lower than the offering prices corresponding to the yields stated on the cover hereto. The offering prices may be changed from time to time by the Underwriters. The aggregate underwriting fee for the Bonds equals _____ percent of the aggregate principal amount of the Bonds.

The Bond Purchase Agreement provides that the obligations of the Underwriters are subject to certain conditions, including, among other things, that (i) no event has occurred which impairs or threatens to impair the validity of the Bonds or the status of the Bonds or the interest thereon as exempt from taxation in the State of Michigan and interest on the Bonds is excluded from gross income for federal income tax purposes (except as described under the heading "TAX MATTERS" herein), and (ii) proceedings relating to the Bonds are not pending or threatened by the Securities and Exchange Commission. The Bond Purchase Agreement further provides that the School District will provide to the Underwriters, within seven business days of the date of the Bond Purchase Agreement, sufficient copies of the Official Statement to enable the Underwriters to comply with the requirements of Rule 15c2-12(b)(4) under the Securities Exchange Act of 1934, as amended.

Stifel, Nicolaus & Company, Incorporated made a bond ballot contribution to the "Vote Yes for Berkley Schools" campaign in June of 2023.

MUNICIPAL ADVISOR'S OBLIGATION

The School District has retained PFM Financial Advisors LLC, of Ann Arbor, Michigan, as municipal financial advisor (the "Municipal Advisor") in connection with the issuance of the Bonds. In preparing portions of the Official Statement, the Municipal Advisor has relied upon governmental officials and other sources which have access to relevant data, to provide accurate information for the Official Statement and the Municipal Advisor has not been engaged, nor has it undertaken, to independently verify the accuracy of such information. To the best of the Municipal Advisor's knowledge and belief, the information contained in the Official Statement, which it assisted in preparing, while it may be summarized, is complete and accurate. The Municipal Advisor is not a public accounting firm and has not been engaged by the School District to compile, review, examine or audit any information in the Official Statement in accordance with accounting standards.

The Municipal Advisor is an independent advisory firm and is not engaged in the business of underwriting, trading or distributing municipal securities or other public securities and therefore will not participate in the underwriting of the Bonds. PFM Financial Advisors LLC is registered with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board as a municipal advisor.

Requests for information concerning the School District should be addressed to PFM Financial Advisors LLC, 555 Briarwood Circle, Suite 333, Ann Arbor, Michigan 48108, telephone: (734) 994-9700.

CONTINUING DISCLOSURE

Prior to delivery of the Bonds, the School District will execute a Continuing Disclosure Agreement (the "Agreement") for the benefit of the holders of the Bonds and the Beneficial Owners (as hereinafter defined under this caption only) to send certain information annually and to provide notice of certain events to certain information repositories pursuant to the requirements of Rule 15c2-12(b)(5) (the "Rule") adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended. "Beneficial Owner" means, under this caption only, any person, which has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including any person holding Bonds through nominees, depositories or any other intermediaries). The information to be provided on an annual basis, the events which will be noticed on an occurrence basis and the other terms of the Agreement, are set forth in "APPENDIX F: Form of Continuing Disclosure Agreement." Additionally, the School District shall provide certain annual financial information and operating data generally consistent with the information contained within the tables under the headings "ENROLLMENT - Historical Enrollment," "STATE AID PAYMENTS," "PROPERTY VALUATIONS - History of Valuations," "MAJOR TAXPAYERS," "SCHOOL DISTRICT TAX RATES - (Per \$1,000 of Valuation)," "TAX LEVIES AND COLLECTIONS," "RETIREMENT PLAN - Contribution to MPSERS," "LABOR RELATIONS," and "DEBT STATEMENT - DIRECT DEBT" in APPENDIX B and General Fund Budget Summary in APPENDIX C.

A failure by the School District to comply with the Agreement will not constitute an event of default under the Resolutions and Beneficial Owners of the Bonds are limited to the remedies described in the Agreement. A failure by the School District to comply with the Agreement must be reported by the School District in accordance with the Rule and must be considered by any broker, dealer or municipal securities dealer before recommending the purchase or sale of the Bonds in the secondary market. Consequently, such a failure may adversely affect the transferability and liquidity of the Bonds and their market price.

The School District has not, in the previous five years, failed to comply in any material respect with any previous continuing disclosure agreements or undertaking executed by the School District pursuant to the Rule.

OTHER MATTERS

All information contained in this Official Statement, in all respects, is subject to the complete body of information contained in the original sources thereof. In particular, no opinion or representation is rendered as to whether any projection will approximate actual results, and all opinions, estimates and assumptions, whether or not expressly identified as such, should not be considered statements of fact.

The School District certifies that to its best knowledge and belief, this Official Statement, insofar as it pertains to the School District and its economic and financial condition, is true and correct as of the date of this Official Statement, and does not contain, nor omit, any material facts or information which would make the statements contained herein misleading.

BERKLEY SCHOOL DISTRICT
COUNTY OF OAKLAND
STATE OF MICHIGAN

By: _____
Its: Superintendent of Schools

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**APPENDIX A
STATE QUALIFICATION**

**ARTICLE IX, SECTION 16 OF THE
1963 STATE OF MICHIGAN CONSTITUTION**

State loans to school districts.

Sec. 16. The state, in addition to any other borrowing power, may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

Amount of loans.

If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

Qualified bonds.

The term "qualified bonds" means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section.

Repayment of loans, tax levy by school district.

After a school district has received loans from the state, each year thereafter it shall levy for debt service, exclusive of levies for nonqualified bonds, not less than 13 mill or such lower millage as the legislature may prescribe, until the amount loaned has been repaid, and any tax collections therefrom in any year over and above the minimum requirements for principal and interest on qualified bonds shall be used toward the repayment of state loans. In any year when such levy would produce an amount in excess of the requirements and the amount due to the state, the levy may be reduced by the amount of the excess.

Bonds, state loans, repayment.

Subject to the foregoing provisions, the legislature shall have the power to prescribe and to limit the procedure, terms and conditions for the qualification of bonds, for obtaining and making state loans, and for the repayment of loans.

Power to tax unlimited.

The power to tax for the payment of principal and interest on bonds hereafter issued which are the general obligations of any school district, including refunding bonds, and for repayment of any state loans made to school districts, shall be without limitations as to rate or amount.

Rights and obligations to remain unimpaired.

All rights acquired under Sections 27 and 28 of Article X of the Constitution of 1908, by holders of bonds heretofore issued, and all obligations assumed by the state or any school district under these sections, shall remain unimpaired.

SCHOOL BOND QUALIFICATION, APPROVAL, AND LOAN ACT
Act 92 of 2005

AN ACT to prescribe the procedures, terms, and conditions for the qualification or approval of school bonds and other bonds; to authorize this state to make loans to certain school districts for the payment of certain bonds and to authorize schools to borrow from this state for that purpose; to prescribe the terms and conditions of certain loans to school districts; to prescribe the powers and duties of certain state agencies and certain state and local officials; to provide for certain fees; to prescribe certain penalties; and to repeal acts and parts of acts.

History: 2005, Act 92, Imd. Eff. July 20, 2005.

The People of the State of Michigan enact:

388.1921 Short title.

Sec. 1. This act shall be known and may be cited as the "school bond qualification, approval, and loan act".

History: 2005, Act 92, Imd. Eff. July 20, 2005.

388.1922 Purpose of act.

Sec. 2. The purpose of this act is to implement section 16 of article IX of the state constitution of 1963 and to provide for loans to school districts.

History: 2005, Act 92, Imd. Eff. July 20, 2005.

388.1923 Definitions.

Sec. 3. As used in this act:

(a) "Computed millage" means the number of mills in any year, not less than 7 mills and not more than 13 mills, determined on the date of issuance of the order qualifying the bonds or on a later date if requested by the school district and approved by the state treasurer, that, if levied by the school district, will generate sufficient annual proceeds to pay principal and interest on all the school district's qualified bonds plus principal and interest on all qualified loans related to those qualified bonds no later than the final mandatory repayment date. Based on changes of circumstances, including, but not limited to, additional bond qualification, refundings, changes in qualified loan interest rates, changes in taxable values, and assumptions contained in any then currently effective guidelines issued by the state treasurer pursuant to section 5(2)(c), the school district shall not less than annually, beginning on October 1, 2013, using methods prescribed in this act, recalculate the computed millage necessary to generate sufficient annual levy proceeds to pay principal and interest on all of the school district's qualified bonds and principal and interest on all qualified loans related to those qualified bonds not later than the final mandatory repayment date. If the school district determines that the recalculated computed millage is lower than its current millage levy rate, the school district shall promptly notify the state treasurer in writing of the recalculated computed millage. Immediately thereafter, the school district shall decrease its millage levy rate to the recalculated computed millage, but not below the computed millage established pursuant to the most recent order qualifying bonds for that school district, or to the minimum levy prescribed by law for receipt of qualified loans, whichever rate is higher. If the school district determines that the recalculated computed millage is higher than its current millage levy rate, the school district shall promptly notify the state treasurer in writing of the recalculated computed millage. Immediately thereafter, the school district shall increase its millage levy rate to the recalculated computed millage, subject to 1 of the following exceptions, and subject to any maximum millage levy rate otherwise prescribed for by law:

(i) For each school district's first recalculated computed millage required as of October 1, 2013, increase its millage levy by a percentage amount equal to the equivalent percentage of taxable value change for that school district over the immediately preceding 5 years, but not higher than the recalculated computed millage.

(ii) For each school district's subsequent recalculated computed millage beginning October 1, 2014 and each year thereafter, increase its millage levy by a percentage amount equal to the percentage of taxable value decline for the immediately preceding year ending September 30, but not to a rate higher than the recalculated computed millage.

(iii) If it is determined that a district's current computed millage is sufficient to pay all qualified loans by the mandatory final loan repayment date, no recalculation of the computed millage is required.

(b) "Final mandatory repayment date" means the final mandatory repayment date determined by the state treasurer under section 9.

(c) "Michigan finance authority" means the Michigan finance authority created under Executive

Reorganization Order No. 2010-2, MCL 12.194.

(d) "Qualified bond" means a bond that is qualified under this act for state loans as provided in section 16 of article IX of the state constitution of 1963. A qualified bond includes the interest amount required for payment of a school district's net interest obligation under an interest rate exchange or swap, hedge, or other agreement entered into pursuant to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, but does not include a termination payment or similar payment related to the termination or cancellation of an interest rate exchange or swap, hedge, or other similar agreement. A qualified bond may include a bond issued to refund loans owed to the state under this act.

(e) "Qualified loan" means a loan made under this act or former 1961 PA 108 from this state to a school district to pay debt service on a qualified bond.

(f) "Revolving loan fund" means the school loan revolving fund created under section 16c of the shared credit rating act, 1985 PA 227, MCL 141.1066c.

(g) "School district" means a general powers school district organized under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a school district of the first class as described in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, having the power to levy ad valorem property taxes.

(h) "State treasurer" means the state treasurer or his or her duly authorized designee.

(i) "Taxable value" means the value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

History: 2005, Act 92, Imd. Eff. July 20, 2005;—Am. 2012, Act 437, Eff. Mar. 28, 2013.

388.1924 Qualification of new bonds; terms and conditions applicable to outstanding qualified bonds; application for prequalification.

Sec. 4. (1) A school district may issue and market bonds as qualified bonds if the state treasurer has issued an order granting qualification under this act.

(2) Except with regard to qualification of new bonds, nothing in this act shall be construed to alter the terms and conditions applicable to outstanding qualified bonds issued in accordance with former 1961 PA 108. Unless otherwise amended as permitted by this act, outstanding qualified loans incurred in association with outstanding qualified bonds described in this subsection shall bear interest as provided in section 9(8) but otherwise shall be due and payable as provided in the repayment agreements entered into between the school district and the state before the effective date of this act.

(3) The state treasurer may qualify bonds for which the state treasurer has received an application for prequalification on or before May 25, 2005 without regard to the requirements of section 5(2)(f) if the electors of the school district approve the bonds at an election held during 2005.

History: 2005, Act 92, Imd. Eff. July 20, 2005;—Am. 2012, Act 437, Eff. Mar. 28, 2013.

388.1925 Preliminary qualification; application.

Sec. 5. (1) A school district may apply to the state treasurer for preliminary qualification of a proposed school bond issue by filing an application in the form and containing the information required by this act.

(2) An application for preliminary qualification of a school bond shall contain all of the following information:

(a) The proposed ballot language to be submitted to the electors.

(b) A description of the project or projects proposed to be financed.

(c) A pro forma debt service projection showing the estimated mills the school district will levy to provide revenue the school district will use to pay the qualified bonds, any outstanding qualified bonds, and any outstanding or projected qualified loans of the school district. For the purpose of the pro forma debt service projection, the school district may assume for the first 5 years following the date of the application the average growth or decline in taxable value for the 5 years or such other period of time requested by the school district if approved by the state treasurer preceding the date of the application and the average growth or decline rate for the 20 years immediately preceding the date of the application but not more than 3% or less than 0% growth rate, for the remaining term of the proposed bonds.

(d) Evidence that the rate of utilization of each project to be financed will be at least 85% for new buildings and 60% for renovated facilities. If the projected enrollment of the district would not otherwise support utilization at the rates described in this subsection, the school district may include an explanation of the actions the school district intends to take to address the underutilization, including, if applicable, actions to close school buildings or other actions designed to assure continued assured use of the facilities being financed.

(e) Evidence that the cost per square foot of the project or projects will be reasonable in light of economic conditions applicable to the geographic area in which the school district is located.

(f) Evidence that the school district will repay all outstanding qualified bonds, the proposed qualified bonds, all outstanding qualified loans, and all qualified loans expected to be incurred with respect to all qualified bonds of the school district, including the proposed qualified bond issue, not later than the applicable final mandatory repayment date.

(g) The overall utilization rate of all school buildings in the school district, excluding special education purposes.

(h) The total bonded debt outstanding of the school district and the total taxable value of property in the school district for the school district fiscal year in which the application is filed.

(i) A statement describing any environmental or usability problems to be addressed by the project or projects.

(j) An architect's analysis of the overall condition of the facilities to be renovated or replaced as a part of the project or projects.

(k) An amortization schedule demonstrating that the weighted average maturity of the qualified bond issue does not exceed 120% of the average reasonably expected useful life of the facilities, excluding land and site improvements, being financed or refinanced with the proceeds of the qualified bonds, determined as of the later of the date on which the qualified bonds will be issued or the date on which each facility is expected to be placed in service.

(l) An agreement that the school district will keep books and records detailing the investment and expenditure of the proceeds of the qualified bonds and, at the request of the state treasurer, the school district will promptly, but not later than the date specified in the request, which date shall be not less than 5 business days after the date of the request, submit information requested by the state treasurer related to the detailed information maintained by the school district as to the investment and expenditure of the proceeds of its qualified bonds.

History: 2005, Act 92, Imd. Eff. July 20, 2005;—Am. 2012, Act 437, Eff. Mar. 28, 2013.

388.1926 Prequalification of bonds; determination by state treasurer.

Sec. 6. The state treasurer shall prequalify bonds of a school district if the state treasurer determines all of the following:

(a) The issuance of additional qualified bonds will not prevent the school district from repaying its outstanding qualified bonds, the proposed bonds, all outstanding qualified loans, and all qualified loans expected to be incurred with respect to all qualified bonds of the school district, including the proposed bond issue, not later than the applicable final mandatory repayment date.

(b) The form and language of the ballot conforms with the requirements of this act.

(c) The school district has filed an application complying with the requirements of section 5.

(d) If the proposed bond issue is approved by the voters after September 30, 2012 and will result in additional qualified loans, the outstanding balance of all qualified loans on the most recent May 1 or November 1 did not exceed \$1,800,000,000.00. The \$1,800,000,000.00 limitation described in the immediately preceding sentence does not apply after June 30, 2016.

(e) The issuance of additional qualified bonds approved by voters after September 30, 2012 will not have an adverse financial impact on the school district, this state, or the school loan revolving fund. In making this determination, the state treasurer shall consider relevant factors, including, but not limited to, whether the issuance of the proposed bond issue will cause the aggregate outstanding amount of qualified and nonqualified bonds, including the proposed bond issue, and currently outstanding qualified loans of the school district to exceed 25% of the taxable value of the school district at the time the proposed bonds are issued.

History: 2005, Act 92, Imd. Eff. July 20, 2005;—Am. 2012, Act 437, Eff. Mar. 28, 2013.

388.1927 Qualification of bonds; determination by state treasurer; order; specifications; loan agreement; reapplication; qualification of refunding bonds; requirements.

Sec. 7. (1) The state treasurer shall qualify bonds of a school district if the state treasurer determines all of the following:

(a) A majority of the school district electors have approved the bonds.

(b) The terms of the bond issue comply with applicable provisions of the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(c) The school district is in compliance with the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(d) The weighted average maturity of the qualified bond issue does not exceed 120% of the average reasonably expected useful life of the facilities, excluding land and site improvements, being financed or refinanced with the proceeds of the bonds, determined as of the later of the date on which the qualified bonds

will be issued or the date on which each facility is expected to be placed in service.

(e) The school district has filed any information necessary to update the contents of the original application to reflect changes in any of the information approved in the preliminary qualification process.

(f) The school district has agreed that the school district will keep books and records detailing the investment and expenditure of the proceeds of the qualified bonds and, at the request of the state treasurer, the school district will promptly, but not later than the date specified in the request, which date shall be not less than 5 business days after the date of the request, submit information requested by the state treasurer related to the detailed information maintained by the school district as to the investment and expenditure of the proceeds of its qualified bonds.

(2) An order qualifying bonds shall specify the principal and interest payment dates for all the bonds, the maximum principal amount of and maximum interest rate on the bonds, the computed millage, if any, the final mandatory repayment date, and other matters as the state treasurer shall determine or as are required by this act.

(3) If the application for prequalification demonstrates that the school district will borrow from this state in accordance with this act, the state treasurer and the school district shall enter into a loan agreement setting forth the terms and conditions of any qualified loans to be made to the school district under this act.

(4) If a school district does not issue its qualified bonds within 180 days after the date of the order qualifying bonds, the order shall no longer be effective. However, the school district may reapply for qualification by filing an application and information necessary to update the contents of the original application for prequalification or qualification.

(5) The state treasurer shall qualify refunding bonds issued to refund qualified loans or qualified bonds if the state treasurer finds that all of the following are met:

(a) The refunding bonds comply with the provisions of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(b) That the school district will repay all outstanding qualified bonds, the proposed qualified bonds, all outstanding qualified loans, and all qualified loans expected to be incurred with respect to all qualified bonds of the school district, including the proposed qualified bond issue, not later than the applicable final mandatory repayment date.

History: 2005, Act 92, Imd. Eff. July 20, 2005;—Am. 2012, Act 437, Eff. Mar. 28, 2013.

388.1928 Submission of ballot to electors; ballot.

Sec. 8. A ballot submitted to the school electors of a school district after November 8, 2005 requesting authorization to issue unlimited tax general obligations that will be guaranteed by this state in accordance with section 16 of article IX of the state constitution of 1963 shall inform the electors that if the school district expects to borrow from this state to pay debt service on the bonds, the estimated total amount of the principal of that borrowing and the interest to be paid on that borrowing, the estimated duration of the millage levy, and the estimated computed millage rate for that levy. The ballot shall also inform the electors of the total amount of qualified bond and loan debt currently outstanding and that the estimated computed millage rate may change based on changes in certain circumstances.

History: 2005, Act 92, Imd. Eff. July 20, 2005;—Am. 2012, Act 437, Eff. Mar. 28, 2013.

388.1929 Amount of borrowing; limitation; payment date for outstanding qualified loans; order; maintenance of separate accounts for each school district; duration of millage levy; amended and restated repayment agreements; waiver of portion of millage levy; findings; interest; final or later mandatory repayment date.

Sec. 9. (1) Except as otherwise provided in this act, a school district may borrow from the state an amount not greater than the difference between the proceeds of the school district's computed millage and the amount necessary to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies.

(2) For school districts having qualified loans outstanding as of July 20, 2005, the state treasurer shall review information relating to each school district regarding the taxable value of the school district and the actual debt service of outstanding qualified bonds as of July 20, 2005 and shall issue an order establishing the payment date for all those outstanding qualified loans and any additional qualified loans expected to be incurred by those school districts related to qualified bonds issued before July 20, 2005. The payment date shall be not later than 72 months after the date on which the qualified bonds most recently issued by the school district are due and payable. The payment date established pursuant to this subsection for a school district is a final mandatory repayment date.

(3) For qualified loans related to qualified bonds issued after July 20, 2005, the qualified loans shall be due

72 months after the date on which the qualified bonds for which the school borrowed from this state are due and payable. The due date determined pursuant to this subsection for a school district is a final mandatory repayment date. This section does not preclude early repayment of qualified bonds or qualified loans.

(4) The state treasurer shall maintain separate accounts for each school district on the books and accounts of this state noting the qualified bond, the related qualified loans, the final payment date of the bonds, the final mandatory repayment date of the qualified loans, and the interest rate accrued on the loans.

(5) For qualified loans relating to qualified bonds issued after July 20, 2005, a school district shall continue to levy the computed millage until it has completely repaid all principal and interest on its qualified loans.

(6) For qualified loans relating to qualified bonds issued before July 20, 2005, a school district shall continue to comply with the levy and repayment requirements imposed before July 20, 2005. Not less than 90 days after July 20, 2005, the state treasurer and the school district shall enter into amended and restated repayment agreements to incorporate the levy and repayment requirements applicable to qualified loans issued before July 20, 2005.

(7) Upon the request of a school district made before June 1 of any year, the state treasurer annually may waive all or a portion of the millage required to be levied by a school district to pay principal and interest on its qualified bonds or qualified loans under this section if the state treasurer finds all of the following:

(a) The school board of the school district has applied to the state treasurer for permission to levy less than the millage required to be levied to pay the principal and interest on its qualified bonds or qualified loans under subsection (1).

(b) The application specifies the number of mills the school district requests permission to levy.

(c) The waiver will be financially beneficial to this state, the school district, or both.

(d) The waiver will not reduce the millage levied by the school district to pay principal and interest on qualified bonds or qualified loans under this act to less than 7 mills.

(e) The board of the school district, by resolution, has agreed to comply with all conditions that the state treasurer considers necessary.

(8) All qualified loans shall bear interest at 1 of the following rates:

(a) The greater of 3% or the average annual cost of funds used to make qualified loans plus 0.125%, but not less than the cost of funds on outstanding qualified notes and bonds issued by the Michigan finance authority to finance loans computed by the state treasurer not less often than annually.

(b) A lesser rate determined by the state treasurer to be necessary to maintain the exemption from federal income tax of interest on any bonds or notes issued to fund qualified loans.

(c) A higher rate determined by the state treasurer to be necessary to prevent the impairment of any contract of this state or the Michigan finance authority in existence on the effective date of the amendatory act that added this subdivision.

(9) A payment date determined under subsection (2) or a due date determined under subsection (3) is a final mandatory repayment date. Once established for a school district as provided in this section, a final mandatory repayment date shall apply to all qualified loans of the school district, whenever made, until 30 days after the date the school district has no outstanding qualified loans and no outstanding debt incurred to refund qualified loans. Notwithstanding this subsection, the state treasurer may determine a later mandatory repayment date for a school district that agrees to levy a higher millage, acceptable to the state treasurer, not to exceed 13 mills, than its existing computed millage.

History: 2005, Act 92, Imd. Eff. July 20, 2005;—Am. 2006, Act 71, Imd. Eff. Mar. 20, 2006;—Am. 2009, Act 50, Imd. Eff. June 18, 2009;—Am. 2012, Act 437, Eff. Mar. 28, 2013.

388.1930 Certificates of qualification or approval; file; delivery.

Sec. 10. The state treasurer shall keep all certificates of qualification or approval in a permanent file and shall deliver copies of the certificates to the school district.

History: 2005, Act 92, Imd. Eff. July 20, 2005.

388.1931 Rules; bulletins.

Sec. 11. The state treasurer may promulgate rules to implement this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and may issue bulletins as authorized by this act.

History: 2005, Act 92, Imd. Eff. July 20, 2005;—Am. 2012, Act 437, Eff. Mar. 28, 2013.

388.1932 Failure to apply for prequalification, qualification, or approval of bond before issuance.

Sec. 12. If a school district does not apply for prequalification or qualification or approval of a bond issue

before the issuance of those bonds, the state treasurer shall not approve or qualify those bonds as qualified bonds under this act.

History: 2005, Act 92, Imd. Eff. July 20, 2005.

388.1933 School district owing revolving loan fund; filing annual loan activity application required; borrowing for debt service on qualified bonds; draw request; duties of state treasurer upon receipt of qualified loan confirmation; notification of no need to borrow by school district; invoice for repayment amount; remittance.

Sec. 13. (1) If a school district owes a balance due to the revolving loan fund or has been identified as a potential borrower, the school district shall file an annual loan activity application with the state treasurer not less than 60 days before certifying its annual tax levy. The annual loan activity application shall be submitted in a format prescribed by the state treasurer and shall provide the taxable value, debt service, and any other information necessary to determine the proper required millage levy required under this act. The application shall contain a resolution passed by the local school board authorizing a designated school district official to complete all necessary documents to obtain a loan from the revolving loan fund or for making repayment to the revolving loan fund for the year.

(2) If a school district is eligible to borrow for debt service on qualified bonds, the school district shall file a draw request with the state treasurer not less than 30 days before each date on which the school district owes the debt service. The draw request shall include all of the following:

(a) A statement of the debt service owed in the next 6 months.

(b) A copy of the most recent bank statement showing the amount on hand in the debt service accounts for all qualified bonds.

(c) A statement of any revenue received for payment of the debt service since the date of the bank statement.

(d) A statement of any withdrawals made from the debt service account since the date of the bank statement.

(3) Not more than 7 days before the date established by the state treasurer for making qualified loans, the school district shall confirm in writing the final qualified loan amount to be drawn on a certificate in the form prescribed by the state treasurer.

(4) Upon receipt of a qualified loan confirmation described in subsection (3), the state treasurer shall determine the amount of the draw, which shall be the difference between the funds on hand in all debt service accounts and the amount of the debt service, and shall make a qualified loan in that amount to the school district no later than 6 days before the date the debt service is due.

(5) When a school district's current computed millage levy is sufficient to pay principal and interest on its qualified bonds, a school district shall notify the state treasurer in writing of no need to borrow no later than 30 days before the date set for payment of the qualified bonds.

(6) Within 30 days after receipt of the annual activity application under subsection (1), the state treasurer shall send an invoice to the school district for the amount of repayment the school district owes on its outstanding qualified loans, which shall be the difference between the debt service payable or paid to bondholders and the funds on hand at the school district, less a reasonable amount of funds on hand, as determined by the state treasurer, to cover minimum balance requirements or potential tax disputes. The school district shall remit the amount specified in the invoice within 30 days after the dated date of the invoice.

History: 2005, Act 92, Imd. Eff. July 20, 2005;—Am. 2012, Act 437, Eff. Mar. 28, 2013.

388.1934 Failure of school district to pay principal and interest due on qualified bonds; notice; payment by state treasurer; billing of school district for amount paid; remittance.

Sec. 14. (1) If any paying agent for a school district's qualified bonds notifies the state treasurer that the school district has failed to deposit sufficient funds to pay principal and interest due on the qualified bonds when due, or if a bondholder notifies the state treasurer that the school district has failed to pay principal or interest on qualified bonds when due, whether or not the school district has filed a draw request with the state treasurer, the state treasurer shall promptly pay the principal or interest on the qualified bond when due.

(2) If the state treasurer pays any amount described in this section, the state treasurer shall bill the school district for the amount paid and the school district shall immediately remit the amount to the state treasurer. If the school district would have been eligible to borrow the debt service in accordance with the terms of this act, the school district shall enter into a loan agreement establishing the terms of the qualified loan as provided in this act. If the state treasurer directs the Michigan municipal bond authority to pay any amount described in this section, the state treasurer shall cause the Michigan municipal bond authority to bill the

school district for the amount paid and the school district shall immediately remit the amount to the Michigan municipal bond authority.

History: 2005, Act 92, Imd. Eff. July 20, 2005.

388.1935 Default; repayment.

Sec. 15. (1) If a school district that owes this state loan repayments relating to qualified bonds fails to levy at least the computed millage upon its taxable value for debt retirement purposes for qualified bonds and for repayment of a qualified loan made under this act while any part of the qualified loan is unpaid or defaults in its agreement to repay a qualified loan or any installment of a qualified loan, the school district shall increase its debt levy in the next succeeding year to obtain the amount necessary to repay this state the amount of the default plus a late charge of 3% and shall pay that amount to this state together with any other amounts owed during the next tax year. The school district may use other funds to repay this state including a transfer of general funds of the school district, if approved by the state treasurer. The state treasurer shall not disburse state school aid to the school district until the school district has made satisfactory arrangements with the state treasurer for the payment of the amount in default.

(2) If a school district fails to process any report, application, confirmation, or repayment as required under this act, the state treasurer may withhold a school district's state aid funds until the school district complies with the requirements under this act.

History: 2005, Act 92, Imd. Eff. July 20, 2005.

388.1936 Charging and disposition of fees.

Sec. 16. (1) The state treasurer may charge a prequalification application fee, a qualification application fee, and an annual loan activity fee in the amounts determined by the state treasurer to be required to pay the estimated administrative expenses incurred under this act for the fiscal year in which the state treasurer imposes the fee.

(2) The state treasurer shall deposit all fees collected under this act into a separate fund established within the state treasury, and shall use the proceeds of the fees solely for the purpose of administering and enforcing this act. The unexpended and unobligated balance of this fund at the end of each state fiscal year shall be carried forward over to the succeeding state fiscal year and shall not lapse to the general fund but shall be available for reappropriation for the next state fiscal year.

History: 2005, Act 92, Imd. Eff. July 20, 2005;—Am. 2012, Act 437, Eff. Mar. 28, 2013.

388.1937 False statement or unauthorized use of proceeds; violation as felony; penalty.

Sec. 17. A person who knowingly makes a false statement or conceals material information for the purpose of obtaining qualification of a bond issue under this act or for the purpose of obtaining a qualified loan under this act, or who knowingly uses all or part of the proceeds of a qualified loan obtained under this act for any purpose not authorized by this act, is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$5,000.00, or both.

History: 2005, Act 92, Imd. Eff. July 20, 2005.

388.1938 Use of remaining proceeds.

Sec. 18. If a school district has completed the projects approved by the school electors of the school district to be funded from proceeds of qualified bonds, a school district may use any remaining proceeds of the qualified bonds as follows:

(a) To pay debt service on the qualified bonds.

(b) To repay this state.

(c) If in the opinion of the school district's bond counsel use of the remaining proceeds for the purposes described in subdivisions (a) and (b) would adversely affect the federal tax treatment of interest on the qualified bonds, to pay for enhancements to the projects approved by the school electors as described in the ballot language proposing the qualified bonds.

History: 2005, Act 92, Imd. Eff. July 20, 2005;—Am. 2012, Act 437, Eff. Mar. 28, 2013.

388.1939 Actions by designee.

Sec. 19. The state treasurer may designate in writing a person or persons to take any actions required to be taken by the state treasurer under this act. The signature of any designee shall have the same force and effect as the signature of the state treasurer for all purposes of this act.

History: 2005, Act 92, Imd. Eff. July 20, 2005.

**OPINION #4422 OF THE ATTORNEY GENERAL, STATE OF MICHIGAN
DATED MARCH 12, 1965**

CONSTITUTIONAL LAW:
SCHOOL BONDS:
MUNICIPAL FINANCE COMMISSION:

Article 9, § 16, Michigan Constitution of 1963, requires school districts to borrow and State to lend sufficient sum to cover debt service payments on qualified bonds of school districts. Although this is not a pledge of full faith and credit of the State, the Municipal Finance Commission may and must enforce the duty of the district to borrow and the State to lend such sum.

No. 4422

March 12, 1965.

Hon. Sanford A. Brown
State Treasurer
Lansing, Michigan

You have asked in your letter of February 5 whether Article IX, § 16 of the Michigan Constitution of 1963 pledges the full faith and credit of the State to the payment of principal and interest of qualified school bonds.

Article IX, § 16 of the Michigan Constitution of 1963 provides in pertinent part as follows:

"The state * * * may borrow from time to time such amounts as shall be required, pledge its faith and credit and issue its notes or bonds therefor, for the purpose of making loans to school districts as provided in this section.

"If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

"The term 'qualified bonds' means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section."

Thus, the school district is required to borrow and the State to lend an amount sufficient to enable the school district to make payments of principal and interest due on qualified bonds, and the state is empowered to borrow and to issue its notes or bonds for the purpose of making such loans, and to pledge its full faith and credit for such state bonds or notes.

The constitutional provision quoted does not pledge the full faith and credit of the state to all qualified bonds. The state is not primarily liable on qualified bonds of a school district. Rather, the state is required to lend whatever the school district needs, from time to time, to meet debt service requirements on such bonds.

You ask what remedies are available to enforce the obligation of the state.

The quoted language makes it mandatory upon the school district to borrow and upon the state to lend "an amount necessary to enable the school district to make the payment." Under Chapter II, Section 2(f) of the Municipal Finance Act [C.L. 1948 § 132.2; M.S.A. 1958 Rev. Vol. § 5.3188(4)f], the Municipal Finance Commission has power to enforce compliance with any law by, inter alia, the "institution of appropriate proceedings in the courts of the state, including those for writs of mandamus and injunction."

The Commission could and indeed must enforce the duty of the district to borrow and the state to lend. The bondholders also would have an action to enforce the duty of the district to borrow and of the state to lend.

Thus the bondholders are assured of the availability of state funds where needed to meet debt service requirements on qualified bonds. This is not a pledge of full faith and credit, but gives the bondholders as much or more protection as would such a pledge.

FRANK J. KELLEY,
Attorney General

**OPINION #4508 OF THE ATTORNEY GENERAL, STATE OF MICHIGAN
DATED AUGUST 29, 1966**

BONDS: Qualified bonds of school districts.

CONSTITUTION OF 1963: School Bond Loan Fund.

SCHOOLS: Bond Loans.

STATE TREASURER: Payment of principal and interest on qualified school district bonds.

Authority of State Treasurer and procedures to be followed in paying from the School Bond Loan Fund principal and interest on qualified school bonds upon presentment by a bondholder.

No. 4508 Hon. Allison Green
 State Treasurer
 Capitol Building
 Lansing, Michigan

August 29, 1966.

You have requested my opinion on what procedures should be followed by the state treasurer preparatory to making loans to local school districts which are unable to make payments on principal and interest of qualified school district bonds.¹

Loans to bonded school districts are authorized by Article IX, Section 16, Constitution of 1963, which in part contains pertinent language:

"If the minimum amount which would otherwise be necessary for a school district to levy in any year to pay principal and interest on its qualified bonds, including any necessary allowances for estimated tax delinquencies, exceeds 13 mills on each dollar of its assessed valuation as finally equalized, or such lower millage as the legislature may prescribe, then the school district may elect to borrow all or any part of the excess from the state. In that event the state shall lend the excess amount to the school district for the payment of principal and interest. If for any reason any school district will be or is unable to pay the principal and interest on its qualified bonds when due, then the school district shall borrow and the state shall lend to it an amount sufficient to enable the school district to make the payment.

"The term 'qualified bonds' means general obligation bonds of school districts issued for capital expenditures, including refunding bonds, issued prior to May 4, 1955, or issued thereafter and qualified as provided by law pursuant to Section 27 or Section 28 of Article X of the Constitution of 1908 or pursuant to this section."

Article IX, Section 16, Constitution of 1963, is a continuation with minor revisions of the provisions relating to school bond financing which appeared in Sections 27 and 28 of Article X, Constitution of 1908. Section 27, Article X, Constitution of 1908, was proposed by joint resolution of the legislature in 1955 and approved by the people at the regular election of April 4, 1955. The loan provisions of Section 27 ceased to have effectiveness after July 1, 1962, and were replaced by the provisions of Section 28, Article X, Constitution of 1908, which was proposed by joint resolution of the legislature in 1960 and approved by the people at the general election of November 8, 1960. Section 28 by its own terms took effect on July 1, 1962.

Section 28, Article X, Constitution of 1908, was implemented by the legislature by the enactment of Act 108, P.A. 1961, which took effect September 8, 1961. The first section of Act 108, P.A. 1961, stated that the purpose of the act was to implement Section 28 of Article X of the Constitution of 1908. The Constitution of 1963 took effect on January 1, 1964. In anticipation of the effectiveness of that Constitution, the legislature passed Act 33, P.A. 1963, Second Extra Session, such act to take effect on January 1, 1964. Act 33, P.A. 1963, Second Extra Session, amended Sections 1, 3, 8 and 9 of Act 108, P.A. 1961, and further amended section 7 of Act 108, P.A. 1961, as amended by Act 131, P.A. 1962. The first section of amendatory Act 33 stated that the act's purpose was to implement Section 16 of Article IX of the Constitution of 1963. Subsequent amendment has been made to Sections 2, 4, 6, 9 and 10 of Act 108, P.A. 1961, by Act 169, P.A. 1964, which act also added a new Section 4a.²

¹In your letter of request you stated that you were familiar with Opinion No. 4422 issued by me on March 12, 1965, in which it was ruled that Article IX, Section 16, Constitution of 1963, requires school districts to borrow and the state to lend sufficient sums to cover debt service payments on qualified bonds of school districts but that this requirement is not a pledge of the full faith and credit of the state; the Municipal Finance Commission however may and must enforce the duty of the school district to borrow and have the state to lend the necessary amounts.

²Act 108, P.A. 1961, in its present amended form appears in M.S.A. 1965 Cum. Supp. § 3.424(111) et seq.

Answer to your question is to be found in amended Sections 6, 7 and 8 of the act. These sections present two situations in which you may become involved as state treasurer. The first situation is where a loan is to be made to the school district to permit the district to meet the principal and interest requirements on its bonds without a default in payment; the second is where the principal or interest on the bonds has not been paid when due upon proper presentation because of inadequate funds resulting in a default in payment.

Under amended Section 6 of the act, in any school district where the amount necessary to be levied in any year for principal and interest on qualified bonds exceeds 7 mills on each dollar of the assessed valuation of the school district as last equalized by the state, such school district on or before 60 days prior to the time of certification of its tax levy to the assessing officer shall file with the superintendent of public instruction³ a preliminary application for a loan from the state in the amount of any part of such excess over 7 mills which the school district does not propose to levy in such year.⁴ Amended Section 6 specifies the information to be supplied in the application. The superintendent of public instruction if he finds the application in proper form shall approve or deny the application in whole or in part and notify the school district of his action. Amended Section 7 of the act provides that if a loan from the state shall become necessary for the payment of principal and interest on qualified bonds in accordance with an approved preliminary application to the superintendent of public instruction or by virtue of a supplemental application, it shall be the duty of the superintendent of public instruction after audit to forward to the state treasurer a statement setting forth the amount to be loaned to the school district for the payment of principal and interest and the date on or before which loan shall be made.⁵ The superintendent shall prepare a voucher as a basis for the issuance of a warrant and upon receipt of such statement and warrant, it shall be the duty of the state treasurer to loan to the school district from the school bond loan fund the amount set forth in the statement of the superintendent of public instruction on or before the date specified therein. The state treasurer upon making such loan shall obtain from the school district a receipt for the amount so loaned which receipt shall specify the terms of repayment in accordance with the provisions of Section 16 of Article IX, Constitution of 1963 and the act. The school district treasurer upon receipt of the loan is required to deposit the same in the debt retirement fund to be used solely for the payment of principal and interest on qualified bonds.

The foregoing summaries of the procedures prescribed by amended Section 6 and 7 relate to the first situation above-described where the loan to the school district is to be made before the school district has defaulted in the payment of the principal or interest on its bonds.

The second situation described above is covered by amended Section 8 of the act which prescribes that in the event the principal or interest on any qualified bond is not paid when due, upon proper presentation of the bond or interest coupon to the agent or officer charged with making payment thereof, the state treasurer shall forthwith pay such principal or interest upon presentation of the bond or coupon to him. Any amount so paid by the state treasurer shall be deemed a loan to the school district made pursuant to the requirements of Section 16, Article IX, Constitution of 1963, and the act and the school district shall give a receipt therefor and repay the loan in the manner provided in the act for the repayment of loans.

The method of processing loans to school districts under amended Sections 6 and 7 before default in payment of principal or interest is adequately spelled out in those sections and no additional comment from me is necessary. Your real concern is in regard to the applicable procedures which you should follow in the situation where the school district has defaulted in the payment of principal or interest on its bonds and the bond or bonds and the interest coupons have not been paid when due by the paying agent because of lack of funds. In the event of such a happening it is assumed for the purposes of this opinion that the holder of the bond or of the interest coupon will make demand on you as state treasurer for the prompt payment of the obligation thereunder. Should such demand be made on you as state treasurer, you would be entitled to take the following action before making payment:

- a. Ascertaining from the superintendent of public instruction or from the records in your own office that the bonds involved are duly qualified bonds as defined and described in amended Section 3 of the act;
- b. Requiring proof reasonably satisfactory to you that the bond or bonds or the interest coupons have been properly presented for payment to the paying agent or officer charged with the responsibility for making payment thereof and that payment has been refused because sufficient monies had not been deposited by the school district for that purpose; such proof of nonpayment may be furnished you in the form of a certificate from the paying agent.

³Article VIII, Section 3, Constitution of 1963 requires the state board of education to appoint a superintendent of public instruction who shall be the principal executive officer of the department of education and who shall have powers and duties provided by law. Section 14 of Act 287, P.A. 1964 (M.S.A. 1965 Cum. Supp. § 15.1023(14)) specifies that after June 30, 1965, a reference in any law to the powers and duties of the superintendent of public instruction shall be deemed to be made to the state board of education, subject to exceptions not pertinent here, and that the state board of education may delegate any of its functions to the superintendent. Section 300 of Act 380, P.A. 1965, creates a department of education. Section 301 of that act provides that the head of the department of education is the state board of education. Section 303 of that act transfers by a Type III transfer all powers, duties and functions then vested by law in the superintendent of public instruction to the department of education. Section 305 of the act specifies that the principal executive officer of the department of education is the superintendent of public instruction. Act 380 appears in M.S.A. 1965 Cum. Supp. at § 3.29(1) et seq. Act 380, P.A. 1965, was amended without regard to the sections involved here by Act 407, P.A. 1965. Without doubt, under the foregoing provisions the state board of education could delegate to the superintendent of public instruction the performance of all of the functions and duties imposed on the board in connection with the School Bond Loan Fund.

⁴Other details set forth in amended Section 6 have been omitted.

⁵Other details set forth in amended Section 7 have been omitted.

c. Notification to the school district given by you or your designee of the action taken by paying agent in refusing payment of the bonds or interest coupons on presentment because of the failure of the school district to have deposited funds with the paying agent for that purpose and verification from the school district of the fact of such failure to supply the required funds; notification to the school district by you or your designee that payment of the required amounts were to be made from the school bond loan fund by you as state treasurer and that such payment would be in the form of a loan to the school district which the school district would be required to be repay to the school bond loan fund in the manner required by law; the school district will be required to furnish you as state treasurer with a receipt evidencing the loan and specifying the terms of repayment, as required by law.

Upon the fulfillment of the above conditions in a manner reasonably acceptable to you, you would be authorized to make payment of the amounts due on the bonds and interest coupons and thereupon to demand their surrender and delivery to you as state treasurer.

Because of the safeguards built into the Michigan Constitution and statutes there should be no default of Michigan qualified school bonds. The School Loan Fund Program will have afforded the school district access to loan funds prior to the due date of the principle [sic] and interest on such bonds. In order to advise of the procedures in the remote possibility of nonpayment, however, I have set forth the foregoing guide lines [sic].

FRANK J. KELLEY,
Attorney General

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APPENDIX B*
BERKLEY SCHOOL DISTRICT
GENERAL FINANCIAL, ECONOMIC AND SCHOOL INFORMATION

LOCATION AND AREA

Berkley School District (the “School District”) occupies an area of 4.5 square miles in the southeastern portion of Michigan’s Lower Peninsula, encompassing all of the cities of Berkley and Huntington Woods and portions of the cities of Oak Park and Royal Oak in Oakland County.

The School District is located the following distances from these commercial and industrial areas:

- 9 miles south of Troy
- 16 miles north of Detroit
- 41 miles northeast of Ann Arbor
- 79 miles east of Lansing

POPULATION

The U.S. Census reported population for the School District and the City of Berkley are as follows:

	School District	City of Berkley
2020 U.S. Census	27,706	15,194
2010 U.S. Census	27,163	14,970
2000 U.S. Census	28,030 ¹	15,531

¹Based upon an extrapolation of the figures of the local units within the School District.
Source: U.S. Census Bureau via data.census.gov website

BOARD OF EDUCATION

The Board of Education (the "Board") consists of seven members who are elected at large and serve overlapping six-year terms. The Board annually elects a President, Vice President, Treasurer and Secretary. The Board is responsible for the selection and appointment of the Superintendent of Schools. The Board meets as a single body to set or amend policy, develop long-range educational goals and act upon recommendations of the Superintendent of Schools. The Board is also responsible for adopting and periodically amending the operating budget and evaluating school programs in accordance with governing laws.

ENROLLMENT

Historical Enrollment

Historical fall enrollment for the School District is as follows:

School Year End 30-Jun	Full-time Equivalent	Change	School Year End 30-Jun	Full-time Equivalent	Change
2024	5,674	-0.56%	2019	6,058	3.91%
2023	5,706	-2.73	2018	5,830	2.46
2022	5,866	2.12	2017	5,690	7.00
2021	5,744	-2.64	2016	5,318	2.92
2020	5,900	-2.61	2015	5,167	--

* Information included in Appendix B of this Official Statement was obtained from the School District unless otherwise noted.

2023/2024 Fall Count

Kindergarten	846	8 th	410
1 st	389	9 th	352
2 nd	430	10 th	366
3 rd	412	11 th	354
4 th	410	12 th	383
5 th	430	Sub Total	5,563
6 th	399	Special Ed.	111
7 th	382	Total	<u>5,674</u>

Source: School District and Michigan Department of Education via website www.michigan.gov

SCHOOL DISTRICT FACILITIES

The following is a table showing the existing School District facilities.

<u>Facility</u>	<u>Grades Served</u>	<u>Year Built</u>	<u>Last Remodel/Addition</u>	<u>Type of Construction</u>
<i>Elementary Schools:</i>				
Angell	K - 5	1921	2017	Masonry
Burton	K - 5	1923	2017	Masonry
Pattengill	K - 5	1925	2017	Masonry
Rogers	K - 5	1951	2017	Masonry
<i>Elementary/Middle School:</i>				
Norup International	K - 8	1957	2016	Masonry
<i>Middle School:</i>				
Anderson	6 - 8	1956	2021	Masonry
<i>High School:</i>				
Berkley	9 - 12	1949	2018	Masonry
<i>Additional Facilities:</i>				
Tyndall Center	Admin	1965	2018	Masonry
Maintenance Bldg.	N/A	1929	N/A	Masonry
Avery	Child Care Ctr	1951	2018	Masonry

The School District has entered into a purchase agreement to purchase a building adjacent to the high school which it plans to use for special programs.

OTHER SCHOOLS

The following are the private, charter, or parochial schools located within the School District’s boundaries:

<u>Name of School</u>	<u>Grades Served</u>	<u>Approximate Enrollment</u>
Oholei Yosef Yitzchak Lubavitch Chedaer	9 - 12	40
Yeshiva Gedolah High School	9 - 12	64
Beth Jacob School	P - 12	598
		<u>702</u>

Source: 2024 Michigan Education Directory

STATE AID PAYMENTS

The School District's primary source of funding for operating costs is the State School Aid per pupil foundation allowance. Public Act 103 of 2023 has set the target foundation allowance at \$9,608 for fiscal year 2023/2024.

In future years, this allowance may be adjusted by an index based upon the change in revenues to the state school aid fund and the change in the total number of pupils statewide. The State may reduce State School Aid appropriations at any time if the State's revenues do not meet budget expectations. See "SOURCES OF SCHOOL OPERATING REVENUE" herein for additional information.

The following table shows a five year history and a current estimate of the School District's total state aid revenues, including categoricals and other amounts, and the per pupil state aid foundation allowance (including the 2023/24 allowance), which reflects the changes in sources of school operating revenue described herein:

Fiscal Year End 30-Jun	Foundation Allowance per Pupil	Total State Aid Payments	Blended Pupil Count	Amount Received per Pupil ¹
2024	\$9,608	\$66,492,253 ³	5,688.96 ³	\$11,688 ³
2023	9,150	66,298,186 ⁴	5,723.37	11,584 ⁴
2022	8,700	57,810,357	5,854.99	9,874
2021	8,500	57,302,461 ⁵	5,898.23	9,715 ⁵
2020	8,500	56,227,436 ⁶	5,940.83	9,465 ⁶
2019	8,313	53,739,327	6,066.74	8,858

¹Represents the "Total State Aid Payments" divided by the "Blended Pupil Count".

²Preliminary estimate, subject to change.

³Fiscal year 2023 State Aid Payments include \$3,889,916 of non-recurring revenue that, upon receipt, will be paid to the Michigan Public School Employees Retirement System toward the pension system's unfunded accrued liability.

⁴Public Act 165 of 2020 restored the State school aid reductions contained in Public Act 146 of 2020 for the 2020/21 fiscal year, added a onetime \$65 per pupil payment and added other appropriations for qualifying school districts.

⁵Public Act 146 of 2020 provided for a prorated reduction in State school aid payments to the School District, but also provided for additional funds from the federal Coronavirus Aid, Relief, and Economic Security Act to offset the state aid loss and provided additional funds to school districts.

Source: Michigan Department of Education via website www.michigan.gov

PROPERTY VALUATIONS

In accordance with Act No. 539, Public Acts of Michigan, 1982, and Article IX, Section 3 of the Michigan Constitution, the ad valorem State Equalized Valuation (SEV) represents 50% of true cash value. SEV does not include any value of tax exempt property (e.g. churches, governmental property) or property granted tax abatements under Act No. 198, Public Acts of Michigan, 1974, as amended. **Since 1994, ad valorem property taxes are assessed on the basis of Taxable Value, which is subject to assessment caps. SEV is used in the calculation of debt margin and true cash value.** See "TAX PROCEDURES" herein for further information.

Taxable property in the School District is assessed by the local municipal assessor, and is subject to review by the County Equalization Department.

History of Valuations

A history of the property valuations in the School District is shown below:

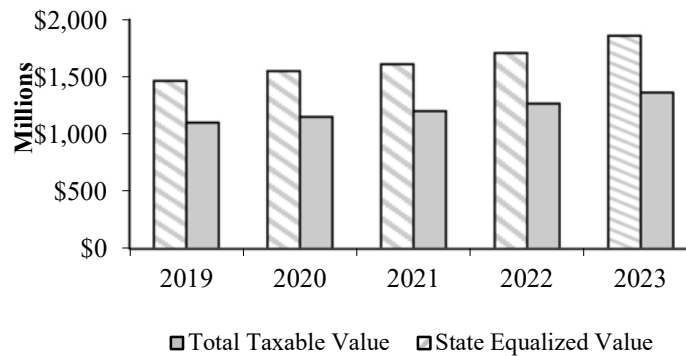
Year	Principal Residence ¹	Non- Principal Residence ¹	Total Taxable Value ²	Percent Change	State Equalized Value	Percent Change
2023	\$1,126,365,470	\$237,647,885	\$1,364,013,355	7.63%	\$1,860,469,359	8.81%
2022	1,055,035,239	212,288,390	1,267,323,629	5.38	1,709,773,022	6.07
2021	995,535,740	207,100,166	1,202,635,906	4.39	1,611,972,370	3.93
2020	947,239,133	204,841,137	1,152,080,270	4.58	1,551,069,970	5.77
2019	908,156,558	193,518,352	1,101,674,910	----	1,466,398,930	----

¹All industrial personal property is included in the principal residence tax base. While commercial personal property continues to be included in the non-principal residence tax base, it is exempt from 12 of the 18 operating mills levied on non-principal residence property only. In 2023, industrial personal property had a taxable value of \$0 and commercial personal property had a taxable value of \$11,166,651 in the School District.

²The 2024 Total Taxable Value for the School District is \$1,458,253,416. 2024 Taxable Value breakdown and SEV is not yet available.

Source: Oakland County Equalization Department

History of Valuations



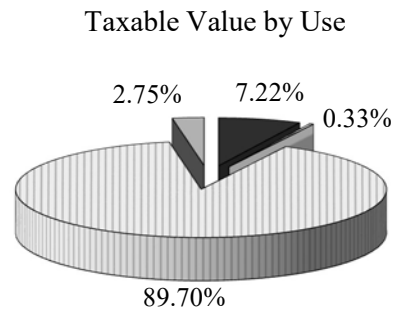
Source: Oakland County Equalization Department

Taxable Value by Class and Use

A breakdown of the School District's 2023 Taxable Value by class and use is as follows:

By Class:	2023 Taxable Value	Percent of Total
Real Property	\$1,326,451,966	97.25%
Personal Property	37,561,389	2.75
TOTAL	\$1,364,013,355	100.00%

By Use:	2023 Taxable Value	Percent of Total
Commercial	98,495,318	7.22
Industrial	4,406,096	0.33
Residential	1,223,550,552	89.70
Personal	37,561,389	2.75
TOTAL	\$1,364,013,355	100.00%



■ Commercial ■ Industrial ■ Residential ■ Personal

Source: Oakland County Equalization Department

Tax Base Composition

A breakdown of the School District's 2023 Taxable Value by municipality is as follows:

Municipality	Total Taxable Value	Percent of Total
<i>County of Oakland</i>		
City of Berkley	\$749,750,000	54.97%
City of Huntington Woods	447,680,020	32.82
City of Oak Park	142,594,405	10.45
City of Royal Oak	23,988,930	1.76
TOTAL	\$1,364,013,355	100.00%

Source: Oakland County Equalization Department

MAJOR TAXPAYERS

Shown below are the ten largest taxpayers in the School District based on their 2023 taxable value.

Taxpayer	Product/Service	2023 Taxable Value
Consumers Energy	Utility	\$17,609,101
DTE Electric Co.	Utility	8,505,970
Lincoln Tower Apartments, LLC	Apartments	6,198,647
Primestar Asset LLC	Office Buildings	5,522,200
DHS Management	Commercial Real Estate	3,314,970
Woodward Berkley LLC	Office Building	2,306,990
814 Berkley LLC	Real Estate	2,179,120
The Loop Apartments Community	Apartments	2,057,348
Lincoln Shopping Center	Retail	2,020,948
Pie Place Ventures, LLC	Commercial	1,782,084
TOTALS		\$51,497,378
Total 2023 Taxable Value		\$1,364,013,355
Top 10 Taxpayers as a % of 2023 Total Taxable Value		3.78%

Source: Oakland County Equalization Department

CONSTITUTIONAL MILLAGE ROLLBACK

Article IX, Section 31 of the Michigan Constitution (also referred to as the “Headlee Amendment”) requires that if the total value of existing taxable property (Taxable Valuation) in a local taxing unit, exclusive of new construction and improvements, increases faster than the U.S. Consumer Price Index from one year to the next, the maximum authorized tax rate for that local taxing unit must be reduced through a Millage Reduction Fraction unless new millage is authorized by a vote of the electorate of the local taxing unit.

SCHOOL DISTRICT TAX RATES - (Per \$1,000 of Valuation)

The following table shows the total School District tax rates for the past five years.

	<u>2023</u>	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>
Operating – Voted	18.0000	18.0000	18.0000	18.0000	17.3849
Debt	3.2000	3.2000	3.2000	3.2000	3.7000
Sinking Fund	2.8098	2.8098	2.8524	2.9038	2.9517
Total Non-Principal Residence	<u>24.0098</u>	<u>24.0098</u>	<u>24.0524</u>	<u>24.1038</u>	<u>24.0366</u>
Total Principal Residence	<u>6.0098</u>	<u>6.0098</u>	<u>6.0524</u>	<u>6.1038</u>	<u>6.6517</u>

The School District levies voted operating millage on non-principal residence property and sinking fund millage and authorized debt millage on all taxable property within the School District. The voted operating millage expires with the July 2032 levy. The sinking fund millage expires with the July 2028 levy.

OTHER JURISDICTIONS' TAX RATES - (Per \$1,000 of Valuation)

The following table provides the 2023 and 2022 tax rates for select municipal units of government that overlap with the School District's boundaries.

	<u>2023</u>	<u>2022</u>
State Education Tax	6.0000	6.0000
City of Berkley	15.7698	15.7752
City of Huntington Woods	24.1258	24.2612
City of Oak Park	31.9151	32.4383
City of Royal Oak	17.6187	17.5580
Oakland County	3.9686	3.9686
Oakland Schools	3.1658	3.1658

Source: Oakland County Equalization Department

TAX LEVIES AND COLLECTIONS

The School District's fiscal year begins July 1 and ends June 30. School District property taxes are due July 1 of each fiscal year and are payable without interest on or before the following September 14, and without penalty on or before the following February 14. All real property taxes remaining unpaid on March 1st of the year following the levy are turned over to the County Treasurer for collection. Oakland County (the "County") annually pay from its Tax Payment Funds delinquent taxes on real property to all taxing units in the County, including the School District, shortly after the date delinquent taxes are returned to the County Treasurer for collection.

A history of operating tax levies and collections for the School District is as follows:

<u>Levy Year</u>	<u>Operating Tax Levy</u>	<u>Collections to March 1, Each Year</u>		<u>Collections Plus Funding to June 30, Each Year</u>	
2023	\$4,338,811	\$4,008,035	92.38%	In Process of Collection	
2022	3,683,225	3,537,001	96.03	\$3,683,225	100.00%
2021	3,645,245	3,494,804	95.87	3,645,245	100.00
2020	3,612,760	3,522,519	97.50	3,612,760	100.00
2019	3,361,927	3,124,657	92.94	3,345,633	99.52

RETIREMENT PLAN

For the period October 1 through September 30, the School District pays an amount equal to a percentage of its employees' wages to the Michigan Public School Employees Retirement System ("MPERS"), which is a statewide retirement plan for employees of Michigan public schools administered by the State of Michigan. These contributions are established and required by law and are calculated by using the contribution rates as determined annually by the State.

MPERS is a cost-sharing, multi-employer, statewide plan. Pension benefits, and retiree health benefits, are established by law and funded through employer contributions. The cost of retiree health benefits is funded annually on a pay-as-you-go basis, with retirees paying some of the costs. Current year liability for retiree health benefits is reflected in the figures provided below. Further information regarding MPERS, including retiree health benefits, can be found at www.michigan.gov/orsschools.

Public Act 75 of 2010 ("Act 75") significantly modified MPERS and among other provisions required all employees hired after July 1, 2010 to participate in a new Pension Plus Plan which provides a combined defined benefit and defined contribution structure. Public Act 92 of 2017 ("Act 92") further modified MPERS for all employees hired on or after February 1, 2018. Act 92 requires all employees hired on or after February 1, 2018 to elect to participate in a new 401(k) style defined contribution plan or a new hybrid plan with different assumptions and cost sharing.

Contribution to MPERS

The School District's estimated annual contribution to MPERS for the 2022-23 fiscal year and the previous four fiscal years are shown below:

Fiscal Year Ended 30-Jun	Pension Amount	Health Care Amount	Total Amount
2024	\$15,259,974	\$3,399,813	\$18,659,787 ¹
2023	13,700,194	2,869,272	16,569,466 ²
2022	12,827,477	2,847,594	15,675,071
2021	12,774,993	2,777,503	15,552,496
2020	10,640,539	2,707,503	13,348,042
2019	10,262,380	2,690,884	12,953,264

¹Estimated

²In Fiscal year end 2023 the School District received a non-recurring State Aid categorical revenue amount (Section 147c(2) MPERS One-Time Deposit) of \$3,889,916 for a payment to the MPERS unfunded liability. This amount is not included in the contribution related to fiscal year end 2023 shown in the table above.

Effective for fiscal years beginning after June 15, 2014, GASB Statement 68 requires all reporting units in a multi-employer cost sharing pension plan to record a balance sheet liability for their proportionate share of the net pension liability of the plan. The School District implemented GASB 68 in its year ended June 30, 2015 financial statements. In its June 30, 2023 financial statements, the School District reported a proportionate share of the net pension liability of \$144,962,380 as of September 30, 2022.

Effective for fiscal years beginning after June 15, 2017, GASB Statement 75 requires all reporting units in a multi-employer cost sharing OPEB plan to record a balance sheet liability for their proportionate share of the net OPEB liability of the plan. The School District implemented GASB 75 in its year ended June 30, 2018 financial statements. In its June 30, 2023 financial statements, the School District reported a proportionate share of the net OPEB liability of \$8,213,589 as of September 30, 2022.

For additional information regarding Pension Plan and Postemployment Benefits Other than Pensions (OPEB), see the Notes in the School District's audited financial statements in Appendix C.

Source: Audited Financial Statements and School District

LABOR RELATIONS

The School District has labor agreements with the following employee groups. The agreements all provide for complete and comprehensive salary, wage, fringe benefit and working conditions provisions. The number of employees and duration of the agreements are as follows:

<u>Employee Group</u>	<u>No. of Employees</u>	<u>Affiliation</u>	<u>Exp. Date of Contract</u>
Administrators	17	ABA	06/30/24
Supervisors	3	Non-Affiliated	N/A
Teachers	300	BEA	08/28/25
Aides/Paraprofessionals	87	BEAP	08/30/25
Secretarial	28	BESA	06/30/24
Custodial/Maintenance	35	AFSCME	06/30/25
Other/Non-Affiliated	271	Non-Affiliated	N/A
TOTAL	741		

The School District has not experienced a strike by any of its bargaining units within the past ten years.

DEBT STATEMENT* - (As of 04/19/24 – including the Bonds described herein)

DIRECT DEBT:

<u>Dated Date</u>	<u>Purpose</u>	<u>Bond Type</u>	<u>Final Maturity</u>	<u>Principal Outstanding</u>
06/24/15	Building & Equipment & Site	UTQ	05/01/40	\$45,575,000
11/15/23	Building & Site	LTNQ	05/01/29	14,585,000
12/05/23	Building & Site, Series I	UTQ	05/01/48	9,820,000
//24	Building & Site, Series II	UTQ	05/01/49	71,630,000*
NET DIRECT DEBT				\$141,610,000*

OVERLAPPING DEBT:

<u>Percent Share</u>	<u>Municipality</u>	<u>Net Debt</u>	<u>District's Share</u>
97.84%	City of Berkley	\$183,236	\$179,278
99.92%	City of Huntington Woods	21,772,130	21,754,712
21.67%	City of Oak Park	16,271,252	3,525,980
0.65%	City of Royal Oak	139,962,338	909,755
1.81%	Oakland County	145,306,556	2,630,049
1.82%	Oakland ISD	39,675,000	722,085
1.83%	Oakland Community College	0	0

TOTAL OVERLAPPING DEBT	29,721,859
NET DIRECT AND OVERLAPPING DEBT	\$171,331,859*

*Preliminary subject to change.

Source: *Municipal Advisory Council of Michigan*

OTHER DEBT

The School District has no short-term borrowing outstanding.

DEBT HISTORY

The School District has no record of default on its obligations.

FUTURE FINANCING

The School District does not have plans for additional capital financings in the next 12 months.

DEBT RATIOS*

School District Population	27,706
2023 Taxable Value	\$1,364,013,355
2023 State Equalized Value (SEV)	\$1,860,469,359
2023 True Cash Value (TCV)	\$3,720,938,718
Per Capita 2023 Taxable Value	\$49,231.70
Per Capita 2023 State Equalized Value	\$67,150.41
Per Capita 2023 True Cash Value	\$134,300.83
Per Capita Net Direct Debt	\$5,111.17
Per Capita Net Direct and Overlapping Debt	\$6,183.93
Percent of Net Direct Debt of 2023 Taxable Value	10.38%
Percent of Net Direct and Overlapping Debt of 2023 Taxable Value	12.56%
Percent of Net Direct Debt of 2023 SEV	7.61%
Percent of Net Direct and Overlapping Debt of 2023 SEV	9.21%
Percent of Net Direct Debt of 2023 TCV	3.81%
Percent of Net Direct and Overlapping Debt of 2023 TCV	4.60%

*Preliminary subject to change.

LEGAL DEBT MARGIN* - (As of 04/19/24 – including the Bonds described herein)

2023 State Equalized Value	\$1,860,469,359
Legal Debt Limit - 15% of SEV	\$279,070,404
Total Bonded Debt Outstanding	\$141,610,000
Less: SLRF Qualified Bonds ¹	<u>(127,025,000)</u>
Net Amount Subject to Legal Debt Limit	<u>14,585,000</u>
LEGAL DEBT MARGIN AVAILABLE	<u><u>\$264,485,404</u></u>

*Preliminary subject to change.

¹ Section 1351(3) of Act 451, Public Acts of Michigan, 1976, as amended, provides that the bonded indebtedness of a school district shall not exceed 15% of the total assessed valuation of the district. Bonds not included in the computation of the legal debt margin are (1) any bond qualified under Article IX, Section 16 of the Michigan constitution of 1963, and (2) deficit budget bonds as authorized under Section 1356. In addition, Section 605 of Act 34, Public Acts of Michigan, 2001, as amended, provides, in relevant part, that debt evidenced by a refunding security shall not be deemed to be within any statutory or charter limitation of outstanding debt limit.

EMPLOYMENT CHARACTERISTICS

Listed below are the largest employers that are located within the School District and Oakland County:

Employer	Product or Service	Approx. No. of Employees
<i>Within the School District</i>		
Berkley School District	Education	741
Westborn, Inc.	Grocery	164
City of Huntington Woods	Government	150
Crispelli's	Restaurant	82
City of Berkley	Government	80
Green Lantern	Restaurant	78
Vinsetta Garage	Bar & Grill	70
Stantec Group Inc.	Engineering Firm	45
AU Enterprises, Inc.	Jewelry Casting	30
<i>Within the County of Oakland</i>		
Corewell Health	Health Care System	14,644
Stellantis NV	Automobile Manufacturer	11,615
UWM Holdings Corp.	Real Estate & Finance	8,058
General Motors Co.	Automobile Manufacturer	7,983
Ascension Michigan	Health Care System	5,498
Henry Ford Health System	Health Care System	5,301
U.S. Postal Service	Postal Service	5,000
Oakland County	Government	3,567
Trinity Health Michigan	Health Care System	3,558
Magna International of America Inc.	Automobile Manufacturer	2,640

Source: Crain's Detroit Business Book of Lists 2023 edition, and individual employers.

EMPLOYMENT BREAKDOWN

The U.S. Census Bureau, 2018-2022 American Community Survey reports the occupational breakdown of persons 16 years and over for the City of Berkley and County of Oakland as follows:

PERSONS BY OCCUPATION	City of Berkley		County of Oakland	
	Number	Percent	Number	Percent
	9,203	100.00%	659,664	100.00%
Management, Business, Science & Arts	5,641	61.30	347,071	52.61
Service	648	7.04	84,998	12.89
Sales & Office	1,868	20.30	128,772	19.52
Natural Resources, Construction & Maintenance	418	4.54	34,037	5.16
Production, Transportation & Material Moving	628	6.82	64,786	9.82

The U.S. Census Bureau, 2018-2022 American Community Survey reports the breakdown by industry for persons 16 years and over in the City of Berkley and County of Oakland are as follows:

PERSONS BY INDUSTRY	City of Berkley		County of Oakland	
	Number	Percent	Number	Percent
	9,203	100.00%	659,664	100.00%
Agriculture, Forestry, Fishing, Hunting & Mining	17	0.19	1,919	0.30
Construction	423	4.60	30,854	4.68
Manufacturing	1,494	16.23	131,284	19.90
Wholesale Trade	134	1.46	14,332	2.17
Retail Trade	761	8.27	63,509	9.63
Transportation, Warehousing & Utilities	188	2.04	22,170	3.36
Information	152	1.65	10,013	1.52
Finance, Insurance & Real Estate	980	10.65	53,529	8.11
Professional, Scientific & Management Services	1,643	17.85	97,552	14.79
Educational, Health & Social Services	2,227	24.20	140,472	21.29
Arts, Entertainment, Recreation & Food Services	479	5.20	49,075	7.44
Other Services except Public Administration	496	5.39	26,944	4.08
Public Administration	209	2.27	18,011	2.73

UNEMPLOYMENT

The U.S. Department of Labor, Bureau of Labor Market Statistics, reports unemployment averages for the County of Oakland as compared to the State of Michigan as follows:

Annual Average	County of Oakland	State of Michigan
January, 2024	3.1%	4.0%
2023 ¹	2.6	3.9
2022	3.0	4.1
2021 ²	4.6	5.7
2020 ²	9.1	10.0
2019	3.4	4.1

¹The rate shown for the County of Oakland is for December, 2023; the annual rate is not yet available.

²The above unemployment figures reflect job losses from the COVID-19 pandemic.

POPULATION BY AGE

The U.S. Census Bureau, 2018-2022 American Community Survey reports the breakdown of population by age for the City of Berkley and the County of Oakland are as follows:

	City of Berkley		County of Oakland	
	Number	Percent	Number	Percent
Total Population	15,150	100.00%	1,272,302	100.00%
0 through 19 years	3,121	20.60	289,316	22.74
20 through 64 years	9,998	65.99	760,446	59.77
65 years and over	2,031	13.41	222,540	17.49
Median Age	37.6	years	41.1	years

INCOME

The U.S. Census Bureau, 2018-2022 American Community Survey estimates of household income for the City of Berkley and the County of Oakland are as follows:

	City of Berkley		County of Oakland	
	Number	Percent	Number	Percent
HOUSEHOLDS BY INCOME	6,954	100.00%	524,762	100.00%
Less than \$ 10,000	167	2.40	19,033	3.63
\$ 10,000 to \$ 14,999	87	1.25	14,230	2.71
\$ 15,000 to \$ 24,999	236	3.39	26,586	5.07
\$ 25,000 to \$ 34,999	296	4.26	32,436	6.18
\$ 35,000 to \$ 49,999	414	5.95	47,896	9.13
\$ 50,000 to \$ 74,999	853	12.27	73,471	14.00
\$ 75,000 to \$ 99,999	1,113	16.01	66,840	12.74
\$100,000 to \$149,999	1,783	25.64	99,062	18.87
\$150,000 to \$199,999	1,037	14.91	58,814	11.21
\$200,000 or MORE	968	13.92	86,394	16.46
Median Income	\$108,125		\$92,620	

APPENDIX C
GENERAL FUND BUDGET SUMMARY AND
COMPARATIVE FINANCIAL STATEMENTS

Berkley School District
General Fund Budget Summary

	As Amended 2023/24
Revenues	
Local Sources	\$5,179,919
State Sources	68,016,781
Federal Sources	2,888,594
Inter-district	4,750,559
Total Revenues	\$80,835,853
Expenditures	
Instructional Services	
Basic Program	\$42,135,161
Added Needs	10,230,755
Support	
Pupil	7,579,044
Instructional Staff	4,852,563
General Administration	1,079,551
School Administration	3,101,741
Business Services	1,121,239
Operation & Maintenance	5,048,610
Transportation	1,024,357
Central Services	2,955,638
Athletics	888,716
Community Services	101,409
Total Expenditures	\$80,118,784
Excess of Expenditures (over) under Revenues	\$717,069
Other Financing Sources (Uses)	
Transfers Out	(\$250,000)
Total Other Financing Sources (Uses)	(\$250,000)
Net Change in Fund Balance	\$467,069
Beginning Fund Balance - July 1	\$13,692,927
Projected Fund Balance - June 30	\$14,159,996

Source: School District

**Berkley School District
General Fund
Comparative Balance Sheet**

	For Fiscal Years Ended June 30th		
	2021	2022	2023
Assets			
Cash and Cash Equivalents	\$250,593	\$2,771,090	\$937,055
Investments	6,601,433	4,351,248	10,310,514
Accounts Receivable	117,064	314,808	200,022
Taxes Receivable	--	--	1,706
Due from Other Governmental Units	11,479,066	16,558,400	14,046,299
Due from Other Funds	200,466	29,202	--
Interest Receivable	--	--	9,679
Prepaid Expenses	82,315	75,630	76,998
Total Assets	<u>\$18,730,937</u>	<u>\$24,100,378</u>	<u>\$25,582,273</u>
Liabilities			
Accounts Payable	\$289,671	\$372,944	\$688,608
Payroll Deductions and Withholdings	185,543	253,783	241,268
Accrued Salaries Payable	4,521,636	4,802,113	4,866,539
Due to Other Funds	1,736,116	1,773,093	--
Due to Other Governmental Units	3,293,624	3,689,162	4,940,476
Unearned Revenue	373,212	921,626	1,152,455
Total Liabilities	<u>\$10,399,802</u>	<u>\$11,812,721</u>	<u>\$11,889,346</u>
Deferred Inflows of Resources			
Unavailable Revenue	--	<u>\$378,700</u>	--
Fund Balances			
Non-Spendable			
Prepays	\$82,315	\$75,630	\$76,998
Committed			
Per Pupil Carryover Budget	142,000	142,000	76,696
Fund Balance Sharing	40,000	40,000	35,000
Shared Time Supported Programs	4,090,704	5,000,000	4,340,000
Assigned			
Equitable Learning Opportunities	--	2,000,000	1,820,885
Unreserved and Undesignated	3,976,116	4,651,327	7,343,348
Total Fund Balances	<u>\$8,331,135</u>	<u>\$11,908,957</u>	<u>\$13,692,927</u>
Total Liabilities and Fund Balances	<u>\$18,730,937</u>	<u>\$24,100,378</u>	<u>\$25,582,273</u>

Source: Audited Financial Statements

**Berkley School District
General Fund**

**Comparative Statement of Revenues,
Expenditures and Changes in Fund Balance**

	For Fiscal Years Ended June 30th		
	2021	2022	2023
Revenues			
Local Sources	\$4,006,154	\$4,221,499	\$4,940,105
State Sources	57,599,203	57,735,117	66,668,245
Federal Sources	4,426,799	7,713,932	3,066,117
Interdistrict Sources	3,521,972	3,932,328	4,313,481
Total Revenues	\$69,554,128	\$73,602,876	\$78,987,948
Expenditures			
Current			
Instruction	\$44,386,301	\$48,032,319	\$51,902,698
Supporting Services	20,757,737	21,915,099	25,135,134
Community Service	283,420	116,077	76,146
Total Expenditures	\$65,427,458	\$70,063,495	\$77,113,978
Excess of Revenues Over (Under) Expenditures	\$4,126,670	\$3,539,381	\$1,873,970
Other Financing Sources (Uses)			
Operating Transfers In		\$78,441	
Operating Transfers Out	(\$2,652,000)	(40,000)	(\$90,000)
Total Other Financing Sources (Uses)	(\$2,652,000)	\$38,441	(\$90,000)
Excess of Revenues & Other Sources Over (Under) Expenditures & Other Uses	\$1,474,670	\$3,577,822	\$1,783,970
Fund Balance - Beginning	\$6,856,465	\$8,331,135	\$11,908,957
Fund Balance - Ending	\$8,331,135	\$11,908,957	\$13,692,927

Source: Audited Financial Statements

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APPENDIX D
AUDITED FINANCIAL STATEMENTS

The auditor was not requested to examine or review and therefore has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the Bonds and accordingly has not conducted any post-audit review procedures and will not express any opinion with respect to the accuracy or completeness of such financial documents, statements or materials.

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Independent Auditors' Report

Management and the Board of Education
Berkley School District
Oak Park, Michigan

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Berkley School District, as of and for the year ended June 30, 2023, and the related notes to the financial statements, which collectively comprise Berkley School District's basic financial statements as listed in the table of contents.

In our opinion, based on our audit, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of Berkley School District, as of June 30, 2023, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditors' Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Berkley School District, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Berkley School District's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditors' Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors' report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of Berkley School District's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about Berkley School District's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information, schedule of the school district's proportionate share of the net pension liability, and schedule of the school district's pension contributions, schedule of the school district's proportionate share of the net OPEB liability, and schedule of the school district's OPEB contributions identified in the table of contents, be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for

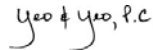
consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise Berkley School District's basic financial statements. The other supplementary information, as identified in the table of contents, is presented for the purpose of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The other supplementary information, as identified in the table of contents, has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the other supplementary information, as identified in the table of contents, is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated October 25, 2023 on our consideration of Berkley School District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of Berkley School District's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Berkley School District's internal control over financial reporting and compliance.


Auburn Hills, Michigan
October 25, 2023

MANAGEMENT'S DISCUSSION AND ANALYSIS

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

This section of the Berkley School District's annual financial report presents our discussion and analysis of the School District's financial performance during the fiscal year that ended on June 30, 2023. Please read it in conjunction with the School District's financial statements, which immediately follow this section.

This reporting model was adopted by the Governmental Accounting Standards Board (GASB) in their Statement #34, Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments, issued June 2000. The School District has provided certain comparative data between the fiscal years ended June 30, 2023 and 2022, as required by GASB #34.

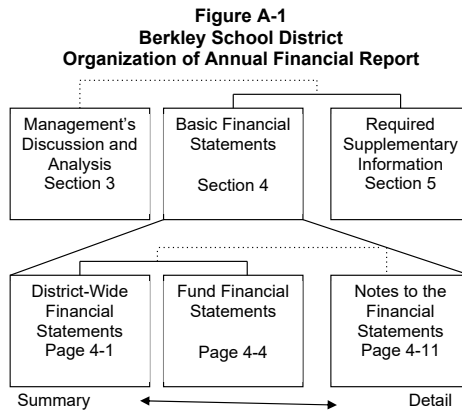
Using this Annual Report

This annual report consists of a series of financial statements and notes to those statements. These statements are organized so the reader can understand Berkley School District financially as a whole. The *District-wide Financial Statements* provide information about the activities of the whole School District, presenting both an aggregate view of the School District's finances and a longer-term view of those finances. The fund financial statements provide the next level of detail. For governmental activities, these statements tell how services were financed in the short-term as well as what remains for future spending. The fund financial statements look at the School District's operations in more detail than the district-wide financial statements by providing information about the School District's most significant funds, the General Fund, and Community Services Fund, with all other funds presented in one column as Non-major Governmental Funds.

The financial report statements also include *Notes* that further explain some of the more significant information in the statements and provide additional, detailed data. The statements are followed by a section of *Required Supplemental Information* that further explains and supports the financial statements with a comparison of the District's original budget and final budget for the 2022-23 fiscal year. The following schedule shows how the various parts of the annual report are arranged and related to one another

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

This financial report is presented in the format required by the Governmental Accounting Standards Board (GASB). The overall organization of this report is shown in Figure A-1.



One of the most important questions asked about the School District is, "Is the School District as a whole better or worse off financially as a result of the year's activities?" The Statement of Net Position, which appears first in the School District's financial statements, reports information on the School District as a whole and its activities in a way that helps you answer this question. We prepare these statements to include *all* assets and liabilities, using the *full accrual basis of accounting*, which is similar to the accounting used by most private-sector companies. All of the current year's revenues and expenses are taken into account regardless of when cash is received or paid.

These two statements report the School District's *net position* – the difference between assets and liabilities, as reported in the Statement of Net Position – as one way to measure the School District's financial health, or *financial position*. Over time, *increases or decreases* in the School's net position – as reported in the Statement of Activities – is one indicator of whether its *financial health* is improving or deteriorating. The relationship between revenues and expenses is the School District's *operating results*. However, the School District's goal is to provide programs and services to our students, not to generate profits as commercial entities do. One must consider many other non-financial factors, such as the quality of the teaching, learning and curriculum provided and the safety of the schools to assess the *overall health* of the School District.

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

The Statement of Net Position and Statement of Activities report the governmental activities for the School District, which encompass all of the School District's services, including instruction, supporting services, food services, community services, as well as capital improvement projects and debt service. Property taxes, foundation allowance revenue, and state and federal grants finance most of these activities.

Reporting the School District's Most Significant Funds – Fund Financial Statements

The School District's fund financial statements provide detailed information about the most *significant funds* – not the School District as a whole. Some funds are required to be established by State law and by bond covenants. However, the School District establishes other funds to help it control and manage money for particular purposes (e.g. Food Service Fund, Community Services Fund, Student Activities Fund and Other Capital Projects Fund) or to show that it is meeting legal responsibilities for using certain taxes, and other financial resources (such as taxes received for the retirement of debt from the local taxing entities, or for Sinking Fund purposes). The governmental funds of the School District use the following accounting approach:

Governmental funds – All of the School District's services are reported as governmental funds. Governmental fund reporting focuses on showing how money flows into and out of funds and the balances left at year-end that are available for spending. They are reported using an accounting method called *modified accrual* accounting, which measures cash and all other *financial* assets that can readily be converted to cash. The governmental fund statements provide a detailed *short-term view* of the operations of the School District and the services it provides. Governmental fund information helps you determine whether there are greater or fewer financial resources that can be spent in the near future to finance the School District's programs. We describe the relationship (or differences) between governmental *activities* (reported in the Statement of Net Position and the Statement of Activities) and governmental *funds* in reconciliation.

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

The School District as a Whole

Recall that the Statement of Net Position provides the perspective of the School District as a whole. Table 1 provides a summary of the School District's restated net assets as of June 30, 2023 and June 30, 2022, respectively:

TABLE 1	Governmental Activities	
	June 30, (in millions)	
	2023	2022
Assets & Deferred Outflows		
Current and other assets	\$ 36.1	\$ 30.4
Capital assets	73.7	76.6
Deferred outflows of resources	53.3	29.9
Total assets and deferred outflows of resources	163.1	136.9
Liabilities		
Current liabilities	\$ 12.4	\$ 12.0
Long-term liabilities	202.3	146.3
Deferred inflows of resources	26.3	60.0
Total liabilities and deferred inflows of resources	241.0	218.3
Net Position		
Net investment in capital assets	26.4	27.4
Restricted for debt retirement	1.4	1.0
Restricted for sinking fund	3.1	0.4
Restricted for food service	0.3	0.2
Unrestricted	(109.1)	(110.4)
Total net position	\$ (77.9)	\$ (81.4)

The change in net position (see Table 2) of the School District's governmental activities is discussed below. The School District's net position was (\$77.9) million on June 30, 2023. Capital assets, net of related debt (net investments in capital assets), totaling \$26.4 million compares the original costs, less depreciation of the School District's capital assets to long-term debt, including accrued interest on capital appreciation bonds used to finance the acquisition of those assets. Most of the debt will be repaid from voter-approved property taxes collected as the debt service comes due. Restricted net positions are reported separately to show legal constraints from debt covenants and enabling legislation that prohibit the School District's ability to use those net assets for day-to-day operations. Restricted net assets are for debt service. The remaining (\$109.1 million) of net position was unrestricted. A reconciliation of the difference between changes in net position and changes in fund balance is on page 4-9. In 2022-23 there was an increase in the net position of \$3.5 million.

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

The results of this year's operations for the School District as a whole are reported in the Statement of Activities (see Table 2), which shows the changes in net assets for the fiscal year ending June 30, 2023. Comparative numbers for fiscal year ending June 30, 2022, are provided.

TABLE 2	Governmental Activities June 30, (in millions)	
	2023	2022
Revenue		
General revenue:		
Property taxes levied for general purposes	\$ 3.8	\$ 3.6
Property taxes levied for debt services	4.1	3.9
Property taxes levied for sinking fund	3.6	3.4
State aid	45.0	46.1
Other	1.4	0.4
Program revenue:		
Grants and categoricals	30.9	26.7
Charges for services	4.8	2.8
Total revenue	93.6	86.9
Functions/program expenses		
Instruction	54.8	47.5
Supporting services	26.6	21.6
Student and school activities	1.1	0.9
Food services	1.0	1.2
Community services and other	4.7	3.4
Interest and long-term debt	1.9	1.9
Total expenses	90.1	76.5
Change in Net Position	3.5	10.4
Beginning net position, as restated	(81.4)	(91.8)
Ending net position	\$ (77.9)	\$ (81.4)

As reported in the Statement of Activities, the cost of all of our *governmental* activities this year was \$90.1 million (see 4-3). Certain activities were partially funded from those who benefited from the programs in the amount of \$4.8 million or by other governments and organizations that subsidized certain programs with grants and contributions of \$30.9 million. The District paid for the remaining "public benefit" portion of our governmental activities with \$12.9 million in taxes and other income, \$45.0 million from state aid not restricted for specific purposes, and other revenues such as interest and general entitlements.

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

The School District experienced an increase in net position of \$3.5 million (see 4-3). The major factor contributing to this change includes, but is not limited to, changes in the net position and OPEB liabilities and the reduction in bonded debt liability on debt obligations, via the payment of debt service. The decrease in net position differs from the change in fund balance and reconciliation appears on page 4-9.

As discussed above, the net costs show the financial obligation that was placed on the State and the School District's taxpayers by each of these functions. Since property taxes for operations and unrestricted state aid constitute the vast majority of School District operating revenue sources, the Board of Education and Administration must annually evaluate the needs of the School District and balance those needs with State-prescribed available unrestricted resources.

In the following table, we have presented the cost of each of the School District's five largest functions – instruction, supporting services, student and school activities, food services and community services, as well as each program's *net* cost (total cost less revenues generated by the activities). As discussed above, net cost shows the financial obligation that was placed on the School District's taxpayers by each of these functions. Net costs also include costs related to the net pension liability, OPEB liability, long-term debt and capital assets. These costs are not part of the day-to-day operations of the District. Providing this information allows our citizens to consider the cost of each function in comparison to the benefits they believe are provided by that function.

Net Costs of Berkley School District's Governmental Activities (In Millions of Dollars)							
	Total Cost of Services For the Year Ended,		Percentage Change 2022-2023	Net Cost of Services For the Year Ended,		Percentage Change 2022-2023	
	2023	2022		2023	2022		
Instruction	\$ 54.8	\$ 47.5	15%	\$ 29.2	\$ 30.2	-3.3%	
Supporting services	26.6	21.6	23%	23.5	15.3	53.6%	
Student and school activities	1.1	0.9	0%	(0.1)	0.0	0.0%	
Food services	1.0	1.2	-17%	-	(0.1)	-100.0%	
Community services	4.7	3.4	38%	(0.1)	(0.3)	-66.7%	
All others	1.9	1.9	0%	1.9	1.9	0.0%	
Total	\$ 90.1	\$ 76.5	18%	\$ 54.4	\$ 47.0	15.6%	

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

The School District's Funds

As we noted earlier, the School District uses funds to help it control and manage money for particular purposes. Looking at funds helps the reader to consider whether the School District is being accountable for the resources taxpayers and others provide to it, but may also give you more insight into the School District's overall financial health.

As the School District completed this year, our governmental funds reported a combined fund balance of \$24.0 million across all funds, which is an increase of \$5.5 million from last year. This is due mainly to the following:

- The General Fund saw an increase in the State foundation allowance of \$450 per pupil resulting in a foundation allowance of \$9,150 per pupil. Additionally, the State increased the categorical amount reimbursed to partially offset special education costs. The State also increased its support to public school districts to address retirement costs, which on average costs the District 28.3% of staff wages.
- There were a significant number of new grants at the Federal, State & Local levels. The grants included amounts earmarked for student and staff mental health, school safety and student learning loss. Many of these grants allowed the District to supplement existing services and costs in the District's budget. Some of the significant savings involved less than budgeted spending on behavioral supports, childcare programs, and curriculum coaching.
- Rising interest rates and a strategic plan for investing available funds resulted in an increase in interest income of \$725,000 over the prior year across all of the District's funds.
- The Debt Service Fund increased fund balance by \$367,000 due primarily to a healthy increase in the District's property taxable value base. Legally the fund balance must be used to pay future debt service of the District.
- The Sinking Fund (SF) addressed all immediate eligible facility and technology needs in 2022-23 utilizing SF resources and a component of the spending plan included a deliberate building of resources for future Sinking Fund Projects (Maintenance facility, Hurley Field turf and track improvements, others) that resulted in an increase in fund balance of \$2,276,000. See the subsequent event footnote for more information on the Sinking Fund.

3 - 7

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

- The Community Services Fund collectively summarizes the financial activity included in the following programs/individual funds: Early Childhood/Child Care, Latchkey, Durant/Strategic Fund and the Hurley Field activities. The June 30, 2023 fund balances for the following programs were as follows:

Durant / Strategic Planning	\$	3,934,673
Hurley Field		(52,055)
School Services		<u>494,363</u>
Total	\$	<u>4,376,981</u>

- The Durant/Strategic (MAISL) Planning Fund's fund balance increased by \$115,000 from 2021-22 due to rising interest rates and the District's expanded and enhanced investment approach. The Hurley Field Fund experienced another decline in fund balance as expenditures exceeded revenues by (\$33,000) and a plan is forming that will enhance Fund revenues moving forward. The financial result this year is primarily attributed to a decrease in outside rentals and continued maintenance and improvements costs of Hurley Field. Fund balance involving the Berkley Building Blocks (School Services Fund) program, which includes early childhood/daycare and latchkey programming, increased by a net of \$348,000. The main driver behind this improvement was the result of the District's solid use of the State's Childcare Stabilization grants, and a market supported increase to the tuition fee schedules.

The Non-major Governmental Funds include the Food Service Fund, Student/School Activity Fund, Debt Service Fund, Other Capital Projects and the Sinking Fund. The June 30, 2023 fund balance figures for the component funds/programs comprising the general Non-major Governmental Funds were as follows:

Food Service Fund	\$	296,599
Student/School Activity Fund		734,658
Debt Service Fund		1,737,146
Capital Projects Fund		57,127
Sinking Fund		<u>3,129,522</u>
Total	\$	<u>5,955,052</u>

- The Food Service Fund realized an operating surplus of \$84,202 due largely to the National School Lunch Program's supply chain assistance funds which smoothed the increase in food costs. Additionally, the NSLP reimbursement rates were increased from the previous year.
- The Student/School Activity Fund realized an increase in fund balance of \$65,628 due to general changes in spending by the respective club/athletic groups. Fund activity could fluctuate year over year based on activities and fundraising efforts of the various school groups.
- The Debt Service Fund recorded revenues in excess of expenditures totaling \$366,957 as revenue from an improved taxable value property base outpaced the planned principal and interest payments, as the outstanding 2022-23 bond obligations were being retired.

3 - 8
D-6

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

- The Other Capital Projects (OCP) Fund ended fiscal 2022-23 with revenues exceeding expenses by \$33,719. The balance will be used for future OCP projects.
- The Sinking Fund revenues exceeded expenditures by \$403,341 during fiscal 2022-23. This can be attributed to increasing property tax values stacked against actual projects costs and general, eligible expenditures. Some otherwise eligible initiatives such as the expanded cameras surveillance security system were able to be funded 100% with the General Fund's School Safety and Security categorical grant. Capital projects and technology improvements continued and were addressed as needed this school year, and the District plans to use the Sinking Fund revenues and reserves for a comprehensive capital plan (in conjunction with resources from a subsequently approved voted bond issue, approved by the voters August 08, 2023). A planned allocation recognizing a reserve toward future instructional technology devices and infrastructure support costs of \$50,000 in each of the four years of the Sinking Fund (2019-20 through 2022-23) totaling \$200,000 will be considered with future budgets.

General Fund Budgetary Highlights

Over the course of the year, the School District revised its budget to reflect material adjustments or unexpected changes in budgeted revenues and expenditures. A schedule (page 5-1) showing the School District's original and final budget amounts compared with amounts actually received and paid is provided in our annual report.

The District's Board of Education adopted two budget amendments during the year. Some of the material revisions made to the 2022-23 General Fund original budget are outlined below.

Budgeted Revenues and Other Financial Sources were increased by \$6,147,379 from the original budget to the final budget primarily due to the following significant changes:

- Adjustments to State Aid Revenues:
 - Enrollment, Foundation Allowance, including Special Ed - \$873,000
 - MPERS/Retirement – Addition of 147c(2) - \$3,890,000, other retirement related categoricals, primarily 147c(1) - \$768,000
 - 31aa Mental Health & Section 97c School Safety Grants - \$1,336,000
 - Miscellaneous categoricals, including carryover - \$386,000
- Recognition of Federal Funding (ESSER III/11T/98c, ECF, Title, IDEA & others) true up budgets to actual, carryover, and current year allocations which are unknown at time of original budget – (\$1,450,000)
- Increase in local revenue – interest primarily, cooperative partnerships, tuition, athletics, community service indirect costs, others - \$340,000

3 - 9

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

Budgeted Expenditures and Other Financial Uses were increased \$5,461,596 due primarily to the following significant changes:

- Recognition of the additional MPERS 147c(2) expense - \$3,890,000
- Increase in MPERS 147c(1) pass-through funds - \$748,000
- Increase salary/benefit costs associated with additional staff to support students - \$445,000
- Increase in non-salary/benefits costs involving Grant funded programs and other general costs - \$697,000
- Placeholder for planned spend down of "Equitable Learning Fund" resources derived from previously supplanted pandemic funding for future student support uses - \$500,000 (~25% of the balance)
- General true up/right sizing costs including salaries, benefits, supplies, utilities, maintenance, transportation, athletics and others based on the most accurate information, estimates and projections at the time of amendment - (\$820,000)

Community Services Fund Budgetary Highlights

Over the course of the year, the School District reviews and revises its budget to reflect material adjustments or unexpected changes in budgeted revenues and expenditures. Revisions to the Community Services Fund in June were only formally revised for grants and certain high level items that otherwise if left unadjusted would cause a potential overage/negative budget variance. A schedule (page 5-2) showing the School District's original and final budget amounts compared with amounts actually received and paid is provided in this audited annual report.

Some of the material revisions made to the 2022-23 Community Services Fund original budget are outlined below.

Budgeted revenues and Other Financing Sources were increased by \$1,067,580 from the original budget to the final budget primarily due to the following significant changes:

- Recognition of the Early Childhood/Childcare Stabilization Round #3 funding - \$797,000
- Early Childhood program and Latchkey revenues increase - \$209,000
- Increase in interest revenue - \$60,000

Budgeted expenditures and Other Financial Uses were increased by \$748,279 from the original budget to the final budget primarily due to additional spending involving the Early Childhood/Childcare Stabilization Round #3 funding and recognition of actual staffing levels within the Community Services Fund.

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

Capital Asset and Debt Administration

Capital Assets - The District's net investments in capital assets decreased during the year by \$2,957,845.

	Capital Assets	
	Year Ended June 30,	
	2023	2022
Land	\$ 279,140	\$ 279,140
Building and site improvements	72,791,220	75,990,375
Furniture and equipment	505,340	253,208
Vehicles	74,869	85,691
Net capital assets	<u>\$ 73,650,569</u>	<u>\$ 76,608,414</u>

Changes to net Capital Assets mainly involved normal depreciation and removing assets that were replaced via capital projects, primarily funded by the sinking fund and other capital projects fund.

Debt

At the end of the 2022-23 fiscal year, the School District had \$45.6 million in bonds outstanding compared to \$47.3 million last fiscal year, a decrease of \$1.8 million or 3.7% due to normal scheduled payments (see Note 7 for additional components of debt).

	Outstanding Debt	
	Year Ended June 30,	
	2023	2022
General obligation bonds	<u>\$ 45,575,000</u>	<u>\$ 47,345,000</u>

The state limits the amount of general obligation debt that schools can issue to 15 percent of the state equalized value of all taxable property within the School District's boundaries. All district debt is state qualified bonds and accordingly, exempt from this provision.

Other obligations include accrued compensated absences and earned severance commitments. There is additional information about the District's long-term liabilities in the Notes to the Financial Statements (see Note 7 and 8 in Section 4 of these statements).

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

Other Key Information, Economic Factors and Next Year's (2023-24) Budget Notes:

At the time these financial statements were prepared and audited, the District was aware of pending matters that *may* or *likely will* influence the financial health of the District. Key items of information are offered as well:

- The State foundation allowance increase was projected to reach another near historic level heading into fiscal year 2023-24, and as such an increase of \$458 per pupil was budgeted, and indeed was approved by the State legislature and signed by the Governor. At the time of the audit, common thoughts among the public school business community appear to be tempering as future State economic conditions remain unclear.
- The budget assumed a \$610,000 increase to property tax revenues due to an increase in District-wide taxable values. A corresponding decrease in State Aid revenue was also recorded to offset the increase in taxes, consistent with the per student funding formula.
- The 2023-24 budget as adopted assumed full time equivalent students totaling 5,676. In-District and Shared Time program enrollment will be monitored early in the school year to determine any significant variance involving the student enrollment budgeted number. Early school year reports appear to indicate a slight reduction year over year to in-District student count from budget. The results of the official count date (October 4, 2023) will provide more insight into this key revenue variable.
- The District has collective bargaining agreements in place with all major employee groups. The majority of the bargaining units will begin negotiations during 2023-24.
- The District revenues rely in a fairly significant way on its "Shared-Time" program with a continued focus on generating revenues, with solid partnership support from the District's 39 non-public schools, heading into the 2023-24 school year. The District will continue to advocate at the state level for the continuation of this key program for all of Berkley School District's students.
- The District, led by Superintendent Francis, launched the updated Strategic/Long-Range Plan at the start of the 2022-23 school year, the contents of which have been and will continue to be in future school years the driver behind positive student and staff supported programming and related initiatives.
- The Board of Education and District administration are very thankful and appreciative for the community's support of the \$88M Bond Issue initiative on August 08, 2023. The good work of planning for and executing the Bond scope is well underway. And the District's 3 mill Sinking Fund millage continues to be a critical funding source for key initiatives (Hurley turf and track replacements, new Maintenance facility, others).
- The District continues to work within a third party administrator arrangement to provide substitute teachers, teacher assistants, support staff substitutes, coaching staff and lunch aide services, saving significant dollars.

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

- The District's June 30, 2023 General Fund balance adjusted to exclude restricted state revenues, as allowed under the State of Michigan's guidelines, is 23.9% of total 2022-23 actual revenues. The "traditional" method to calculate fund balance results in a 17.3% figure. \$1.8M of Fund Balance as of June 30, 2023 has been "Assigned" to "Equitable Learning Opportunities" and the District's Teaching & Learning team continues working on plans to use these key resources to support student learning.
- Additional grant revenue sources and opportunities, similar to the local, state and federal funding that has been made available over the last two fiscal years will continue to be monitored and pursued during the 2023-24 school year when it is deemed in the best interest of Berkley Schools to do so.

Our Board of Education members and administration monitor the budget very closely and take steps to balance revenues and expenditures to meet the fiscal responsibilities for their taxpayers, citizens, investors, and creditors. The Board Finance Committee and Cabinet will convene throughout the school year to monitor developments that occur which impact District finances. Significant changes in the financial picture will be reflected in the District's moving three-year projection to gauge the overall impact on the District's budget. This close scrutiny has resulted in year over year increases to our fund balance among other positive results.

Instructional Program and Other Highlights

- The District is very proud of the outstanding educational programs offered to our students. The following are just some of our highlights:
- 26 combined Advanced Placement courses offered to Berkley High School students
 - 70% of BHS students take at least one AP course
 - 14% of BHS juniors and seniors are enrolled in vocational classes
 - Center for the Advanced Studies and the Arts (CASA) for Berkley High School students
 - International Academy (IA) participating district
 - The District has reached a ratio of 1:1 students to computer devices
 - Professional Learning Communities/District "Thinc" Teams for improving student achievement by grade and content area
 - Content resources and Common Core State Standards aligned curriculum in all core areas in the past five years
 - Data analysis software for student assessments (Illuminate)
 - All day Kindergarten for all, and Transitional Kindergarten
 - Presentation technology placed throughout the District's classrooms and media centers; carts for visually impaired, interactive whiteboards, document cameras
 - Online credit opportunities for Berkley High School students
 - Full workshop model for reading and writing (K-8)
 - Best High Schools list as noted by U.S. News and World Report
 - Connected Math Project (CMP3) all middle school grades; Algebra I equivalent for 8th graders
 - 37% of the Class of 2023 graduating seniors who applied to the University of Michigan were accepted. 88% of the Class of 2023 seniors who applied to Michigan State University were accepted.
 - 71% of the class of 2023 graduated with academic distinction

3 - 13

**Berkley School District
Management's Discussion and Analysis
Year Ended June 30, 2023**

- Summer Drama Camp offered to grades 6-12
- Saturdays for Success academic support for TK-12 students
- Sources of Strength program supports social and emotional needs of our Berkley High students, first in Michigan to adopt, now a class
- Full TK-5 Multi-Tiered Systems of Support (MTSS) for social/emotional and academic support
- Robotics classes in middle school
- Lego Robotics clubs in elementary schools
- Named a Best Community for Music Education 2012 through 2023
- Community passed Bond Initiative in 2015, Sinking Fund initiative in 2019 and this August passed the 2023 Bond Issue, all to support and enhance District teaching and learning, facilities, technology and infrastructure
- Berkley School District ranked in top 25 districts in the State of Michigan by Niche
- Berkley High School named a College Success Award winner for the 6th year in a row (2023)

Contacting the District's Financial Management

This financial report is designed to provide our citizens, taxpayers, investors, and creditors with a general overview of the District's finances and to demonstrate the District's accountability for the financial resources it receives. If you have any questions about this report or need additional information, contact Lawrence J. Gallagher, Deputy Superintendent of Finance, Facilities and Operations for the Berkley School District, 14501 Talbot St., Oak Park, MI 48237.

BASIC FINANCIAL STATEMENTS

Berkley School District
Statement of Net Position
June 30, 2023

	<u>Governmental Activities</u>
Assets	
Cash	\$ 1,265,523
Investments	20,303,539
Taxes receivable	13,621
Accounts receivable	214,142
Due from other governmental units	14,120,273
Interest receivable	72,555
Inventory	10,710
Prepaid items	76,998
Capital assets not being depreciated	279,140
Capital assets - net of accumulated depreciation	<u>73,371,429</u>
Total assets	<u>109,727,930</u>
Deferred outflows of resources	
Deferred amount relating to net pension liability	41,605,934
Deferred amount relating to net OPEB liability	<u>11,761,097</u>
Total deferred outflows of resources	<u>53,367,031</u>

See Accompanying Notes to the Financial Statements

Berkley School District
Statement of Net Position
June 30, 2023

	Governmental Activities
Liabilities	
Accounts payable	\$ 724,252
Due to other governmental units	4,967,610
Payroll deductions and withholdings	246,091
Accrued expenditures	320,145
Accrued salaries payable	4,903,517
Unearned revenue	1,210,931
Long-term liabilities	
Debt due within one year	2,180,489
Debt due in more than one year	46,914,365
Net pension liability	144,962,380
Net OPEB liability	<u>8,213,589</u>
Total liabilities	<u>214,643,369</u>
Deferred inflows of resources	
Deferred amount relating to net pension liability	8,737,310
Deferred amount relating to net OPEB liability	<u>17,635,225</u>
Total deferred inflows of resources	<u>26,372,535</u>
Net Position	
Net investment in capital assets	26,424,888
Restricted for	
Debt service	1,417,001
Sinking fund	3,129,522
Food service	296,599
Unrestricted (deficit)	<u>(109,188,953)</u>
Total net position	<u>\$ (77,920,943)</u>

See Accompanying Notes to the Financial Statements
4 - 2

Berkley School District
Statement of Activities
For the Year Ended June 30, 2023

	Program Revenues				Net (Expense)
Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions		Revenue and Changes in Net Position
Functions/Programs					
Governmental activities					
Instruction	\$ 54,834,628	\$ 51,470	\$ 25,555,396	\$ -	\$ (29,227,762)
Supporting services	26,551,717	-	3,066,117	-	(23,485,600)
Student and school activities	1,143,866	1,205,813	-	-	61,947
Food services	1,009,807	429,763	618,047	-	38,003
Community services	4,738,795	3,115,111	1,696,904	-	73,220
Interest and fiscal charges on long-term debt	<u>1,862,514</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(1,862,514)</u>
Total governmental activities	<u>\$ 90,141,327</u>	<u>\$ 4,802,157</u>	<u>\$ 30,936,464</u>	<u>\$ -</u>	<u>(54,402,706)</u>
General revenues					
Property taxes, levied for general purposes					3,746,661
Property taxes, levied for debt service					4,054,944
Property taxes, levied for sinking fund					3,577,934
State aid - unrestricted					45,047,630
Interest and investment earnings					670,520
Other					<u>732,532</u>
Total general revenues					<u>57,830,221</u>
Change in net position					3,427,515
Net position - beginning					<u>(81,348,458)</u>
Net position - ending					<u>\$ (77,920,943)</u>

See Accompanying Notes to the Financial Statements
4 - 3

**Berkley School District
Governmental Funds
Balance Sheet
June 30, 2023**

	General Fund	Community Services Fund	Nonmajor Governmental Funds	Total Governmental Funds
Assets				
Cash	\$ 937,055	\$ -	\$ 328,468	\$ 1,265,523
Investments	10,310,514	4,386,270	5,606,755	20,303,539
Taxes receivable	1,706	-	11,915	13,621
Accounts receivable	200,022	5,309	8,811	214,142
Due from other governmental units	14,046,299	-	73,974	14,120,273
Interest receivable	9,679	62,876	-	72,555
Inventory	-	-	10,710	10,710
Prepaid items	76,998	-	-	76,998
Total assets	<u>\$ 25,582,273</u>	<u>\$ 4,454,455</u>	<u>\$ 6,040,633</u>	<u>\$ 36,077,361</u>
Liabilities				
Accounts payable	\$ 688,608	\$ 8,539	\$ 27,105	\$ 724,252
Accrued salaries payable	4,866,539	36,978	-	4,903,517
Due to other governmental units	4,940,476	27,134	-	4,967,610
Payroll deductions and withholdings	241,268	4,823	-	246,091
Unearned revenue	1,152,455	-	58,476	1,210,931
Total liabilities	<u>11,889,346</u>	<u>77,474</u>	<u>85,581</u>	<u>12,052,401</u>

See Accompanying Notes to the Financial Statements
4 - 4

**Berkley School District
Governmental Funds
Balance Sheet
June 30, 2023**

	General Fund	Community Services Fund	Nonmajor Governmental Funds	Total Governmental Funds
Fund Balances				
Non-spendable				
Inventory	\$ -	\$ -	\$ 10,710	\$ 10,710
Prepaid Items	76,998	-	-	76,998
Restricted for				
Food Service	-	-	285,889	285,889
Debt Service	-	-	1,737,146	1,737,146
Sinking fund	-	-	3,129,522	3,129,522
Committed for				
Community Services	-	4,376,981	-	4,376,981
School/Student activities	-	-	734,658	734,658
Per Pupil Carryover Budget	76,696	-	-	76,696
Fund Balance Sharing	35,000	-	-	35,000
Shared Time Supported Programs	4,340,000	-	-	4,340,000
Assigned				
Equitable Learning Opportunities	1,820,885	-	-	1,820,885
Capital projects	-	-	57,127	57,127
Unassigned	7,343,348	-	-	7,343,348
Total fund balances	<u>13,692,927</u>	<u>4,376,981</u>	<u>5,955,052</u>	<u>24,024,960</u>
Total liabilities and fund balances	<u>\$ 25,582,273</u>	<u>\$ 4,454,455</u>	<u>\$ 6,040,633</u>	<u>\$ 36,077,361</u>

See Accompanying Notes to the Financial Statements
4 - 5

Berkley School District
Reconciliation of the Balance Sheet of Governmental Funds to the Statement of Net Position
June 30, 2023

Total fund balances for governmental funds	\$ 24,024,960
Total net position for governmental activities in the statement of net position is different because:	
Capital assets used in governmental activities are not financial resources and therefore are not reported in the funds.	
Capital assets not being depreciated	279,140
Capital assets - net of accumulated depreciation	73,371,429
Deferred outflows (inflows) of resources	
Deferred inflows of resources resulting from net pension liability	(8,737,310)
Deferred inflows of resources resulting from net OPEB liability	(17,635,225)
Deferred outflows of resources resulting from net pension liability	41,605,934
Deferred outflows of resources resulting from net OPEB liability	11,761,097
Certain liabilities are not due and payable in the current period and are not reported in the funds.	
Accrued interest	(320,145)
Long-term liabilities applicable to governmental activities are not due and payable in the current period and accordingly are not reported as fund liabilities.	
Compensated absences	(1,869,173)
Bonds payable	(47,225,681)
Net pension liability	(144,962,380)
Net OPEB liability	<u>(8,213,589)</u>
Net position of governmental activities	<u>\$ (77,920,943)</u>

See Accompanying Notes to the Financial Statements
4 - 6

Berkley School District
Governmental Funds
Statement of Revenues, Expenditures and Changes in Fund Balances
For the Year Ended June 30, 2023

	General Fund	Community Services Fund	Nonmajor Governmental Funds	Total Governmental Funds
Revenues				
Local sources	\$ 4,940,105	\$ 3,142,780	\$ 9,501,863	\$ 17,584,748
State sources	66,668,245	-	80,994	66,749,239
Federal sources	3,066,117	1,696,904	537,053	5,300,074
Interdistrict sources	4,313,481	-	-	4,313,481
Total revenues	<u>78,987,948</u>	<u>4,839,684</u>	<u>10,119,910</u>	<u>93,947,542</u>
Expenditures				
Current				
Education				
Instruction	51,902,698	-	-	51,902,698
Supporting services	25,135,134	-	-	25,135,134
Student and school activities	-	-	1,143,866	1,143,866
Food services	-	-	963,608	963,608
Community services	76,146	4,409,826	-	4,485,972
Capital outlay	-	-	1,003,693	1,003,693
Debt service				
Principal	-	-	1,770,000	1,770,000
Interest and other expenditures	-	-	2,052,056	2,052,056
Total expenditures	<u>77,113,978</u>	<u>4,409,826</u>	<u>6,933,223</u>	<u>88,457,027</u>
Excess of revenues over expenditures	<u>1,873,970</u>	<u>429,858</u>	<u>3,186,687</u>	<u>5,490,515</u>

See Accompanying Notes to the Financial Statements
4 - 7

**Berkley School District
Governmental Funds
Statement of Revenues, Expenditures and Changes in Fund Balances
For the Year Ended June 30, 2023**

	General Fund	Community Services Fund	Nonmajor Governmental Funds	Total Governmental Funds
Other Financing Sources (Uses)				
Transfers in	\$ -	\$ -	\$ 90,000	\$ 90,000
Transfers out	(90,000)	-	-	(90,000)
Total other financing sources (uses)	(90,000)	-	90,000	-
Net change in fund balance	1,783,970	429,858	3,276,687	5,490,515
Fund balance - beginning	11,908,957	3,947,123	2,678,365	18,534,445
Fund balance - ending	<u>\$ 13,692,927</u>	<u>\$ 4,376,981</u>	<u>\$ 5,955,052</u>	<u>\$ 24,024,960</u>

See Accompanying Notes to the Financial Statements
4 - 8

**Berkley School District
Reconciliation of the Statement of Revenues, Expenditures and Changes in Fund Balances
of Governmental Funds to the Statement of Activities
For the Year Ended June 30, 2023**

Net change in fund balances - Total governmental funds	\$ 5,490,515
Total change in net position reported for governmental activities in the statement of activities is different because:	
Revenues in the statement of activities that do not provide current financial resources are not reported as revenue in the funds.	
Operating grants	(378,700)
Governmental funds report capital outlays as expenditures. However, in the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.	
Depreciation expense	(4,265,345)
Capital outlay	1,314,261
Loss on sale of capital assets	(6,761)
Expenses are recorded when incurred in the statement of activities.	
Interest	14,429
Compensated absences	54,194
The statement of net position reports the net pension liability and deferred outflows of resources and deferred inflows related to the net pension liability and pension expense. However, the amount recorded on the governmental funds equals actual pension contributions.	
Net change in net pension liability	(55,270,869)
Net change in the deferrals of resources related to the net pension liability	49,062,815
The statement of net position reports the net OPEB liability and deferred outflows of resources and deferred inflows related to the net OPEB liability and OPEB expense. However, the amount recorded on the governmental funds equals actual OPEB contributions.	
Net change in net OPEB liability	(2,486,494)
Net change in the deferrals of resources related to the net OPEB liability	7,954,357
Bond and note proceeds are reported as financing sources in the governmental funds and thus contribute to the change in fund balance. In the statement of net position, however, issuing debt increases long-term liabilities and does not affect the statement of activities. Similarly, repayment of principal is an expenditure in the governmental funds but reduces the liability in the statement of net position. Also, governmental funds report the effect of premiums, discounts and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. When debt refunding occurs, the difference in the carrying value of the refunding debt and the amount applied to the new debt is reported the same as regular debt proceeds or repayments, as financing source or expenditure in the governmental funds. However, in the statement of net position, debt refunding may result in deferred inflows of resources or deferred outflows of resources, which are then amortized in the statement of activities	
Repayments of long-term debt	1,770,000
Amortization of premium on bonds	175,113
Change in net position of governmental activities	\$ 3,427,515

See Accompanying Notes to the Financial Statements
4 - 9

Berkley School District
Notes to the Financial Statements
June 30, 2023

Note 1 - Summary of Significant Accounting Policies

The accounting policies of the Berkley School District (School District) conform to accounting principles generally accepted in the United States of America as applicable to governmental units. The following is a summary of the School District's significant accounting policies:

Reporting Entity

The School District is governed by an elected seven-member Board of Education. The accompanying financial statements have been prepared in accordance with criteria established by the Governmental Accounting Standards Board for determining the various governmental organizations to be included in the reporting entity. These criteria include significant operational financial relationships that determine which of the governmental organizations are a part of the School District's reporting entity, and which organizations are legally separate component units of the School District. The School District has no component units.

District-wide Financial Statements

The School District's basic financial statements include both district-wide (reporting for the district as a whole) and fund financial statements (reporting the School District's major funds). The district-wide financial statements categorize all nonfiduciary activities as either governmental or business type. All of the School District's activities are classified as governmental activities.

The statement of net position presents governmental activities on a consolidated basis, using the economic resources measurement focus and accrual basis of accounting. This method recognizes all long-term assets and receivables as well as long-term debt and obligations. The School District's net position is reported in three parts (1) net investment in capital assets, (2) restricted net position, and (3) unrestricted net position.

The statement of activities reports both the gross and net cost of each of the School District's functions. The functions are also supported by

general government revenues (property taxes and certain intergovernmental revenues). The statement of activities reduces gross expenses (including depreciation) by related program revenues, operating and capital grants. Program revenues must be directly associated with the function. Operating grants include operating-specific and discretionary (either operating or capital) grants.

The net costs (by function) are normally covered by general revenue (property taxes, state sources and federal sources, interest income, etc.). The School District does not allocate indirect costs. In creating the district-wide financial statements the School District has eliminated interfund transactions.

The district-wide focus is on the sustainability of the School District as an entity and the change in the School District's net position resulting from current year activities.

Fund Financial Statements

Major individual governmental funds are reported as separate columns in the fund financial statements.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenue is recognized as soon as it is both measurable and available. Revenue is considered to be available if it is collected within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the School District considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Property taxes, unrestricted state aid, intergovernmental grants, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenue of

Berkley School District
Notes to the Financial Statements
June 30, 2023

the current fiscal period. All other revenue items are considered to be available only when cash is received by the government.

The School District reports the following major governmental funds:

General Fund – The General Fund is used to record the general operations of the School District pertaining to education and those operations not required to be provided for in other funds.

Community Services Fund – The Community Services Fund is used to record all transactions associated with Berkley Building Blocks, Latchkey, Community Education and Hurley Field. The Community Services Fund also contains the Durant Fund.

Additionally, the School District reports the following fund types:

Special Revenue Funds – Special Revenue Funds are used to account for the proceeds of specific revenue sources that are restricted to expenditures for specified purposes. The School District's Special Revenue Funds include the Food Service Fund and School/Student Activity Fund. The School/Student Activity Fund is used to record the transactions of student groups for school and school-related purposes.

Debt Service Fund – Debt Service Fund is used to record tax, interest, and other revenue and the payment of interest, principal, and other expenditures on long-term debt.

Capital Project Funds – The Sinking Fund is used to record the sinking fund property tax levy and other revenue and the expenditures specifically designated for acquiring new school sites, construction or repair of school buildings. The Other Capital Projects Fund is used for capital and technology purchases using funds transferred from the General Fund.

Assets, Liabilities and Equity

Receivables and Payables – Generally, outstanding amounts owed between funds are classified as "due from/to other funds". These amounts are caused by transferring revenues and expenses between funds to get them into the proper reporting fund. These balances are paid back as cash flow permits.

All trade and property tax receivables are shown net of an allowance for uncollectible amounts. The School District considers all accounts receivable to be fully collectible; accordingly, no allowance for uncollectible amounts is recorded.

Property taxes collected are based upon the approved tax rate for the year of levy. For the fiscal year ended June 30, 2023, the rates are as follows per \$1,000 of assessed value.

General Fund	
Non-principal residence exemption	18.00000
Commercial personal property	6.00000
Debt Service Fund	3.20000
Sinking Fund	2.80980

School property taxes are assessed and collected in accordance with enabling state legislation by cities and townships within the School District's boundaries. All of the School District's tax roll lies within Oakland County.

The property tax levy runs from July 1 to June 30. Property taxes become a lien on the first day of the levy year and are due on or before September 14 or February 14. Collections are forwarded to the School District as collected by the assessing municipalities. Real property taxes uncollected as of March 1 are purchased by the County of Oakland and remitted to the School District by May 15.

Berkley School District
Notes to the Financial Statements
June 30, 2023

Due from other governmental units is made up of various federal, state and local intergovernmental receivables, the majority of which is the July and August state aid payments receivable.

Investments – Investments are stated at fair value.

Inventories and Prepaid Items – Inventories are valued at cost, on a first-in, first-out basis. Inventories of governmental funds are recorded as expenditures when purchased rather than when consumed, although significant amounts of inventory are capitalized at year end.

Certain payments to vendors reflect costs applicable to future fiscal years. For such payments in governmental funds the School District follows the consumption method, and they therefore are capitalized as prepaid items in both district-wide and fund financial statements.

Capital Assets – Purchased or constructed capital assets are reported at cost or estimated historical cost. Donated capital assets are recorded at their acquisition value at the date of donation. The School District defines capital assets as assets with an initial individual cost in excess of \$5,000. Costs of normal repair and maintenance that do not add to the value or materially extend asset lives are not capitalized. The School District does not have infrastructure assets. Land costs are included in the building cost and not material to the financial statements overall. Buildings, equipment, and vehicles are depreciated using the straight-line method over the following useful lives:

Buildings and additions	20 -50 years
Site improvements	10 -20 years
Equipment and furniture	5 -20 years
Buses and other vehicles	8 -10 years

Deferred Outflows of Resources – A deferred outflow of resources is a consumption of net position by the government that is applicable to a future reporting period. Deferred amounts on bond refundings are included in the district-wide financials statements. The amounts represent the difference between the reacquisition price and the net

carrying amount of the prior debt. For district-wide financial statements, the School District reports deferred outflows of resources as a result of pension and OPEB plan earnings. This amount is the result of a difference between what the plan expected to earn from plan investments and what is actually earned. This amount will be amortized over the next four years and included in pension and OPEB expense. Changes in assumptions relating to the net pension and OPEB liabilities are deferred and amortized over the expected remaining services lives of the employees and retirees in the plans. The School District also reported deferred outflows of resources for pension and OPEB contributions made after the measurement date. This amount will reduce the net pension and OPEB liabilities in the following year.

Compensated Absences – The District's compensated absences include unused sick days, severance pay and special termination benefits. Compensated absences are reported as liabilities in the district-wide statement of net position.

Long-term Obligations – In the district-wide financial statements, long-term debt and other long-term obligations are reported as liabilities in the statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount. In the fund financial statements, governmental fund types recognize bond premiums and discounts during the current period.

In the School District's fund financial statements, the face amount of the debt issued is reported as other financing sources. Premiums received on debt issuance are reported as other financing sources while discounts are reported as other financing uses.

Pension – For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Michigan Public School Employees Retirement System

Berkley School District
Notes to the Financial Statements
June 30, 2023

(MPSERS) and additions to/deductions from MPSERS fiduciary net position have been determined on the same basis as they are reported by MPSERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Postemployment Benefits Other Than Pensions – For purposes of measuring the net OPEB liability, deferred outflows of resources and deferred inflows of resources related to OPEB, and OPEB expense, information about the fiduciary net position of the Michigan Public School Employees Retirement System (MPSERS) and additions to/deductions from MPSERS fiduciary net position have been determined on the same basis as they are reported by MPSERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

Deferred Inflows of Resources – A deferred inflow of resources is an acquisition of net position by the government that is applicable to a future reporting period. For governmental funds this includes unavailable revenue in connection with receivables for revenues that are not considered available to liquidate liabilities of the current period. Deferred amounts on bond refundings are included in the district-wide financials statements. The amounts represent the difference between the reacquisition price and the net carrying amount of the prior debt. For district-wide financial statements, the School District reports deferred inflows of resources as a result of pension and OPEB plan earnings. This amount is the result of a difference between what the plan expected to earn from the plan investments and what the plan actually earned. This amount will be amortized over the next four years and included in pension and OPEB expense. Changes in assumptions relating to the net pension and OPEB liabilities are deferred and amortized over the expected remaining services lives of the employees and retirees in the plans. Deferred inflows of resources also includes revenue received relating to the amounts included in the deferred outflows for payments related to MPSERS Unfunded Actuarial Accrued

Liabilities (UAAL) Stabilization defined benefit pension statutorily required contributions.

Fund Equity – In the fund financial statements, governmental funds report fund balance in the following categories:

Non-spendable - amounts that are not available in a spendable form.

Restricted – amounts that are legally imposed or otherwise required by external parties to be used for a specific purpose.

Committed – amounts that have been formally set aside by the Board of Education for a specific purpose. A fund balance commitment may be established, modified, or rescinded by a resolution of the Board of Education.

Assigned – amounts intended to be used for specific purposes, as determined by the Board of Education. Residual amounts in governmental funds other than the general fund are automatically assigned by their nature.

Unassigned – all other resources; the remaining fund balances after non-spendable, restrictions, commitments and assignments.

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the School District's policy is to consider restricted funds spent first.

When an expenditure is incurred for purposes for which committed, assigned, or unassigned amounts could be used, the School District's policy is to consider the funds to be spent in the following order: (1) committed, (2) assigned, (3) unassigned.

Berkley School District
Notes to the Financial Statements
June 30, 2023

Upcoming Accounting and Reporting Changes

Statement No. 100, *Accounting Changes and Error Corrections*, improves the clarity of the accounting and financial reporting requirements for accounting changes and error corrections, which will result in greater consistency in application in practice. More understandable, reliable, relevant, consistent and comparable information will be provided to financial statement users for making decisions or assessing accountability. Additionally, the display and note disclosure requirements will result in more consistent, decision useful, understandable and comprehensive information for users about accounting changes and error corrections. This statement is effective for the year ending June 30, 2024.

Statement No. 101, *Compensated Absences*, updates the recognition and measurement guidance for compensated absences. That objective is achieved by aligning the recognition and measurement guidance under a unified model and by amending certain previously required disclosures. This statement is effective for the year ending June 30, 2025.

The School District is evaluating the impact that the above GASBs will have on its financial reporting.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities, as well as deferred inflows and deferred outflows of resources at the date of the financial statements and the reported amounts of revenue and expenditures during the reporting period. Actual results could differ from those estimates.

Eliminations and Reclassifications

In the process of aggregating data for the statement of net position and the statement of activities, some amounts reported as interfund activity and balances in the funds were eliminated or reclassified. Interfund

receivables and payables were eliminated to minimize the "grossing up" effect on assets and liabilities within the governmental activities column

Note 2 - Stewardship, Compliance, and Accountability

Budgetary Information

Annual budgets are adopted on a basis consistent with accounting principles generally accepted in the United States of America and state law for the General and Special Revenue Funds. All annual appropriations lapse at fiscal year end, thereby canceling all encumbrances. These appropriations are reestablished at the beginning of the year.

The budget document presents information by fund and function. The legal level of budgetary control adopted by the governing body is the function level. State law requires the School District to have its budget in place by July 1. A district is not considered in violation of the law if reasonable procedures are in use by the School District to detect violations.

The Superintendent is authorized to transfer budgeted amounts between functions within any fund; however, any revisions that alter the total expenditures of any fund must be approved by the Board of Education.

Berkley School District
Notes to the Financial Statements
June 30, 2023

Excess of Expenditures over Appropriations

During the year, the School District incurred expenditures in certain budgetary funds which were in excess of the amounts appropriated, as follows:

Function	Final Budget	Amount of Expenditures	Budget Variances
General Fund			
School administration	\$ 3,390,637	\$ 3,420,064	\$ 29,427
Business	1,111,256	1,155,338	44,082
Athletic activities	834,808	861,624	26,816
Community Services Fund			
Community Services	4,389,240	4,409,826	20,586

Compliance - Sinking Funds

The Capital Project Fund records capital project activities funded with Sinking Fund millage. For this fund, management believes the School District has complied, in all material respects, with the applicable provisions of § 1212(1) of the Revised School Code and the State of Michigan Department of Treasury Letter No. 2004-4.

Deposits and Investments

The School District's deposits and investments were reported in the basic financial statements in the following categories:

Cash	\$ 1,265,523
Investments	<u>20,303,539</u>
	<u>\$ 21,569,062</u>

The breakdown between deposits and investments for the School District is as follows:

Deposits (checking, savings accounts, money markets, certificates of deposit)	\$ 1,265,523
Investments in securities, mutual funds, and similar vehicles	<u>20,303,539</u>
Total	<u>\$ 21,569,062</u>

As of year-end, the School District had the following investment:

Investment	Fair Value	Maturities	Rating	Rating Organization
Michigan Liquid Asset Fund				
MILAF + Portfolio				
Cash Management Class	\$ 104,082	< 60 days	AAAm	S&P
Max Class	8,163,768	< 60 days	AAAm	S&P
Term	<u>12,035,689</u>	< 60 days	AAAF	Kroll
	<u>\$ 20,303,539</u>			

The valuation method for investments measured at net asset value (NAV) per share is discussed below.

As of June 30, 2023, the net asset value of the School District's investment in MILAF + Portfolio was \$20,303,539. Participation in the investment pool has not resulted in any unfunded commitments. Shares are available to be redeemed upon proper notice without restrictions under normal operating conditions. There are no limits to the number of redemptions that can be made provided the School District has sufficient shares to meet the redemption request. In the event of an emergency that would make the determination of net asset value not reasonably practical, the Trust's Board of Trustee's may suspend the right of withdrawal or postpone the date of payment. The net asset value ("NAV") per share of the MILAF+ Portfolio is calculated as of the close of business each business day by dividing the net

Berkley School District
Notes to the Financial Statements
June 30, 2023

position of that Portfolio by the number of its outstanding shares. It is the MLAF+ Portfolio's objective to maintain a NAV of \$1.00 per share, however, there is no assurance that this objective will be achieved. The exact price for share transactions will be determined based on the NAV next calculated after receipt of a properly executed order. The number of shares purchased or redeemed will be determined by the NAV.

Interest rate risk – The School District does not have a formal investment policy to manage its exposure to fair value losses arising from changes in interest rates.

Credit risk – State statutes authorize the School District to make deposits in the accounts of federally insured banks, credit unions, and savings and loan associations that have an office in Michigan; the School District is allowed to invest in U.S. Treasury or Agency obligations, U.S. government repurchase agreements, bankers' acceptances, commercial paper rated prime at the time of purchase that matures not more than 270 days after the date of purchase, mutual funds, and investment pools that are composed of authorized investment vehicles. The School District has no investment policy that would further limit its investment choices.

Concentration of credit risk – The School District has no policy that would limit the amount that may be invested with any one issuer.

Custodial credit risk – deposits – In the case of deposits, this is the risk that in the event of a bank failure, the School District's deposits may not be returned to it. The School District does not have a deposit policy for custodial credit risk. As of year-end, \$1,013,898 of the School District's bank balance of \$1,263,898 was exposed to custodial credit risk because it was uninsured and uncollateralized.

Custodial credit risk – investments – For an investment, this is the risk that, in the event of the failure of the counterparty, the government will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. As of year-end, none of the School District's investments were exposed to custodial credit risk.

Note 3 - Capital Assets

A summary of the changes in governmental capital assets is as follows:

	Beginning Balance	Increases	Decreases	Ending Balance
Governmental activities				
Capital assets not being depreciated				
Land	\$ 279,140	\$ -	\$ -	\$ 279,140
Capital assets being depreciated				
Buildings and additions	121,844,715	1,026,730	607,804	122,263,641
Equipment and furniture	928,059	287,531	140,623	1,074,967
Vehicles	201,018	-	21,449	179,569
Total capital assets being depreciated	122,973,792	1,314,261	769,876	123,518,177
Less accumulated depreciation for				
Buildings and additions	45,854,340	4,219,124	601,043	49,472,421
Equipment and furniture	674,851	35,399	140,623	569,627
Vehicles	115,327	10,822	21,449	104,700
Total accumulated depreciation	46,644,518	4,265,345	763,115	50,146,748
Net capital assets being depreciated	76,329,274	(2,951,084)	6,761	73,371,429
Net capital assets	\$ 76,608,414	\$ (2,951,084)	\$ 6,761	\$ 73,650,569

Depreciation expense was charged to activities of the School District as follows:

Governmental activities		
Instruction		\$ 2,683,839
Support services		1,299,714
Food services		49,827
Community services		231,965
Total governmental activities		\$ 4,265,345

Berkley School District
Notes to the Financial Statements
June 30, 2023

Note 4 - Interfund Transfers

The General Fund transferred \$90,000 to the Other Capital Projects Fund to help fund capital projects.

Note 5 - Unearned Revenue

Governmental funds report unearned revenue in connection with resources that have been received but not yet earned. At the end of the current fiscal year, the components of unearned revenue are as follows:

Grant and categorical aid payments received prior to meeting all eligibility requirements	\$ 1,138,986
Summer school prepaid accounts	13,469
Food service prepaid accounts	58,476
Total	<u>\$ 1,210,931</u>

Note 6 - Long-term Debt

The School District issues bonds, notes, and other contractual commitments to provide for the acquisition and construction of major capital facilities and the acquisition of certain equipment. General obligation bonds are direct obligations and pledge the full faith and credit of the School District. Other long-term obligations include compensated absences, claims and judgments, termination benefits, and certain risk liabilities.

Long-term obligation activity is summarized as follows:

	Beginning Balance	Additions	Reductions	Ending Balance	Amount Due Within One Year
Bonds and Notes Payable					
General obligation bonds	\$ 47,345,000	\$ -	\$ 1,770,000	\$ 45,575,000	\$ 1,860,000
Premium on bonds	1,825,794	-	175,113	1,650,681	167,561
Total bonds payable	49,170,794	-	1,945,113	47,225,681	2,027,561
Other Liabilities					
Compensated absences	1,923,367	98,734	152,928	1,869,173	152,928
Total	\$ 51,094,161	\$ 98,734	\$ 2,098,041	\$ 49,094,854	\$ 2,180,489

For governmental activities, compensated absences, retirement incentives and capital leases are primarily liquidated by the general fund.

General obligation bonds payable at year end, consist of the following:

2015 serial bond due in annual installments of \$1,860,000 to \$3,655,000 through May 2040, interest at 3.13 - 5.00%	<u>\$ 45,575,000</u>
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Future principal and interest requirements for bonded debt are as follows:

	Principal	Interest	Total
Year Ending June 30,			
2024	\$ 1,860,000	\$ 1,963,556	\$ 3,823,556
2025	1,950,000	1,870,556	3,823,556
2026	2,050,000	1,773,056	3,823,556
2027	2,115,000	1,708,992	3,823,556
2028	2,180,000	1,708,992	3,888,992
2029 - 2033	12,620,000	6,498,874	19,118,874
2034 - 2038	15,625,000	3,452,300	19,077,300
2039 - 2040	7,175,000	433,200	7,608,200
Total	<u>\$ 45,575,000</u>	<u>\$ 19,409,526</u>	<u>\$ 64,982,590</u>

Berkley School District
Notes to the Financial Statements
June 30, 2023

The general obligation bonds are payable from the Debt Service Funds. As of year-end, the fund had a balance of \$1,737,146. Future debt and interest will be payable from future tax levies.

Compensated Absence

Accrued compensated absences at year end, consist of accrued sick and severance. There was \$302,273 in accrued sick time benefits. The entire vested amount is considered long-term as the amount expended each year is expected to be offset by sick time earned for the year. The amount anticipated to be paid out over the next year is included within the amounts listed as due within one year. The School District has various contractual severance obligations with its employees. The calculations are based on years of service and salary at the time of retirement. As of June 30, 2023 the anticipated severance amounted to \$1,566,900.

Interest Expenditures

Interest expenditures for the fiscal year in the Debt Service Fund were \$2,052,056.

Risk Management

The School District is exposed to various risks of loss related to theft of, damage to, and destruction of assets, injuries to employees and natural disasters. For its general property and liability insurance coverage, the School District is a participant in the Metropolitan Association for Improved School Legislation Joint Risk Management Trust (MAISL), a public entity risk pool for the benefit of various school districts located in the metropolitan area. The School District pays an annual premium to MAISL for this liability coverage. MAISL is considered a self-sustaining risk pool that will provide coverage for its members for up to \$400,000 per insured event. MAISL obtains unlimited independent coverage for insured events in excess of the \$400,000 limit. For its workers' compensation insurance coverage, the School District is a participant in the MAISL Worker's Compensation Fund, a public entity risk pool for the benefit of various school districts located in the metropolitan area. The School District pays an annual premium to MAISL and coverage is provided for up to \$400,000 per insured event. MAISL obtains unlimited

independent coverage for insured events in excess of the \$400,000 limit.

Note 7 - Pension Plan

Plan Description

The Michigan Public School Employees' Retirement System (System or MPERS) is a cost-sharing, multiple employer, state-wide, defined benefit public employee retirement plan governed by the State of Michigan (State) originally created under Public Act 136 of 1945, recodified and currently operating under the provisions of Public Act 300 of 1980, as amended. Section 25 of this act establishes the board's authority to promulgate or amend the provisions of the System. The board consists of twelve members— eleven appointed by the Governor and the State Superintendent of Instruction, who serves as an ex-officio member.

The System's pension plan was established by the State to provide retirement, survivor, and disability benefits to public school employees. In addition, the System's health plan provides all retirees with the option of receiving health, prescription drug, dental and vision coverage under the Michigan Public School Employees' Retirement Act (1980 PA 300 as amended).

The System is administered by the Office of Retirement Services (ORS) within the Michigan Department of Technology, Management & Budget. The Department Director appoints the Office Director, with whom the general oversight of the System resides. The State Treasurer serves as the investment officer and custodian for the System.

The System's financial statements are available on the ORS website at www.michigan.gov/orsschools

Benefits Provided

Benefit provisions of the defined benefit pension plan are established by State statute, which may be amended. Public Act 300 of 1980, as amended, establishes eligibility and benefit provisions for the defined

Berkley School District
Notes to the Financial Statements
June 30, 2023

benefit (DB) pension plan. Depending on the plan option selected, member retirement benefits are determined by final average compensation, years of service, and a pension factor ranging from 1.25 percent to 1.50 percent. DB members are eligible to receive a monthly benefit when they meet certain age and service requirements. The System also provides disability and survivor benefits to DB plan members.

A DB plan member who leaves Michigan public school employment may request a refund of his or her member contributions to the retirement system account if applicable. A refund cancels a former member's rights to future benefits. However, returning members who previously received a refund of their contributions may reinstate their service through repayment of the refund upon satisfaction of certain requirements.

Contributions

Employers are required by Public Act 300 of 1980, as amended, to contribute amounts necessary to finance the coverage of active and retired members. Contribution provisions are specified by State statute and may be amended only by action of the State Legislature.

Employer contributions to the System are determined on an actuarial basis using the entry age normal actuarial cost method. Under this method, the actuarial present value of the projected benefits of each individual included in the actuarial valuation is allocated on a level basis over the service of the individual between entry age and assumed exit age. The portion of this cost allocated to the current valuation year is called the normal cost. The remainder is called the actuarial accrued liability. Normal cost is funded on a current basis. The unfunded (overfunded) actuarial accrued liability as of the September 30, 2021 valuation will be amortized over a 17-year period beginning Oct. 1, 2021 and ending Sept. 30, 2038.

The schedule below summarizes pension contribution rates in effect for fiscal year ended September 30, 2022.

Benefit Structure	Pension Contribution Rates	
	Member	Employer
Basic	0.0 - 4.0%	20.14%
Member Investment Plan	3.0 - 7.0%	20.14%
Pension Plus	3.0 - 6.4%	17.22%
Pension Plus 2	6.2%	19.93%
Defined Contribution	0.0%	13.73%

Required contributions to the pension plan from the School District were \$13,119,086 for the year ending September 30, 2022.

Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

At June 30, 2023, the School District reported a liability of \$144,962,380 for its proportionate share of the MPERS net pension liability. The net pension liability was measured as of September 30, 2022, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation rolled forward from September 2021. The School District's proportion of the net pension liability was determined by dividing each employer's statutorily required pension contributions to the system during the measurement period by the percent of pension contributions required from all applicable employers during the measurement period. At September 30, 2022, the School District's proportion was 0.3854 percent, which was an increase of 0.0066 percent from its proportion measured as of September 30, 2021.

For the plan year ending September 30, 2022, the School District recognized pension expense of \$18,880,055 for the measurement period. For the reporting period ending June 30, 2023, the School District recognized total pension contribution expense of \$13,700,194.

Berkley School District
Notes to the Financial Statements
June 30, 2023

Section 147c of the State School Aid Act (MCL 388.1747c) was amended to include a one-time distribution to districts, intermediate districts, and other participating entities of MPSEERS, which is referred to as Section 147c(2). Section 147c(2) is required to be forwarded to the state's ORS as additional assets being contributed to the retirement system. This funding is a one-time, state payment toward the MPSEERS unfunded liability and not part of the actuarially determined contributions and therefore not included in the above pension expense, pension contributions or related deferred inflows/outflows of resources. For the period ending June 30, 2023, the School District recognized in their financial statements an additional amount related to Section 147c(2) of \$3,889,916 in total pension expense and offset in state revenues.

At June 30, 2023, the School District reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources	Total
Difference between expected and actual experience	\$ 1,450,130	\$ (324,120)	\$ 1,126,010
Changes of assumptions	24,909,731	-	24,909,731
Net difference between projected and actual earnings on pension plan investments	339,937	-	339,937
Changes in proportion and differences between the School District contributions and proportionate share of contributions	2,128,978	(1,733,938)	395,040
Total to be recognized in future School District contributions subsequent to the measurement date	12,777,158	(6,679,252)	6,097,906
Total	\$ 41,605,934	\$ (8,737,310)	\$ 32,868,624

Contributions subsequent to the measurement date reported as deferred outflows of resources related to pensions resulting from employer contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability in the year ended June 30, 2024. The School District will offset the contribution expense in the year ended June 30, 2024 with the 147c supplemental income received subsequent to the measurement date which is included in the deferred inflows of resources. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows during the following plan years:

Deferred Outflow of Resources by Year (To Be Recognized in Future Pension Expenses)	
2023	\$ 7,932,714
2024	5,434,603
2025	4,926,837
2026	8,476,564
	<u>\$ 26,770,718</u>

Actuarial Assumptions

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include the types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and plan members to that point. The actuarial methods and assumptions used include techniques that are designed to reduce the effects of short term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations.

Berkley School District
Notes to the Financial Statements
June 30, 2023

Additional information as of the latest actuarial valuation follows:

Summary of Actuarial Assumptions:

- Valuation Date: September 30, 2021
- Actuarial Cost Method: Entry Age, Normal
- Wage inflation rate: 2.75%
- Investment Rate of Return:
 - MIP and Basic Plans: 6.00% net of investment expenses
 - Pension Plus Plan: 6.00% net of investment expenses
 - Pension Plus 2 Plan: 6.00% net of investment expenses
- Projected Salary Increases: 2.75 – 11.55%, including wage inflation at 2.75%
- Cost-of-Living Pension Adjustments: 3% Annual Non-Compounded for MIP Members
- Mortality:
 - Retirees: RP-2014 Male and Female Healthy Annuitant Mortality Tables, scaled by 82% for males and 78% for females and adjusted for mortality improvements using projection scale MP-2017 from 2006.
 - Active: RP-2014 Male and Female Employee Annuitant Mortality Tables, scaled 100% and adjusted for mortality improvements using projection scale MP-2017 from 2006.

Assumption changes as a result of an experience study for the period 2012 through 2017 have been adopted by the System for use in the annual pension valuations beginning with the September 30, 2017 valuation. The total pension liability as of September 30, 2022, is based on the results of an actuarial valuation date of September 30, 2021, and rolled forward using generally accepted actuarial procedures, including the experience study.

Recognition period for liabilities is the average of the expected remaining service lives of all employees is 4.3922 years.

Recognition period for assets in years is 5 years.

Full actuarial assumptions are available in the 2022 MPSEERS Annual Comprehensive Financial Report found on the ORS website at www.michigan.gov/orsschools.

Long-Term Expected Return on Plan Assets

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the pension plan's target asset allocation as of September 30, 2022, are summarized in the following table:

Asset Class	Target Allocation	Long Term Expected Real Rate of Return*
Domestic Equity Pools	25.0 %	5.1%
Private Equity Pools	16.0	8.7
International Equity	15.0	6.7
Fixed Income Pools	13.0	(0.2)
Real Estate and Infrastructure Pools	10.0	5.3
Absolute Return Pools	9.0	2.7
Real Return/Opportunistic Pools	10.0	5.8
Short Term Investment Pools	2.0	(0.5)
	<u>100.0%</u>	

*Long-term rates of return are net of administrative expenses and 2.2% inflation.

Rate of Return

For the fiscal year ended September 30, 2022, the annual money-weighted rate of return on pension plan investment, net of pension plan investment expense, was (4.18)%. The money-weighted rate of return

Berkley School District
Notes to the Financial Statements
June 30, 2023

expresses investment performance, net of investment expense, adjusted for the changing amounts actually invested.

Discount Rate

A discount rate of 6.00% was used to measure the total pension liability (6.00% for the Pension Plus plan, 6.00% for the Pension Plus 2, hybrid plans provided through non-university employers only). This discount rate was based on the long-term expected rate of return on pension plan investments of 6.00% (6.00% for the Pension Plus plan, 6.00% for the Pension Plus 2 plan). The projection of cash flows used to determine this discount rate assumed that plan member contributions will be made at the current contribution rate and that employer contributions will be made at rates equal to the difference between actuarially determined contribution rates and the member rate. Based on these assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

Sensitivity of the School District's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate

The following presents the School District's proportionate share of the net pension liability calculated using the discount rate of 6.00% (6.00% for the Pension plus plan, 6.00% for the Pension Plus 2 plan), as well as what the School District's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1 percentage point lower or 1 percentage higher:

1% Decrease *	Current Single Discount Rate Assumption *	1% Increase *
5.00%	6.00%	7.00%
\$ 191,296,487	\$ 144,962,380	\$ 106,780,988

*Discount rates listed in the following order: Basic and Member Investment Plan (MIP), Pension Plus, and Pension Plus 2.

Michigan Public School Employees' Retirement System (MPERS) Fiduciary Net Position

Detailed information about the pension plan's fiduciary net position is available in the separately issued MPERS Annual Comprehensive Financial Report, available on the ORS website at www.michigan.gov/orsschools.

Payables to the Michigan Public School Employees' Retirement System (MPERS)

There were no significant payables to the pension plan that are not ordinary accruals to the School District.

Note 8 - Postemployment Benefits Other Than Pensions (OPEB)

Plan Description

The Michigan Public School Employees' Retirement System (System or MPERS) is a cost-sharing, multiple employer, state-wide, defined benefit public employee retirement plan governed by the State of Michigan (State) originally created under Public Act 136 of 1945, recodified and currently operating under the provisions of Public Act 300 of 1980, as amended. Section 25 of this act establishes the board's authority to promulgate or amend the provisions of the System. The board consists of twelve members - eleven appointed by the Governor and the State Superintendent of Instruction, who serves as an ex-officio member.

The System's health plan provides all eligible retirees with the option of receiving health, prescription drug, dental and vision coverage under the Michigan Public School Employees' Retirement Act (1980 PA 300 as amended).

The System is administered by the Office of Retirement Services (ORS) within the Michigan Department of Technology, Management & Budget. The Department Director appoints the Office Director, with whom the general oversight of the System resides. The State Treasurer serves as the investment officer and custodian for the System.

Berkley School District
Notes to the Financial Statements
June 30, 2023

The System's financial statements are available on the ORS website at www.michigan.gov/orsschools.

Benefits Provided

Benefit provisions of the postemployment healthcare plan are established by State statute, which may be amended. Public Act 300 of 1980, as amended, establishes eligibility and benefit provisions. Retirees have the option of health coverage, which, through 2012, was funded on a cash disbursement basis. Beginning fiscal year 2013, it is funded on a prefunded basis. The System has contracted to provide the comprehensive group medical, prescription drug, dental and vision coverage for retirees and beneficiaries. A subsidized portion of the premium is paid by the System with the balance deducted from the monthly pension of each retiree healthcare recipient. For members who first worked before July 1, 2008, (Basic, MIP-Fixed, and MIP Graded plan members) the subsidy is the maximum allowed by statute. To limit future liabilities of Other Postemployment Benefits, members who first worked on or after July 1, 2008 (MIP-Plus plan members) have a graded premium subsidy based on career length where they accrue credit towards their insurance premiums in retirement, not to exceed the maximum allowable by statute. Public Act 300 of 2012 sets the maximum subsidy at 80% beginning January 1, 2013; 90% for those Medicare eligible and enrolled in the insurances as of that date. Dependents are eligible for healthcare coverage if they meet the dependency requirements set forth in Public Act 300 of 1980, as amended.

Public Act 300 of 2012 granted all active members of the Michigan Public School Employees Retirement System, who earned service credit in the 12 months ending September 3, 2012 or were on an approved professional services or military leave of absence on September 3, 2012, a voluntary election regarding their retirement healthcare. Any changes to a member's healthcare benefit are effective as of the member's transition date, which is defined as the first day of the pay period that begins on or after February 1, 2013.

Under Public Act 300 of 2012, members were given the choice between continuing the 3% contribution to retiree healthcare and keeping the premium subsidy benefit described above, or choosing not to pay the 3% contribution and instead opting out of the subsidy benefit and becoming a participant in the Personal Healthcare Fund (PHF), a portable, tax-deferred fund that can be used to pay healthcare expenses in retirement. Participants in the PHF are automatically enrolled in a 2% employee contribution into their 457 account as of their transition date, earning them a 2% employer match into a 401(k) account. Members who selected this option stop paying the 3% contribution to retiree healthcare as of the day before their transition date, and their prior contributions were deposited into their 401(k) account.

Contributions

Employers are required by Public Act 300 of 1980, as amended, to contribute amounts necessary to finance the coverage of active and retired members. Contribution provisions are specified by State statute and may be amended only by action of the State Legislature.

Employer OPEB contributions to the System are determined on an actuarial basis using the entry age normal actuarial cost method. Under this method, the actuarial present value of the projected benefits of each individual included in the actuarial valuation is allocated on a level basis over the service of the individual between entry age and assumed exit age. The portion of this cost allocated to the current valuation year is called the normal cost. The remainder is called the actuarial accrued liability. Normal cost is funded on a current basis. The unfunded (overfunded) actuarial accrued liability as of the September 30, 2021 valuation will be amortized over a 17-year period beginning Oct. 1, 2021 and ending Sept. 30, 2038.

Berkley School District
Notes to the Financial Statements
June 30, 2023

The schedule below summarizes OPEB contribution rates in effect for fiscal year 2022.

OPEB Contribution Rates		
Benefit Structure	Member	Employer
Premium Subsidy	3.0%	8.09%
Personal Healthcare Fund (PHF)	0.0%	7.23%

Required contributions to the OPEB plan from the School District were \$2,953,910 for the year ended September 30, 2022.

OPEB Liabilities, OPEB Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB

At June 30, 2023, the School District reported a liability of \$8,213,589 for its proportionate share of the MPSERS net OPEB liability. The net OPEB liability was measured as of September 30, 2022, and the total OPEB liability used to calculate the net OPEB liability was determined by an actuarial valuation rolled forward from September 2021. The School District's proportion of the net OPEB liability was determined by dividing each employer's statutorily required OPEB contributions to the system during the measurement period by the percent of OPEB contributions required from all applicable employers during the measurement period. At September 30, 2022, the School District's proportion was 0.3878 percent, which was an increase of 0.0126 percent from its proportion measured as of September 30, 2021.

For the plan year ending September 30, 2022, the total OPEB expense for the School District was \$(2,708,689) during the measurement period. For the reporting period ending June 30, 2023, the School District recognized total OPEB contribution expense of \$2,869,272.

At June 30, 2023, the School District reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources	Total
Difference between expected and actual experience	-	\$ (16,087,275)	\$ (16,087,275)
Changes of assumptions	7,321,036	(596,120)	6,724,916
Net difference between projected and actual earnings on pension plan investments	641,957	-	641,957
Changes in proportion and differences between the School District contributions and proportionate share of contributions	1,313,671	(951,830)	361,841
	9,276,664	(17,635,225)	(8,358,561)
School District contributions subsequent to the measurement date	2,484,433	-	2,484,433
Total	\$ 11,761,097	\$ (17,635,225)	\$ (5,874,128)

Contributions subsequent to the measurement date reported as deferred outflows of resources related to OPEB resulting from employer contributions subsequent to the measurement date will be recognized as a reduction of the net OPEB liability in the year ended June 30, 2024. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense as follows during the following plan years:

Deferred (Inflow) of Resources by Year (To Be Recognized in Future OPEB Expenses)		
2023	\$	(2,757,016)
2024		(2,716,114)
2025		(2,630,869)
2026		(216,070)
2027		(63,040)
Thereafter		24,548
	\$	(8,358,561)

Berkley School District
Notes to the Financial Statements
June 30, 2023

Actuarial Assumptions

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include the types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and plan members to that point. The actuarial methods and assumptions used include techniques that are designed to reduce the effects of short term volatility in actuarial accrued liabilities and the actuarial value of assets, consistent with the long-term perspective of the calculations.

Additional information as of the latest actuarial valuation follows:

Summary of Actuarial Assumptions:

- Valuation Date: September 30, 2021
- Actuarial Cost Method: Entry Age, Normal
- Wage inflation rate: 2.75%
- Investment Rate of Return: 6.00% net of investment expenses
- Projected Salary Increases: 2.75 – 11.55%, including wage inflation at 2.75%
- Healthcare Cost Trend Rate: Pre-65: 7.75% Year 1 graded to 3.5% Year 15; 3.0% year 120 Post-65: 5.25% Year 1 graded to 3.5% Year 15; 3.0% Year 120
- Mortality:
 - Retirees: RP-2014 Male and Female Healthy Annuitant Mortality Tables, scaled by 82% for males and 78% for females and adjusted for mortality improvements using projection scale MP-2017 from 2006.
 - Active: RP-2014 Male and Female Employee Annuitant Mortality Tables, scaled 100% and adjusted for mortality improvements using projection scale MP-2017 from 2006.

Other Assumptions:

- Opt Out Assumption: 21% of eligible participants hired before July 1, 2008 and 30% of those hired after June 30, 2008 are assumed to opt out of the retiree health plan.
- Survivor Coverage: 80% of male retirees and 67% of female retirees are assumed to have coverages continuing after the retiree's death.
- Coverage Election at Retirement: 75% of male and 60% of female future retirees are assumed to elect coverage for 1 or more dependents.

Assumption changes as a result of an experience study for the period 2012 through 2017 have been adopted by the System for use in the annual pension valuations beginning with the September 30, 2018 valuation. The total OPEB liability as of September 30, 2022, is based on the results of an actuarial valuation date of September 30, 2021, and rolled forward using generally accepted actuarial procedures, including the experience study.

Recognition period for liabilities is the average of the expected remaining service lives of all employees in years is 6.2250.

Recognition period for assets in years is 5.0000.

Full actuarial assumptions are available in the 2022 MPSERS Annual Comprehensive Financial Report found on the ORS website at www.michigan.gov/orschools.

Berkley School District
Notes to the Financial Statements
June 30, 2023

Long-Term Expected Return on Plan Assets

The long-term expected rate of return on OPEB plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of OPEB plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the OPEB plan's target asset allocation as of September 30, 2022, are summarized in the following table:

Asset Class	Target Allocation	Long Term Expected Real Rate of Return*
Domestic Equity Pools	25.0 %	5.1%
Private Equity Pools	16.0	8.7
International Equity	15.0	6.7
Fixed Income Pools	13.0	(0.2)
Real Estate and Infrastructure Pools	10.0	5.3
Absolute Return Pools	9.0	2.7
Real Return/Opportunistic Pools	10.0	5.8
Short Term Investment Pools	2.0	(0.5)
	<u>100.0%</u>	

*Long-term rates of return are net of administrative expenses and 2.2% inflation.

Rate of Return

For the fiscal year ended September 30, 2022, the annual money-weighted rate of return on OPEB plan investment, net of OPEB plan investment expense, was (4.99)%. The money-weighted rate of return expresses investment performance, net of investment expense, adjusted for the changing amounts actually invested.

Discount Rate

A discount rate of 6.00% was used to measure the total OPEB liability. This discount rate was based on the long-term expected rate of return on OPEB plan investments of 6.00%. The projection of cash flows used to determine this discount rate assumed that plan member contributions will be made at the current contribution rate and that employer contributions will be made at rates equal to the difference between actuarially determined contribution rates and the member rate. Based on these assumptions, the OPEB plan's fiduciary net position was projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on OPEB plan investments was applied to all periods of projected benefit payments to determine the total OPEB liability.

Sensitivity of the School District's Proportionate Share of the Net OPEB Liability to Changes in the Discount Rate

The following presents the School District's proportionate share of the net OPEB liability calculated using the discount rate of 6.00%, as well as what the School District's proportionate share of the net OPEB liability would be if it were calculated using a discount rate that is 1 percentage point lower or 1 percentage higher:

1% Decrease 5.00%	Current Discount Rate 6.00%	1% Increase 7.00%
\$ 13,777,506	\$ 8,213,589	\$ 3,528,081

Berkley School District
Notes to the Financial Statements
June 30, 2023

Sensitivity of the School District's Proportionate Share of the Net OPEB Liability to Healthcare Cost Trend Rate

The following presents the School District's proportionate share of the net OPEB liability calculated using assumed trend rates, as well as what the School District's proportionate share of net OPEB liability would be if it were calculated using a trend rate that is 1-percentage-point lower or 1-percentage-point higher:

1% Decrease	Current Healthcare Cost Trend Rate	1% Increase
\$ 3,439,458	\$ 8,213,589	\$ 13,572,646

OPEB Plan Fiduciary Net Position

Detailed information about the OPEB plan's fiduciary net position is available in the separately issued 2022 MPSEERS Annual Comprehensive Financial Report, available on the ORS website at www.michigan.gov/orschools.

Payables to the OPEB Plan

There were no significant payables to the OPEB plan that are not ordinary accruals to the School District.

Note 9 - Retirement Plan

The School District sponsors a retirement plan under Internal Revenue Code 403(b), covering all eligible employees. The Plan provides for voluntary employee contributions and special pay employer contributions made payable to a participant's account upon termination of employment pursuant to the terms of an employment agreement, collective bargaining agreement, letter of agreement, or other agreement obligating the School District to make such contributions to the Code Section 403(b) plan. The District's retirement plan expense for the year ended June 30, 2023 was \$139,729.

Note 10 - Contingent Liabilities

Amounts received or receivable from grantor agencies are subjected to audit and adjustment by grantor agencies, principally the federal government. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amount, if any, of costs which may be disallowed by the grantor cannot be determined at this time, although the School District expects such amounts, if any, to be immaterial. A separate report on federal compliance has been issued for the year June 30, 2023.

Note 11 - Tax Abatements

The School District receives reduced property tax revenues as a result of Brownfield Redevelopment Agreements granted by the City of Oak Park. Brownfield redevelopment agreements are intended to reimburse taxpayers that remediate environmental contamination on their properties.

For the fiscal year ended June 30, 2023, the School District's property tax values were reduced by \$309,570 under this program.

Note 12 - Subsequent Events

After the fiscal year end, the District passed an Unlimited Bond in the amount of \$88 Million and pledged \$15 Million of future Sinking Fund revenues through a Limited Bond for \$15 Million.

REQUIRED SUPPLEMENTARY INFORMATION

Berkley School District
Required Supplementary Information
Budgetary Comparison Schedule - General Fund
For the Year Ended June 30, 2023

	Budgeted Amounts			Over (Under) Budget
	Original	Final	Actual	
Revenues				
Local sources	\$ 4,574,129	\$ 4,708,998	\$ 4,940,105	\$ 231,107
State sources	59,770,612	67,023,299	66,668,245	(355,054)
Federal sources	5,822,144	4,372,084	3,066,117	(1,305,967)
Interdistrict sources	4,180,129	4,390,012	4,313,481	(76,531)
Total revenues	<u>74,347,014</u>	<u>80,494,393</u>	<u>78,987,948</u>	<u>(1,506,445)</u>
Expenditures				
Instruction				
Basic programs	42,673,006	43,856,545	42,814,254	(1,042,291)
Added needs	9,358,575	9,946,700	9,088,444	(858,256)
Supporting services				
Pupil	5,051,598	6,511,350	6,241,486	(269,864)
Instructional staff	4,311,499	4,782,729	4,189,293	(593,436)
General administration	985,171	1,040,111	952,451	(87,660)
School administration	3,196,634	3,390,637	3,420,064	29,427
Business services	1,042,746	1,111,256	1,155,338	44,082
Operations and maintenance	4,035,005	5,037,540	5,000,290	(37,250)
Pupil transportation services	969,477	1,060,888	802,272	(258,616)
Central services	2,266,297	2,537,685	2,512,316	(25,369)
Athletic Activities	788,292	834,808	861,624	26,816
Community services	123,053	102,700	76,146	(26,554)
Total expenditures	<u>74,801,353</u>	<u>80,212,949</u>	<u>77,113,978</u>	<u>(3,098,971)</u>
Excess (deficiency) of revenues over expenditures	(454,339)	281,444	1,873,970	1,592,526
Other Financing Uses				
Transfers out	(40,000)	(90,000)	(90,000)	-
Net change in fund balance	(494,339)	191,444	1,783,970	1,592,526
Fund balance - beginning	<u>11,908,957</u>	<u>11,908,957</u>	<u>11,908,957</u>	<u>-</u>
Fund balance - ending	<u>\$ 11,414,618</u>	<u>\$ 12,100,401</u>	<u>\$ 13,692,927</u>	<u>\$ 1,592,526</u>

Berkley School District
Required Supplementary Information
Budgetary Comparison Schedule - Community Services Fund
For the Year Ended June 30, 2023

	Budgeted Amounts		Actual	Over (Under) Budget
	Original	Final		
Revenues				
Local sources	\$ 2,864,000	\$ 3,134,678	\$ 3,142,780	\$ 8,102
Federal sources	900,000	1,696,902	1,696,904	2
Total revenues	3,764,000	4,831,580	4,839,684	8,104
Expenditures				
Community services	3,640,961	4,389,240	4,409,826	20,586
Net change in fund balance	123,039	442,340	429,858	(12,482)
Fund balance - beginning	3,947,123	3,947,123	3,947,123	-
Fund balance - ending	\$ 4,070,162	\$ 4,389,463	\$ 4,376,981	\$ (12,482)

5 - 2

Berkley School District
Required Supplementary Information
Schedule of the School District's Proportionate Share of the Net Pension Liability
Michigan Public School Employees Retirement Plan
Last 10 Fiscal Years (Measurement Date September 30th, of Each Fiscal Year)

	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014
School District's proportion of net pension liability (%)	0.39%	0.38%	0.39%	0.39%	0.37%	0.36%	0.34%	0.33%	0.32%	
School District's proportionate share of net pension liability	\$ 144,962,380	\$ 89,691,511	\$ 133,204,151	\$ 127,935,576	\$ 110,903,822	\$ 92,246,548	\$ 85,048,552	\$ 80,756,722	\$ 70,315,232	
School District's covered payroll	\$ 37,763,826	\$ 34,004,757	\$ 34,094,542	\$ 34,494,417	\$ 32,182,866	\$ 30,209,359	\$ 29,130,488	\$ 27,609,235	\$ 27,341,910	
School District's proportionate share of net pension liability as a percentage of its covered payroll	383.87%	263.76%	390.69%	370.89%	344.61%	305.36%	291.96%	292.50%	257.17%	
Plan fiduciary net position as a percentage of total pension liability	60.77%	72.60%	59.72%	60.31%	62.36%	64.21%	63.27%	63.17%	66.20%	

Note Disclosures

Changes of benefit terms. There were no changes of benefit terms in plan fiscal year 2022
Changes of benefit assumptions. There were no changes of benefit assumptions in plan fiscal year 2022

Berkley School District
Required Supplementary Information
Schedule of the School District's Pension Contributions
Michigan Public School Employees Retirement Plan
Last 10 Fiscal Years

	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014
Statutorily required contributions	\$ 13,700,194	\$ 12,827,477	\$ 12,774,993	\$ 10,640,539	\$ 10,262,380	\$ 9,336,299	\$ 5,680,991	\$ 6,471,382	\$ 5,971,430	
Contributions in relation to statutorily required contributions	<u>13,700,194</u>	<u>12,827,477</u>	<u>12,774,993</u>	<u>10,640,539</u>	<u>10,262,380</u>	<u>9,336,299</u>	<u>5,680,991</u>	<u>6,471,382</u>	<u>5,971,430</u>	
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
School District's covered payroll	\$ 36,755,196	\$ 35,909,805	\$ 33,811,353	\$ 34,159,083	\$ 34,033,110	\$ 31,731,764	\$ 31,071,431	\$ 28,734,283	\$ 27,745,633	
Contributions as a percentage of covered payroll	37.27%	35.72%	37.78%	31.15%	30.15%	29.42%	18.28%	22.52%	21.52%	

5 - 4

Berkley School District
Required Supplementary Information
Schedule of the School District's Proportionate Share of the Net OPEB Liability
Michigan Public School Employees Retirement Plan
Last 10 Fiscal Years (Measurement Date September 30th, of Each Fiscal Year)

	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014
School District's proportion of net OPEB liability (%)	0.39%	0.38%	0.38%	0.38%	0.38%	0.35%				
School District's proportionate share of net OPEB liability	\$ 8,213,589	\$ 5,727,095	\$ 20,567,879	\$ 28,273,078	\$ 30,040,072	\$ 31,421,649				
School District's covered payroll	\$ 37,763,826	\$ 34,004,757	\$ 34,094,542	\$ 34,494,417	\$ 32,182,866	\$ 32,182,866				
School District's proportionate share of net OPEB liability as a percentage of its covered payroll	21.75%	16.84%	60.33%	81.96%	93.34%	97.63%				
Plan fiduciary net position as a percentage of total OPEB liability	83.09%	87.33%	59.44%	48.46%	42.95%	36.39%				

Note Disclosures

Changes of benefit terms. There were no changes of benefit terms in plan fiscal year 2022
Changes of benefit assumptions. There were no changes of benefit assumptions in plan fiscal year 2022

Berkley School District
Required Supplementary Information
Schedule of the School District's OPEB Contributions
Michigan Public School Employees Retirement Plan
Last 10 Fiscal Years

	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014
Statutorily required contributions	\$ 2,869,272	\$ 2,847,594	\$ 2,777,503	\$ 2,707,211	\$ 2,690,884	\$ 2,371,701				
Contributions in relation to statutorily required contributions	<u>2,869,272</u>	<u>2,847,594</u>	<u>2,777,503</u>	<u>2,707,211</u>	<u>2,690,884</u>	<u>2,371,701</u>				
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
School District's covered payroll	\$ 36,755,196	\$ 35,909,805	\$ 33,811,353	\$ 34,159,083	\$ 34,033,110	31,731,764				
Contributions as a percentage of covered payroll	7.81%	7.93%	8.21%	7.93%	7.91%	7.47%				

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APPENDIX E
FORM OF LEGAL OPINION

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LISA L. SWEM (OF COUNSEL)

DRAFT LEGAL OPINION

Berkley School District
County of Oakland
State of Michigan

We have acted as bond counsel in connection with the issuance by Berkley School District, County of Oakland, State of Michigan (the “Issuer”), of its bonds in the aggregate principal amount of \$ _____ designated 2024 School Building and Site Bonds, Series II (General Obligation - Unlimited Tax) (the “Bonds”). The Bonds are in fully registered form and issued without coupons, are dated _____, 2024, are of \$5,000 denomination or any integral multiple thereof, are subject to redemption prior to maturity at the option of the Issuer in the manner and at the times as set forth in the Bonds, mature on May 1 and/or November 1 of each year, and bear interest payable on November 1, 2024, and semiannually thereafter on May 1 and November 1 of each year in the amounts and at the rates as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
-------------	---------------	-------------	-------------	---------------	-------------

The Bonds maturing on _____, 20____, are term Bonds subject to mandatory redemption in part, by lot, on the redemption dates and at the redemption price equal to the principal amount thereof as provided in the Bonds.

We have examined the documents which we deem authentic and pertinent to the validity of the Bonds, including the certified record evidencing the authorization of the Bonds by the electors and board of education of the Issuer, a copy of the approval of the Department of Treasury of the State of Michigan to issue the Bonds, a signed copy of the certificate of the Treasurer of the State of Michigan qualifying the Bonds for purposes of Article IX, Section 16, of the Michigan Constitution, and a specimen of the Bond certificates.

Based upon the foregoing, we are of the opinion that under existing law:

- (1) the Bonds have been lawfully authorized and issued and are enforceable obligations of the Issuer in accordance with their terms;
- (2) the Bonds are the general obligation of the Issuer for which its full faith, credit and resources have been irrevocably pledged;



Berkley School District
County of Oakland
State of Michigan
_____, 2024
Page 2

(3) the Issuer has the power, and is obligated, to levy taxes on all taxable property now situated within the corporate boundaries of the Issuer, without limitation as to rate or amount, sufficient to pay the principal of and interest on the Bonds;

(4) the Bonds have been fully qualified pursuant to Act 92, Public Acts of Michigan, 2005, as amended, enacted pursuant to Article IX, Section 16, of the Michigan Constitution of 1963. Under the terms of said constitutional and statutory provisions, if for any reason the Issuer will be or is unable to pay the principal and interest on the Bonds when due, then the Issuer shall borrow, and the State of Michigan shall lend to it, an amount sufficient to enable the Issuer to make the payment;

(5) the Bonds and the interest thereon are exempt from all taxation in the State of Michigan, except inheritance and estate taxes and taxes on gains realized from the sale, payment or other disposition thereof; and

(6) the interest on the Bonds is excluded from gross income for federal income tax purposes and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals; however, interest on the Bonds held by an “applicable corporation” as defined in Section 59(k) of the Internal Revenue Code of 1986, as amended (the “Code”), is included in annual “adjusted financial statement income” for purposes of calculating the alternative minimum tax imposed on an applicable corporation. The opinions set forth in the preceding sentence are subject to the condition that the Issuer comply with all requirements of the Code that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. The Issuer has covenanted to comply with such requirements. Failure to comply with certain of such requirements may cause the inclusion of interest on the Bonds in gross income for federal income tax purposes to be retroactive to the date of issuance of the Bonds. We express no opinion regarding other federal tax consequences arising with respect to the Bonds.

The rights of the owners of the Bonds and the enforceability thereof may be subject to bankruptcy, insolvency, reorganization, moratorium and other similar laws affecting creditors’ rights heretofore or hereafter enacted to the extent constitutionally applicable and that their enforcement of such rights may also be subject to the exercise of judicial discretion in appropriate cases.

THRUN LAW FIRM, P.C.

TLF/JJS

APPENDIX F
FORM OF CONTINUING DISCLOSURE AGREEMENT

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**FORM OF
CONTINUING DISCLOSURE AGREEMENT**

§ _____
**BERKLEY SCHOOL DISTRICT
COUNTY OF OAKLAND
STATE OF MICHIGAN
2024 SCHOOL BUILDING AND SITE BONDS, SERIES II
(GENERAL OBLIGATION - UNLIMITED TAX)**

This Continuing Disclosure Agreement (the “Agreement”) is executed and delivered by Berkley School District, County of Oakland, State of Michigan (the “Issuer”), in connection with the issuance of its \$ _____ 2024 School Building and Site Bonds, Series II (General Obligation - Unlimited Tax) (the “Bonds”). The Bonds are being issued pursuant to resolutions adopted by the Board of Education of the Issuer on March 11, 2024 and _____, 2024 (together, the “Resolution”). The Issuer covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Agreement. This Agreement is being executed and delivered by the Issuer for the benefit of the Bondholders and in order to assist the Participating Underwriter in complying with the Rule. The Issuer acknowledges that this Agreement does not address the scope of any application of Rule 10b-5 promulgated by the SEC pursuant to the 1934 Act to the Annual Reports or notices of the Listed Events provided or required to be provided by the Issuer pursuant to this Agreement.

SECTION 2. Definitions. In addition to the definitions set forth in the Resolution, which apply to any capitalized term used in this Agreement unless otherwise defined in this Section, the following capitalized terms shall have the following meanings:

“Annual Report” shall mean any Annual Report provided by the Issuer pursuant to, and as described in, Sections 3 and 4 of this Agreement.

“Bondholder” means the registered owner of a Bond or any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including any person holding Bonds through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Bond for federal income tax purposes.

“Dissemination Agent” means any agent designated as such in writing by the Issuer and which has filed with the Issuer a written acceptance of such designation, and such agent’s successors and assigns.

“EMMA” shall mean the MSRB’s Electronic Municipal Market Access which provides continuing disclosure services for the receipt and public availability of continuing disclosure documents and related information required by Rule 15c2-12 promulgated by the SEC.

“Financial Obligation” shall mean (a) a debt obligation, (b) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (c) a guarantee of (a) or (b) provided; however, that a “Financial Obligation”



shall not include any municipal security for which a final official statement has been provided to the MSRB consistent with the Rule.

“Listed Events” shall mean any of the events listed in Section 5(a) of this Agreement.

“MSRB” shall mean the Municipal Securities Rulemaking Board.

“1934 Act” shall mean the Securities Exchange Act of 1934, as amended.

“Official Statement” shall mean the final Official Statement for the Bonds dated _____, 2024.

“Participating Underwriter” shall mean any of the original underwriters of the Bonds required to comply with the Rule in connection with the offering of the Bonds.

“Resolution” shall mean the resolutions duly adopted by the Issuer authorizing the issuance, sale and delivery of the Bonds.

“Rule” shall mean Rule 15c2-12 promulgated by the SEC pursuant to the 1934 Act, as the same may be amended from time to time.

“SEC” shall mean the Securities and Exchange Commission.

“State” shall mean the State of Michigan.

SECTION 3. Provision of Annual Reports.

(a) Each year, the Issuer shall provide, or shall cause the Dissemination Agent to provide, on or prior to the end of the sixth month after the end of the fiscal year of the Issuer commencing with the fiscal year ending June 30, 2024, to EMMA an Annual Report for the preceding fiscal year which is consistent with the requirements of Section 4 of this Agreement. Currently, the Issuer’s fiscal year ends on June 30. In each case, the Annual Report may be submitted as a single document or as separate documents comprising a package, and may include by specific reference other information as provided in Section 4 of this Agreement; provided, however, that if the audited financial statements of the Issuer are not available by the deadline for filing the Annual Report, they shall be provided when and if available, and unaudited financial statements in a format similar to the financial statements contained in the Official Statement shall be included in the Annual Report.

(b) The Annual Report shall be submitted to EMMA either through a web-based electronic submission interface or through electronic computer-to-computer data connections with EMMA in accordance with the submission process, document format and configuration requirements established by the MSRB. The Annual Report shall also include all related information required by MSRB to accurately identify: (i) the category of information being provided; (ii) the period covered by the Annual Report; (iii) the issues or specific securities to which the Annual Report is related (including CUSIP number, Issuer name, state, issue description/securities name, dated date, maturity date, and/or coupon rate); (iv) the name of any obligated person other than the Issuer; (v) the name and date of the document; and (vi) contact information for the Dissemination Agent or the Issuer’s submitter.

(c) If the Issuer is unable to provide to EMMA an Annual Report by the date required in subsection (a), the Issuer shall send a notice in a timely manner to the MSRB in substantially the form attached as Appendix A.

(d) If the Issuer's fiscal year changes, the Issuer shall send a notice of such change to the MSRB in substantially the form attached as Appendix B. If such change will result in the Issuer's fiscal year ending on a date later than the ending date prior to such change, the Issuer shall provide notice of such change to the MSRB on or prior to the deadline for filing the Annual Report in effect when the Issuer operated under its prior fiscal year. Such notice may be provided to the MSRB along with the Annual Report, provided that it is filed at or prior to the deadline described above.

SECTION 4. Content of Annual Reports. The Issuer's Annual Report shall contain or include by reference the following:

(a) audited financial statements of the Issuer prepared pursuant to State laws, administrative rules and guidelines and pursuant to accounting and reporting policies conforming in all material respects to generally accepted accounting principles as applicable to governmental units as such principles are prescribed, in part, by the Financial Accounting Standards Board and modified by the Government Accounting Standards Board and in effect from time to time; and

(b) additional annual financial information and operating data as set forth in the Official Statement under "CONTINUING DISCLOSURE".

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the Issuer or related public entities, which previously have been provided to each of the Repositories or filed with the SEC. If the document included by specific reference is a final official statement, it must be available from the MSRB. The Issuer shall clearly identify each such other document so included by reference.

SECTION 5. Reporting of Significant Events.

(a) The Issuer covenants to provide, or cause to be provided, notice in a timely manner not in excess of ten business days of the occurrence of any of the following events with respect to the Bonds in accordance with the Rule:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) modifications to rights of security holders, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;

- (10) release, substitution, or sale of property securing repayment of the securities, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar event of the Issuer or other obligated person;
- (13) the consummation of a merger, consolidation, or acquisition involving the Issuer or other obligated person or the sale of all or substantially all of the assets of the Issuer or other obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) incurrence of a Financial Obligation of the Issuer or other obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a Financial Obligation of the Issuer or other obligated person, any of which affect security holders, if material;
- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer or other obligated person, any of which reflect financial difficulties.

(b) Whenever the Issuer obtains knowledge of the occurrence of a Listed Event, the Issuer shall as soon as possible determine if such event would constitute material information for the Bondholders, provided that any event other than those listed under Section 5(a)(2), (6), (7), (8), (10), (13), (14) or (15) above will always be deemed to be material. Events listed under Section 5(a)(6) and (8) above will always be deemed to be material except with respect to that portion of those events which must be determined to be material.

(c) The Issuer shall promptly cause a notice of the occurrence of a Listed Event, determined to be material in accordance with the Rule, to be electronically filed with EMMA, together with a significant event notice cover sheet substantially in the form attached as Appendix C. In connection with providing a notice of the occurrence of a Listed Event described in Section 5(a)(9) above, the Issuer shall include in the notice explicit disclosure as to whether the Bonds have been escrowed to maturity or escrowed to call, as well as appropriate disclosure of the timing of maturity or call.

(d) The Issuer acknowledges that the “rating changes” referred to above in Section 5(a)(11) of this Agreement may include, without limitation, any change in any rating on the Bonds or other indebtedness for which the Issuer is liable, or on any indebtedness for which the State is liable.

(e) The Issuer acknowledges that it is not required to provide a notice of a Listed Event with respect to credit enhancement when the credit enhancement is added after the primary offering of the Bonds, the Issuer does not apply for or participate in obtaining such credit enhancement, and such credit enhancement is not described in the Official Statement.

SECTION 6. Termination of Reporting Obligation.

(a) The Issuer's obligations under this Agreement shall terminate upon the legal defeasance of the Resolution or the prior redemption or payment in full of all of the Bonds.

(b) This Agreement, or any provision hereof, shall be null and void in the event that the Issuer (i) receives an opinion of nationally recognized bond counsel, addressed to the Issuer, to the effect that those portions of the Rule, which require such provisions of this Agreement, do not or no longer apply to the Bonds, whether because such portions of the Rule are invalid, have been repealed, amended or modified, or are otherwise deemed to be inapplicable to the Bonds, as shall be specified in such opinion, and (ii) delivers notice to such effect to the MSRB.

SECTION 7. Dissemination Agent. The Issuer, from time to time, may appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Agreement, and may discharge any such Dissemination Agent, with or without appointing a successor Dissemination Agent.

SECTION 8. Amendment. Notwithstanding any other provision of this Agreement, this Agreement may be amended, and any provision of this Agreement may be waived to the effect that:

(a) such amendment or waiver is made in connection with a change in circumstances that arises from a change in legal requirements, a change in law or a change in the identity, nature or status of the Issuer, or the types of business in which the Issuer is engaged;

(b) this Agreement as so amended or taking into account such waiver, would have complied with the requirements of the Rule at the time of the primary offering of the Bonds, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances, in the opinion of independent legal counsel; and

(c) such amendment or waiver does not materially impair the interests of the Bondholders, in the opinion of independent legal counsel.

If the amendment or waiver results in a change to the annual financial information required to be included in the Annual Report pursuant to Section 4 of this Agreement, the first Annual Report that contains the amended operating data or financial information shall explain, in narrative form, the reasons for the amendment and the impact of such change in the type of operating data or financial information being provided. If the amendment or waiver involves a change in the accounting principles to be followed in preparing financial statements, the Annual Report for the year in which the change is made shall present a comparison between the financial statements or information prepared based on the new accounting principles and those prepared based on the former accounting principles. The comparison should include a qualitative discussion of such differences and the impact of the changes on the presentation of the financial information. To the extent reasonably feasible, the comparison should also be quantitative. A notice of the change in the accounting principles should be sent by the Issuer to the MSRB. Further, if the annual financial information required to be provided in the Annual Report can no longer be generated because the operations to which it related have been materially changed or discontinued, a statement to that effect shall be included in the first Annual Report that does not include such information.

SECTION 9. Additional Information. Nothing in this Agreement shall be deemed to prevent the Issuer from disseminating any other information, using the means of dissemination set forth in this Agreement or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Agreement. If the Issuer chooses to include any information in any Annual Report or notice of occurrence of a Listed Event in addition to that which is specifically required by this Agreement, the Issuer shall have no obligation under this Agreement to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. In the event of a failure of the Issuer to comply with any provision of this Agreement, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the Issuer to comply with its obligations under this Agreement. A default under this Agreement shall not be deemed an Event of Default under the Resolution or the Bonds, and the sole remedy under this Agreement in the event of any failure of the Issuer to comply with the Agreement shall be an action to compel performance.

SECTION 11. Duties of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Agreement.

SECTION 12. Beneficiaries. This Agreement shall inure solely to the benefit of the Issuer, the Dissemination Agent, the Participating Underwriter, and the Bondholders and shall create no rights in any other person or entity.

SECTION 13. Governing Law. This Agreement shall be construed and interpreted in accordance with the laws of the State, and any suits and actions arising out of this Agreement shall be instituted in a court of competent jurisdiction in the State. Notwithstanding the foregoing, to the extent this Agreement addresses matters of federal securities laws, including the Rule, this Agreement shall be construed and interpreted in accordance with such federal securities laws and official interpretations thereof.

BERKLEY SCHOOL DISTRICT
COUNTY OF OAKLAND
STATE OF MICHIGAN

By: _____
Its: Superintendent

Dated: _____, 2024

APPENDIX A

NOTICE TO THE MSRB OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: Berkley School District, Oakland County, Michigan
Name of Bond Issue: 2024 School Building and Site Bonds, Series II (General
Obligation - Unlimited Tax)
Date of Bonds: _____, 2024

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by Section 3 of its Continuing Disclosure Agreement with respect to the Bonds. The Issuer anticipates that the Annual Report will be filed by _____.

BERKLEY SCHOOL DISTRICT
COUNTY OF OAKLAND
STATE OF MICHIGAN

By: _____
Its: Superintendent

Dated: _____



APPENDIX B

NOTICE TO THE MSRB OF CHANGE IN ISSUER'S FISCAL YEAR

Name of Issuer: Berkley School District, Oakland County, Michigan
Name of Bond Issue: 2024 School Building and Site Bonds, Series II (General
Obligation - Unlimited Tax)
Date of Bonds: _____, 2024

NOTICE IS HEREBY GIVEN that the Issuer's fiscal year has changed. Previously, the Issuer's fiscal year ended on _____. It now ends on _____.

BERKLEY SCHOOL DISTRICT
COUNTY OF OAKLAND
STATE OF MICHIGAN

By: _____
Its: Superintendent

Dated: _____



APPENDIX C

SIGNIFICANT EVENT NOTICE COVER SHEET

This cover sheet and significant event notice should be provided in an electronic format to the Municipal Securities Rulemaking Board pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) and (D).

Issuer's and/or other Obligated Person's Name: _____

Issuer's Six-Digit CUSIP Number(s): _____

or Nine-Digit CUSIP Number(s) to which this significant event notice relates: _____

Number of pages of attached significant event notice: _____

Description of Significant Events Notice (Check One):

1. _____ Principal and interest payment delinquencies
2. _____ Non-payment related defaults
3. _____ Unscheduled draws on debt service reserves reflecting financial difficulties
4. _____ Unscheduled draws on credit enhancements reflecting financial difficulties
5. _____ Substitution of credit or liquidity providers, or their failure to perform
6. _____ Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security
7. _____ Modifications to rights of security holders
8. _____ Bond calls
9. _____ Tender offers
10. _____ Defeasances
11. _____ Release, substitution, or sale of property securing repayment of the securities
12. _____ Rating changes
13. _____ Bankruptcy, insolvency, receivership or similar event of the Issuer or other obligated person
14. _____ The consummation of a merger, consolidation, or acquisition involving the Issuer or other obligated person or the sale of all or substantially all of the assets of the Issuer or other obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms
15. _____ Appointment of a successor or additional trustee or the change of name of a trustee
16. _____ Incurrence of a financial obligation of the Issuer or other obligated person
17. _____ Agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation that affect security holders
18. _____ Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the Issuer or other obligated person that reflect financial difficulties
19. _____ Other significant event notice (specify) _____

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature: _____

Name: _____ Title: _____

Employer: _____

Address: _____

City, State, Zip Code: _____

Voice Telephone Number: (_____) _____

The MSRB Gateway is www.msrb.org or through the EMMA portal at emma.msrb.org/submission/Submission_Portal.aspx. Contact the MSRB at (703) 797-6600 with questions regarding this form or the dissemination of this notice. The cover sheet and notice may also be faxed to the MAC at (313) 963-0943.



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S C H O O L S



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