



EASTERN VIRGINIA MEDICAL SCHOOL
ENVIRONMENTAL HEALTH AND SAFETY/RADIATION SAFETY PROGRAMS
700 OLNEY ROAD
POST OFFICE BOX 1980
NORFOLK, VIRGINIA 23501

TELEPHONE (757) 446-5798
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December 15, 2004

RECEIVED
REGION 1
DEC 17 P 1:48 '04

U.S. Nuclear Regulatory Commission, Region I
475 Allendale Road
King of Prussia, PA 19406-1415

Dear Sir:

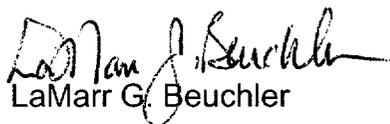
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In accordance with the revision to financial assurance certification amounts in 10 CFR 30.35, Eastern Virginia Medical School, License Number 45-15877-01, is submitting an updated Statement of Intent and supporting documentation.

Enclosed are the Statement of Intent, Bylaws of the Eastern Virginia Medical School, Chapter 471 of the Virginia Acts of Assembly of 1964 as amended, and a Financial Assurance Worksheet from Table G.2 in NUREG-1556, Volume 7.

Please contact me if you have any questions or need additional information.

Sincerely,


LaMarr G. Beuchler

Enc.

136159

NMSS/RGNI MATERIALS-002



EASTERN VIRGINIA
MEDICAL SCHOOL

J. SUMNER BELL, M.D.
PRESIDENT

EASTERN VIRGINIA MEDICAL SCHOOL
OFFICE OF THE PRESIDENT
POST OFFICE BOX 1980 • NORFOLK, VIRGINIA 23501-1980

TELEPHONE (757) 446-5200
FAX (757) 446-5135
E-MAIL BELLJS@EVMS.EDU

December 9, 2004

To: U.S. Nuclear Regulatory Commission, Region I
475 Allendale Road
King of Prussia, PA 19406-1415

STATEMENT OF INTENT

As President of Eastern Virginia Medical School, I exercise express authority and responsibility to request from the General Assembly of the Commonwealth of Virginia funds for decommissioning activities associated with operations authorized by U.S. Nuclear Regulatory Commission Material License Number 45-15877-01. This authority is established by the Bylaws of the Eastern Virginia Medical School and the Virginia Acts of Assembly. Within this authority, I intend to request that funds be made available when necessary in the amount of \$225,000 to decommission facilities at Eastern Virginia Medical School where byproduct material was in use or storage at an estimated cost of less than \$225,000. I intend to request and obtain these funds sufficiently in advance of decommissioning to prevent delay of required activities.

Copies of the Bylaws of the Eastern Virginia Medical School and Chapter 471 of the Virginia Acts of Assembly of 1964 as amended are attached as evidence that I am authorized to represent Eastern Virginia Medical School in this transaction.

Sincerely yours,

J. Sumner Bell, M.D.
President

'04 DEC 17 P1:48

RECEIVED
REGION I

Attachments: Bylaws of the Eastern Virginia Medical School
Chapter 471 of the Acts of Assembly of 1964 as amended

NONNEGOTIABLE

EASTERN VIRGINIA MEDICAL SCHOOL



EASTERN VIRGINIA
MEDICAL SCHOOL

BYLAWS

OF THE

EASTERN VIRGINIA

MEDICAL SCHOOL

THE BYLAWS OF THE EASTERN VIRGINIA MEDICAL SCHOOL

ARTICLE I

Name of the Medical School

Effective March 6, 2002, the name of the Medical School is the Eastern Virginia Medical School, as provided by Chapter 471, Acts of the General Assembly of 1964, as amended (the "Enabling Act"). The former names of the Medical School were the Medical College of Hampton Roads (July 1, 1987 to March 5, 2002), the Norfolk Area Medical Center Authority (from March 31, 1964 to June 30, 1975) and the Eastern Virginia Medical Authority (from July 1, 1975, to June 30, 1987).

ARTICLE II

Seal of the Medical School

The Medical School shall have a seal in the form of a circle, which shall contain the name "Eastern Virginia Medical School – 1973" a facsimile of the seal is impressed in the margin opposite this article.

ARTICLE III

Principal Office and Meeting Places

The principal office of the Medical School is located at Hofheimer Hall, 825 Fairfax Avenue, in the City of Norfolk, Commonwealth of Virginia.

The Board of Visitors of the Medical School may hold its meetings at such place or places in the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, as shall be designated from time to time by resolution or at such other convenient place as may be specified in the notice or call of the particular meeting.

ARTICLE IV

Board of Visitors and Statutory Board Officers

Section 1. Board of Visitors. The Medical School shall be governed by a Board of Visitors (the "Board") as specified in its Enabling Act, and as specified in Virginia Code Section 23-14. The Board shall be composed of seventeen (17) members, eleven (11) of whom shall be appointed for three-year terms, beginning July 1 of the year of appointment, by their respective City Councils, as follows:

	Number of City Visitors
City of Chesapeake	1
City of Hampton	1
City of Newport News	1
City of Norfolk	4
City of Portsmouth	1
City of Suffolk	1
City of Virginia Beach	<u>2</u>
	11

Six (6) of the seventeen (17) members shall be appointed by the Eastern Virginia Medical School Foundation. All appointments shall be for terms of three years, commencing on the first day of July of the appointment years. However, appointments to fill vacancies shall be made for the balance of the unexpired

term by the Foundation or the respective City, as the case may be, for the unexpired terms. No person shall be eligible to serve for more than two successive full three-year terms; however, after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which the member was appointed to fill a vacancy, or after one year following the expiration of a full three-year term, two additional three-year terms may be served by a member if appointed. Members shall take an appropriate oath of office before the clerk of the circuit court of the municipality representing them, and same shall be filed with their respective city clerks. Members appointed by the Foundation shall take an appropriate oath of office before the clerk of the Norfolk Circuit Court, and the same shall be filed with the city clerk of Norfolk. Members shall receive no salary but shall be entitled to receive reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties.

Section 2. Statutory Board Officers. Pursuant to the Medical School Enabling Act, the statutory officers of the Board of Visitors of the Medical School shall be a Rector, a Vice Rector, a Secretary, and a Treasurer and such assistant secretaries and treasurers as the Board may authorize, each of whom shall be elected by the Board of Visitors on an annual basis. The same person may serve as both Secretary and Treasurer.

Section 3. Election and Term of Office. The Rector and Vice Rector shall be members of the Board and shall be elected for a term of one (1) year commencing July 1 of each year. The Secretary, Treasurer, and such other assistant secretaries and treasurers as may be deemed necessary shall be elected by the Board for a term of one (1) year or such shorter term of office as the Board may determine. The Secretary and Treasurer and their assistants may be, but shall not be required to be, members currently in office. All Board officers shall hold office until their successors shall have been duly elected and qualified, unless earlier terminated by death, resignation, or removal.

Section 4. Removal. Any Board officer or assistant may be removed by the Board of the Medical School whenever in its judgment the best interest of the Medical School will be served thereby, but such removal shall be without prejudice to contract rights, if any, of the person so removed. The mere election or appointment of an officer of the Board, however, shall not of itself create any contract rights-between the officer and the Medical School.

Section 5. Vacancies. A vacancy occurring in any Board office because of death, resignation, removal, disqualification, or other cause may be filled by the Board of the Medical School for the unexpired portion of such original term.

Section 6. Rector. The Rector shall, when present, preside at all meetings of the Board of Visitors of the Medical School. The Rector may sign, with the Secretary or any other proper officer of the Medical School, thereunto authorized by the Board of the Medical School, all deeds, notes, mortgages, bonds, contracts, or other instruments and obligations of the Medical School that the Board of the Medical School has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of the Medical School or by these Bylaws to some other officer or agent of the Medical School, or shall be required by law to be otherwise signed or executed; and, in general, the Rector shall perform all duties incident to the office of Rector and such other duties as may be prescribed by the Board of the Medical School from time to time.

Section 7. Vice Rector. In the absence of the Rector or in the event of the Rector's death, inability, or refusal to act, or when authorized by the resolution of the Board the Medical School, the Vice Rector shall perform the duties of the Rector and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the Rector. The Vice Rector shall chair the Presidential Review Committee and perform such other duties as from time to time may be

assigned to the office of Vice Rector by the Rector or by the Board of the Medical School.

Section 8. Secretary. The Secretary shall:

1. Cause all the minutes to the proceedings of the Board of the Medical School to be kept in a journal maintained for that purpose, and record all votes;
2. Cause all notices to be duly given in accordance with the provisions of these Bylaws or as required by law;
3. Act as custodian of the records and the seal of the Medical School and ascertain that the seal of the Medical School is affixed to all documents when the execution of such documents on behalf of the Medical School under its seal is duly authorized;
4. In general, perform all duties incident to the Office of Secretary and such other administrative duties as from time to time may be assigned to the Secretary by the Board of the Medical School, by the Rector, or by the President of the Eastern Virginia Medical School-(hereinafter referred to as EVMS)

Section 9. Treasurer. The Treasurer shall:

1. At regular intervals, and as otherwise required by the Board of the Medical School, render, or cause to be rendered by the staff of the EVMS a statement of the accounts;
2. Serve as an ex-officio member of the Audit Committee.

3. Have charge and custody of, and be responsible for, all funds and securities of EVMS;
4. Receive and give receipts for monies due and payable to EVMS from any source whatsoever and deposit all such monies in the name of the EVMS in such banks, trust companies, or other depositories as the Board of the Medical School may direct;
5. Unless otherwise provided by a resolution of the Board of the Medical School, sign all orders and checks for the payment of monies of the EVMS and shall disburse such monies under the direction of the Board of the Medical School.
6. Whenever required by the Board of the Medical School, render a statement of his/her accounts and at all reasonable times exhibit his/her books and accounts to any member of the Board of the Medical School during business hours;
7. If required by the Board of the Medical School, give bond for the faithful discharge of his/her duties in such sum and with such surety or sureties as the Board of the Medical School shall determine;
8. In general, perform all the duties incident to the office of the Treasurer and such other administrative duties as from time to time may be assigned to the Treasurer by the Board of the Medical School, by the Rector, or by the President of the EVMS.

Section 10. Assistant Secretaries and Assistant Treasurers

Assistant Secretaries, when authorized and elected by the Board of the Medical School, will perform all duties otherwise imposed upon the Secretary.

Assistant Treasurers, when authorized and elected by the Board of the Medical School, will perform such duties of the Treasurer as may be required and shall, if required by the Board of the Medical School, give bonds for the faithful discharge of their duties in such sums and with such sureties as the Board of the Medical School shall determine.

Assistant Secretaries and Assistant Treasurers, in general, shall perform such administrative duties as shall be assigned to them by the Secretary or Treasurer, respectively, or by the Board of the Medical School, by the Rector, or by the President of the EVMS.

ARTICLE V

Statutory Executive and Administrative Officers

Pursuant to the Medical School's Enabling Act, the statutory executive and administrative officers of EVMS, appointed by the Board, are a President, a Dean/Provost, all Vice Presidents, and other administrative and academic officers as the Board may authorize. The Board shall select and appoint and may suspend or terminate the President. The Board may delegate the President to appoint the Dean/Provost, all Vice Presidents, and other administrative and academic officers.

Section 1. Executive, Administrative and Academic Officers

1. Office of the President.

The President is the Chief Executive Officer of EVMS and reports to the Board of Visitors. The President shall exercise supervision and control over all operations of the organization, including but not limited to the following:

- a. To operate and conduct the affairs of the organization according to the Enabling Act, these Bylaws, Orders, and Resolutions of the Board of Visitors and according to his/her own discretion whenever and wherever it is not expressly limited by such Enabling Act, these Bylaws, Orders, and Resolutions;
- b. To establish operating objectives and implementing policies and plans in all matters, including, but not confined to, academic and administrative affairs;
- c. To review progress and to amend the plans developed to achieve the EVMS objectives and mission;
- d. To direct all functions of EVMS established to achieve the fulfillment of the mission;
- e. To assure the financial integrity of EVMS; to develop and recommend to the Board of Visitors an annual budget for the organization;

- f. To promote liaison with participating cities (i.e., mayors, city councils, city managers);
- g. To develop, foster, and promote regional cooperation with all related institutions in order to further the development of health care professions, education, research, and medical and health services programs;
- h. To serve as ex-officio member of all committees of the Board, the divisions, and units of EVMS (with the exception of the Presidential Review Committee).
- i. To act as the principal liaison with accreditation review boards, legislative officials, and community groups;
- j. To review and approve affiliated Foundation(s) funding objectives and commitments to assure fulfillment of the strategic plan and mission of EVMS.
- k. To perform such other duties as assigned or delegated by the Board.

The President, in the exercise of the duties specified in subparagraphs (a) to (j) above, shall have the authority to employ and discharge all other executive, administrative, and academic officers, and employees of EVMS, including the Dean/Provost, all Vice Presidents, members of the staff, faculty, and other employees of EVMS. The compensation established for executives, officials, faculty, or other employees shall be in conformity with the approved budget and the terms of employment shall be in conformity with EVMS regular personnel policies. The President

shall report the employment and discharge of executives, officials, faculty, and senior personnel at the next regular meeting of the Board of Visitors.

2. Office of the Dean and Provost, Eastern Virginia Medical School.

The Dean/Provost reports to the President of EVMS. The Dean/Provost develops policies and organizes educational, research, medical and health care programs, providing the leadership to enhance and sustain a high level of excellence. The Dean/Provost's office has primary responsibility for administration and supervision of EVMS, Eastern Virginia Graduate School of Medicine, the programmatic and professional aspects of the EVMS Health Services Foundation, including all directly associated programs, as delegated by the President. The Dean/Provost works for the President on the implementation of these responsibilities, those additional responsibilities stipulated in the Board Resolution creating the position, and other tasks as assigned by the President.

3. Office of the Vice President for Administration and Finance.

The Vice President for Administration and Finance, EVMS reports to the President, EVMS. The Vice President for Administration and Finance develops and recommends policies and directs central administration functions, and the auxiliary service programs as delegated. The Vice President's office has primary responsibility for the central administration of finance and treasury functions, and the administration of the Auxiliary Services Program, is the contracting officer for EVMS, and is the liaison for the business and financial aspects of EVMS, EVMS Health Services Foundation and all other divisions and units of the Medical School. The Vice President works on the implementation of these responsibilities, those additional responsibilities stipulated in the Board Resolution creating the position, and other tasks as assigned.

4. Office of the Vice President for Planning and Program Development.

The Vice President for Planning and Program Development of EVMS reports to the President. The Vice President for Planning and Program Development's primary responsibility for developing and coordinating state and local budget requests, strategic planning, and establishing and maintaining public contacts with, the State Council of Higher Education for Virginia, the General Assembly, Chambers of Commerce, Public Health agencies and local governments. The Vice President works on the implementation of these responsibilities, those additional responsibilities stipulated in the Board Resolution creating the position, and other tasks as assigned by the President.

5. Office of the Vice President for Institutional Advancement.

The Vice President for Institutional Advancement of EVMS reports to the President. The Vice President for Institutional Advancement has responsibility for the fund raising activities of the EVMS and for media relations, community relations, public relations, and other activities that serve to advance the cause of the institution. The Vice President carries out these responsibilities and all others as assigned by the Board of Visitors or the President.

Section 2. Other Executive, Administrative and Academic Officers The President is authorized to establish and appoint (in consultation with the Board of Visitors) additional executive, academic and administrative officers as may be necessary including, but not limited to, additional Vice Presidents, Associate and Assistant Deans, Directors, Executive Directors, Administrators, General Managers, and/or any other academic, executive and administrative officers or positions as appropriate. Such positions shall be consistent, and in conformity, with the

approved Budget and may be salaried or nonsalaried. The President shall prescribe their duties and responsibilities and the terms of their employment.

Section 3. Duties of Executive, Academic, and Administrative Officers. The Resolution of the Board of the Medical School creating such executive and/or administrative and/or academic offices or positions shall specify the duties and responsibilities of the office or position and no office or position created shall have any right, privilege, duty, or responsibility, vested by law exclusively in the office of the Rector and/or Vice Rector.

The Resolution of the Board of the Medical School creating such executive, academic, or administrative positions may specify that a Vice Presidential office has additional duties and responsibilities of an administrative office.

ARTICLE VI

Meetings of the Board of Visitors

Section 1. Regular Meetings. Regular meetings of the Board of Visitors shall be held with notice at least six (6) times a year on the second Tuesday of the month, commencing at 4:00 p.m. The June meeting shall be the annual meeting as more fully described in Section 2 below. In the event any such regular meeting date shall fall on a legal holiday, such meetings shall be held on the next succeeding Tuesday which is not a legal holiday. The legal holidays recognized by the Medical School are New Years Day, Martin Luther King, Jr. Day (third Monday in January), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day, Thanksgiving, Friday after Thanksgiving, Christmas Eve (one-half day), Christmas Day and a Floating Holiday.

The notice of regular meetings shall specify the date, time, place, and the preliminary agenda for the meeting, together with pertinent data and materials

relating to matters requiring official action. Notice shall be given to the public at least three (3) days prior to the meeting in accordance with the Virginia Freedom of Information Act.

When circumstances require, the regular meeting date may be changed by the Rector, or in his/her absence, by the Vice Rector, by giving at least three (3) days notice of such fact to each member of the Board of Visitors and to the public as required by the Virginia Freedom of Information Act.

Section 2. Annual Meetings. The regular June meeting of the Board of Visitors of the Medical School shall be the annual meeting of the Medical School. At such meeting the following matters shall be first on the agenda in addition to the regular agenda items scheduled for the June meeting:

- a. Announcement of new Board members taking office on the ensuing July 1;
- b. Election of officers to take office on the ensuing July 1;
- c. Review and approval of the proposed operating budget for the ensuing fiscal year;
- d. Annual Reports of the Rector, the President, and the Dean/Provost as required by the Board.

Section 3. Special Meetings. Special meetings of the Board of Visitors of the Medical School may be held upon the call by the Rector or Vice Rector or by any four (4) of the seventeen (17) members of the Board of Visitors. The Secretary shall give notice of all special meetings by causing a copy thereof to be delivered to each member or to be mailed to the business or home address of each member of the Board of Visitors at least two (2) days before the meeting. Such

notice, however, may be waived by any member in writing before or after such meeting. The presence of a Board member at any special meeting shall be deemed to constitute a waiver of notice of the meeting by the Board member. No business shall be considered at a special meeting other than matters designated in the call, but if all members of the Board of the Medical School are present at the special meeting, any matter may be considered and acted upon. Notice shall be given to the public contemporaneously with that to the Board members in accordance with the Virginia Freedom of Information Act.

Section 4. Place of Meeting. Due to the regional character of the Medical School, the Board of Visitors meetings may be held in any of the participating cities, but shall usually be held in the City of Norfolk.

Section 5. Chairman Pro Tem. In the absence of both the Rector and the Vice Rector at a duly held regular or special meeting of the Board at which a quorum is present, a Chairman Pro Tem may be elected to preside over the meeting. Such Chairman shall designate a Secretary Pro Tem in the absence of both the regular Secretary and Assistant Secretary.

Section 6. General Liability Insurance. EVMS shall, at all times, maintain in full force and effect Comprehensive General Public Liability Insurance coverage and Officers and Directors Discretionary Liability insurance coverage for the individual and collective protection of members of the Board of Visitors and the officers of EVMS and such other insurance policies as the Board, the President and the staff deem prudent. Such insurance policies shall be issued in such amounts and upon such terms, provisions, and exclusions as the Board of Visitors shall from time to time authorize on the recommendation of the Finance Committee, which Committee shall review and report to the Board of Visitors at least annually on the current status and provisions of such policies.

ARTICLE VII

Quorum

At all meetings of the Board of Visitors of the Medical School, nine (9) members shall constitute a quorum for the purpose of transacting business, but any number less than a quorum at a meeting may adjourn the meeting from time to time until a quorum is present. When a quorum is present, action may be taken by the Board of Visitors of the Medical School upon a vote of the majority of the members present.

ARTICLE VIII

Other Business

Section 1. Agenda. At the regular meeting of the Board of Visitors, the following shall be the usual order of business. Following a determination of a quorum present, the Rector will call the meeting to order.

1. Opening of meeting;
2. Review and approval of minutes of the previous meeting;
3. Reports of the standing committees of the Board of Visitors;
4. Staff reports, including President's report and other reports;
5. Report of the Rector
6. Old Business
7. New business;
8. Notification of meetings and announcements;
9. Time and place of next meeting;
10. Adjournment.

Section 2. Resolutions and Proposals for Actions. To assure appropriate consideration of all matters to be acted upon by the Board of Visitors of the Medical School, it shall be the usual procedure for resolutions and action proposals to be presented to the Board members by each standing committee and/or by review and approval of the minutes of each standing committee meeting and as a part of the reports of the Executive Officers, including the report of the President, Dean/Provost, and the several Vice Presidents.

Information reports from any special committees established by the Board and from entities or groups organizationally affiliated as a part of the Medical School, (such as the Medical Center Planning Board, and other similar organizations) shall be considered under " New Business." Reports from such special committees or affiliated organizations requiring official action by the Board of the Medical School shall be presented to the Board of the Medical School by the appropriate Board member's standing or special committee or by the President or by the Vice President as a part of their reports.

All resolutions to be adopted by the Board of the Medical School shall be in writing and shall be made a part of the minutes of the proceedings of the Board of Visitors.

ARTICLE IX

Manner or Voting

Voting on matters acted on by the Board of Visitors shall be by call vote and the "ayes" and "nays" shall be entered into the minutes of each meeting unless the vote of the members present is unanimous, in which case the minutes shall be so indicated.

ARTICLE X

Standing and Special Committees of the Board of Visitors

Section 1. Number of Standing Committees. Until the number is increased or decreased by resolution of the Board of the Medical School, there shall be seven (7) permanent standing committees of the Board of Visitors, as follows:

1. The Finance Committee will consider all issues of current and future financial operations. This committee will serve as a forum for addressing present and future budgets will be composed of Board members, one faculty member recommended by the Faculty Senate, and the Executive leadership of the School. The Executive Director of Health Services and the Chairman of Health Services (an EVMS Board of Visitors member) serve as ex-officio members and report the activities of the EVMS Health Services to the Board of Visitors through the Finance Committee.
2. The Academic Affairs Committee will be responsible for furthering the organization's goals to assure the provision of quality education in medicine and the health sciences in Eastern Virginia. It will be concerned with overseeing institutional programs and operations relative to undergraduate medical education of EVMS; residency training programs

of the Eastern Virginia Graduate School of Medicine; graduate programs leading to post-baccalaureate certificates, Masters of Science or Ph.D. degrees; appointments, reappointments, and promotions to the Medical School faculty; continuing medical education for the faculty, physicians, and other health professionals; research activities of the medical School; and EVMS's involvement in the education of associated health professionals and occupations. It will be concerned with the promotion, maintenance, and support of the spectrum of these activities by obtaining and representing views and ideas to guide the educational program. The committee will recommend policies designed to foster these goals to the Board of Visitors for approval and adoption. The committee will be composed of Board members, executive leadership of the School, a faculty member recommended by the Faculty Senate, and community leaders.

3. The Audit Committee will select the auditing firm and provide oversight of the yearly financial audit, will be composed only of Board members and will report directly to the Board, meeting when necessary. The Treasurer will serve as an *ex-officio* member of the Audit Committee.
4. The Planning and Program Development Committee will be a forum for looking at issues and projects that are under development or are to be considered for the future. The committee will be composed of Board members and the executive leadership of the School.
5. The Advancement Committee will address topics of fundraising. This committee will be instrumental in helping the President and the Vice President for Institutional Advancement develop fundraising priorities and will promote coordination of fundraising by the School, the EVMS Foundation, and the affiliated foundations of EVMS, i.e. Jones Institute Foundation and Diabetes Institutes Foundation. It will also review the

year to date results and provide oversight and encouragement. The committee will be composed of Board members, community leaders, the executive leadership of the School, the Presidents of the EVMS Foundation, Jones Institute Foundation and Diabetes Institutes Foundation and the respective foundations' executive or senior fundraisers.

6. The Presidential Review Committee will be composed of Board members and is appointed by the Rector and chaired by the Vice Rector. It will be a forum for discussions regarding the President's performance, contract, and compensation package. The committee considers equitable and appropriate executive compensation and shapes performance and assessment policies. The committee meetings will be called each March or when necessary.

7. The Trusteeship Committee will be responsible for determining board needs, identifying and cultivating member prospects, orienting new members, measuring board effectiveness, and recognizing outstanding service. The committee will be composed of board members. The Rector and President will serve as ex-officio members.

Section 2. Special Committees. The Board of Visitors may create one or more special committees, describe their functions and purposes, prescribe their duties and responsibilities, and appoint members to serve on each such special committee.

Section 3. Election of Members. Board members shall be elected to membership on standing and special committees on the recommendation of the Rector and with the approval of the Board of Visitors. Non-Board members of standing and special committees shall be nominated by the standing or special committee itself and elected by the Board of Visitors, with the exception of Faculty Representatives. Board members shall be elected for a term of one (1) year, without limitation on their terms of service. Non-Board members of standing and special committees shall be elected for a term of one (1) year and shall be eligible for re-election for additional one-year terms. Faculty Representatives on Finance Committee and Academic Affairs Committee are recommended by the President of the Faculty Senate for a term of one year and are eligible for reappointment for additional one-year terms.

Section 4. Election of Committee Officers. The Rector shall recommend and the Board of Visitors shall elect the Chairman of all standing and special committees. Only Board members shall be eligible to serve as Chairman. The Vice Chairman of all standing and special committees shall be elected by the standing or special committee itself. The Vice Chairman shall be elected for a term of one (1) year, and he or she may, but shall not be required to be, a Board members. The Secretary shall be a staff person assigned by the President.

Section 5. Attendance of Committee Meetings. Any Board member may attend any standing or special committee meeting but shall not vote except on the standing or special committees to which he or she has been duly elected.

The Rector or his designee shall be an ex-officio member of every standing and special committee.

The standing and special committees shall determine upon recommendation of the President what additional staff and assistants shall attend meetings of the committee and all other matters involving the governance of the standing or

special committee shall be determined by majority vote of the standing or special committee.

Section 6. Minutes of Meetings. A copy of the minutes of all meetings of standing and special committees, when approved by the respective committees, shall be delivered to all members of the Board of Visitors for their review and, if so requested standing or special committee, be approved by the Board. Unapproved copies of minutes stamped DRAFT may be used for reporting by the Committee Chairman or his designee.

ARTICLE XI

Executive Committee

The Board of Visitors of the Medical School may appoint an Executive Committee for the purpose of transacting business of the Board. The Executive Committee shall be composed of at least three and no more than five members. The Executive Committee shall have all the powers of the Board.

ARTICLE XII

Operational Procedures for Institutes, Agencies, and Activities

Section 1. Operating Policies. The Board of Visitors shall adopt separate policies to guide the operations of EVMS's various agencies, institutes, centers, programs, and activities. To avoid confusion, each of these operating units shall be identified in such a manner as to insure uniform branding and common identity with EVMS, i.e. Jones Institute of EVMS. Operating policies shall be reviewed and revised from time to time, where appropriate. Separate operating policies shall be promulgated for each of the following activities:

1. Auxiliary Services of EVMS
2. Eastern Virginia Graduate School of Medicine of EVMS
3. Eastern Virginia Medical School
4. Strelitz Diabetes Institutes of EVMS
5. EVMS Health Services

Section 2. Central Policies. The Board of Visitors, may adopt appropriate policies which pertain to the overall operations, maintenance, and development of its divisions (e.g., Personnel Policies).

Section 3. Other Relationships. The Board of the Medical School may adopt appropriate guidelines defining the relationships between the EVMS and other patient-care programs and facilities, educational institutions, and governmental entities with whom EVMS operates, which guidelines shall be presented to the Board of Visitors for adoption by the standing advisory committee or special committee responsible for EVMS 's relationship to such entity, including but not limited to the following:

1. The Eastern Virginia Medical School Foundation: The Eastern Virginia Medical School Foundation, a Virginia nonstock non-profit corporation, was established in 1969 to represent and receive gifts for the support of EVMS. The Foundation is a charitable tax-exempt corporation under Section 501 (c)(3) corporation of the Internal Revenue Code.
2. AFFILIATED FOUNDATIONS OF EASTERN VIRGINIA MEDICAL SCHOOL:
The Jones Institute Foundation: The Foundation for the Howard and Georgeanna Jones Institute for Reproductive Medicine, is a charitable, scientific and educational corporation under Section 501 (c)(3) of the Internal Revenue Code and is a public charity and not a private

foundation. In particular, the Foundation is organized to serve in an advisory capacity for the Jones Institute for Reproductive Medicine in matters of public policy and the feasibility of sponsoring and funding projects proposed by the Institute.

The Diabetes Institutes Foundation: The Diabetes Institutes Foundation is organized exclusively as a charitable, educational, and scientific organization to receive, maintain, and administer assets for the purpose of providing support for research in the prevention, cure, and treatment of diabetes mellitus and other related diseases conducted by the EVMS and its affiliated non-profit organizations described in Section 501 (c)(3) of the Internal Revenue Code and for the purpose of providing support for the research in the prevention, cure and treatment of diabetes mellitus and other related diseases conducted by other local as well as national medical organizations. The Foundation is guided by its National Advisory Board and by its Board of Directors.

(See Appendix 1 "Principles of the Affiliated Foundations of EVMS: The Jones Institute Foundation and The Diabetes Institute Foundation approved by the EVMS Board of Visitors on May 13, 2003.)

3. The EVMS Health Services Foundation: The purposes for which the Foundation is formed are exclusively charitable, scientific, and educational, as contemplated by Section 501 (c)(3) of the Internal Revenue Code.

The Foundation is organized and shall at all times be operated to assist medical education by teaching in a group practice setting within the academic environment of the Eastern Virginia Medical School to coordinate and deliver patient care therein; and in connection with, to perform a public trust without regard to race, color, creed, sex, age, or

ability to pay of the patients so served; and in concert with EVMS as follows:

To provide hospital and medical care, education and research; to assist and conduct programs to cure, alleviate, and prevent human illness and disease; to provide medical teaching services at all levels and to provide services generally to the various medical and surgical departments of EVMS; to assist and conduct programs of public charity to benefit patients who might not otherwise receive or be able to afford medical attention; to use and apply the whole or any part of the Foundation income and principal exclusively for charitable, scientific, or educational purposes; and to engage in any and all lawful activities incidental to the foregoing purposes.

The EVMS Health Services Foundation reports its activities through the Finance Committee of the EVMS Board of Visitors.

4. This Center for Pediatric Research is a joint program of EVMS and the Children's Health System, Inc. (CHS). The purposes of the corporation are:

To establish, maintain, operate and support the programs of basic scientific and related clinical research concerning the preservation of health and the prevention, diagnosis, and treatment of health problems of infants, children, and adolescents; to establish, maintain, operate and support pediatric research and other related pediatric health activities; to promote and enhance through pediatric scientific research the cooperative medical education programs and health care services proved by EVMS and CHS; to raise and distribute funds in furtherance of the purposes of the Center for Pediatric Research.

ARTICLE XIII

Amendments

The Bylaws of the Medical School shall be subject to amendment or repeal upon a vote of not less than a two-thirds vote (twelve (12) members) of the Board of Visitors at any duly called regular or special meeting, provided such call gives notice in writing of the proposed amendment to be acted upon at such regular or special meeting.

ARTICLE XIV

Rules of Order

The standard Rules of Order used by the Medical School shall be Robert's Rules of Order, newly revised.

(Revisions and all other Bylaws changes through September 10, 2002, are included in this copy.)

06/26/64 - Adopted

01/04/71 - Amended

06/07/71 - Amended

08/14/78 - Amended

04/14/81 - Amended

06/12/84 - Amended

09/08/87 - Amended

06/12/90 - Amended

09/17/91 - Amended

05/11/93 - Amended

11/08/94 – Amended

02/09/99 – Amended

04/13/99 – Amended

09/12/00 – Amended

10/09/01 – Amended

09/10/02 – Amended

09/09/03 – Amended

**Principles of the Affiliated Foundations of EVMS
The Jones Institute Foundation
The Diabetes Institute Foundation**

- 1. The purposes of the Jones Institute Foundation and the Diabetes Institutes Foundation are to raise money in support of the programs of the Jones Institute and Strelitz Diabetes Institutes of EVMS (respectively) and to provide advice and support to the leadership of EVMS.**
- 2. EVMS respects and appreciates the independent fundraising efforts of the *EVMS Affiliated Foundations*.**
- 3. The JIF and DIF will collaborate and coordinate their fundraising efforts with the EVMS Office of Institutional Advancement. The JIF and DIF will each name one of the members of its executive committee to serve with its executive director on the Advancement Committee of the EVMS Board of Visitors. The Advance Committee meets in the Hofheimer Hall Board Room at 4:30PM on the third Thursday of August, November, February, and May (May 15, August 21, 2003).**
- 4. Clear branding will be reflected in all correspondence, donor, and marketing materials of the Jones Institute Foundation and the Diabetes Institutes Foundations. For example, the Jones Institute Foundation, *an affiliated foundation of Eastern Virginia Medical School*; and the Diabetes Institutes Foundation, *an affiliated foundation of Eastern Virginia Medical School*.**
- 5. The chairmen of the *affiliated foundations* will forward proposed appropriations to the President of EVMS in March of each year to be included in the EVMS budgetary process. Additional appropriations may be made to EVMS, the Jones Institute, or the Strelitz**

- Diabetes Institutes outside of this budgetary process with the permission of the President and Dean of EVMS (reporting to the EVMS Board of Visitors).
6. The affiliated foundations understand that the EVMS Board of Visitors is the governing body of the medical school and responsible for the development of policies affecting EVMS and its component programs, including the EVMS Department of OB-GYN, the JJ of EVMS, the EVMS Department of Internal Medicine, and the Strelitz Diabetes Institutes; is responsible for assuring that all research performed by its faculty and programs is conducted within state and federal guidelines and laws; and, is responsible for working with the *affiliated foundations* to assure the best interests of the institution.
7. This Task Force will reconvene in one year (or as called) to review the progress of the EVMS coordinated fundraising efforts with the *affiliated foundations*.
8. Members of the faculty and management of EVMS may not serve as officers of any affiliated foundation, but may serve as ex officio members.

VIRGINIA ACTS OF ASSEMBLY – 2002 SESSION

CHAPTER 478

An Act to amend and reenact §§ 1 through 19, as amended, of Chapter 471 of the Acts of Assembly of 1964, and to amend such chapter by adding sections numbered 8.2 and 8.3, and to amend and reenact §§ 2.2-3106, 2.2-3705, 2.2-3711, 2.2-4343, 2.2-4345, 22.1-209.2, 23-14, 32.1-122.6, 32.1-279, and 54.1-2961 of the Code of Virginia, relating to Eastern Virginia Medical School; emergency.

[S 35]

Approved April 3, 2002

Be it enacted by the General Assembly of Virginia:

1. That §§ 1 through 19, as amended, of Chapter 471 of the Acts of Assembly of 1964 are amended and reenacted, and that such chapter is amended by adding sections numbered 8.2 and 8.3, and that §§ 2.2-3106, 2.2-3705, 2.2-3711, 2.2-4343, 2.2-4345, 22.1-209.2, 23-14, 32.1-122.6, 32.1-279, and 54.1-2961 of the Code of Virginia are amended and reenacted as follows:

§ 1. There is hereby created a public body politic and corporate *and a political subdivision of the Commonwealth* to be known as the "Medical College of Hampton Roads Eastern Virginia Medical School" hereinafter referred to as "the Medical College School", with such public and corporate powers as are hereinafter set forth. The Medical College School may sue and be sued, plead and be impleaded, and shall have the power and authority to contract and be contracted with and to exercise and discharge all the powers and duties imposed and conferred upon it, as hereinafter provided.

§ 2. The Medical College School shall be governed by a Board of Visitors (the "Board") composed of seventeen members, six of whom shall be appointed by the Eastern Virginia Medical College of Hampton Roads School Foundation and eleven of whom shall be appointed by their respective city councils as follows: one member for the City of Chesapeake, one member for the City of Hampton, one member for the City of Portsmouth, one member for the City of Suffolk, one member for the City of Newport News, two members for the City of Virginia Beach, and four members for the City of Norfolk.

Appointments by the Eastern Virginia Medical College of Hampton Roads School Foundation (the "Foundation") shall represent the broad involvement of the Medical College School in the Commonwealth at large. All appointments shall be for terms of three years, ~~except that commencing on the first day of July of the appointment year.~~ However, appointments to fill vacancies shall be made by the Foundation and each council, as the case may be, to commence on appropriate dates for the unexpired terms.

No person shall be eligible to serve for more than two successive full three-year terms, ~~but;~~ however, after the expiration of a term of two years or less, or after the expiration of the remainder of a term to which *the member was* appointed to fill a vacancy, or after one year following the expiration of a second full three-year term, two additional three-year terms may be served by a member, if appointed.

Members shall receive no salaries but shall be entitled to reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties. Each member shall continue to hold office until his successor has been appointed and qualified.

The Foundation and each city council shall have the right to remove any member appointed by them, for malfeasance or misfeasance, ~~incompetency~~ *incompetence*, or gross neglect of duty.

Members shall take an appropriate oath of office before the clerk of the circuit court of the municipality ~~representing them that they represent or the clerk of an appropriate circuit court,~~ and ~~same~~ *the oaths* shall be filed with ~~their respective city~~ *the relevant* clerks. Members appointed by the Foundation shall take an appropriate oath of office before the clerk of the Norfolk Circuit Court, ~~and same~~ *which* shall be filed with the city clerk of Norfolk.

Members of the Board shall elect, on an annual basis, one of their number as rector and another as vice-rector and shall also elect a secretary and treasurer and such assistant secretaries and treasurers as the Board may authorize for terms to be determined by them, who may or may not be one of the members. The same person may serve as both secretary and treasurer.

The Board shall appoint a President, who shall be the chief executive officer, with such duties as may be prescribed by the Board ~~and it~~. *The Board shall also appoint a dean, a provost, such vice presidents, and other administrative and academic officers as the Board may authorize, and such professors, teachers, staff members, and agents as they deem proper. The Board may prescribe their the duties; of such staff and faculty, and provide for the employment of other personnel as may be necessary; and. The Board shall generally direct the affairs of the Medical College School.*

The Board shall make such rules, regulations and bylaws for its own government and procedures as it shall determine; *The Board may generally, in respect to the government and management of the Medical College School; make adopt such rules and regulations as it may deem expedient, which are not contrary to law; and. The Board shall meet at least six times each year and may hold such special meetings as it deems necessary. The rector or any three members may call special meetings of the Board. The Board may appoint an executive committee composed of at least three and no more than five members for the transaction of business in the recess of the Board.*

The Board shall have the right to confer degrees, including honorary degrees, *consistent with the approval authority of the State Council of Higher Education pursuant to Title 23 of the Code of Virginia.*

§ 3. The Medical College School shall be deemed to be a public instrumentality, *having its primary offices and facilities located in the Hampton Roads area of the Commonwealth of Virginia. The Medical School shall have the power to exercise and the purpose of exercising public and essential governmental functions to provide for the public health, welfare, convenience, knowledge, benefit, and prosperity of the residents of the Commonwealth of Virginia and such other persons who might as may be served by the Medical College School; and to provide medical education and improved. In the exercise of such power and purpose, the Medical School shall deliver and support the delivery of high quality medical and health care and related services to such residents and persons regardless of their ability to pay, by providing educational opportunities and conducting and facilitating research and. Further, the Medical School is hereby authorized to exercise the powers conferred by the following sections, consistent with the approval authority of the State Council of Higher Education pursuant to the Code of Virginia this chapter.*

§ 4. The Medical College School may identify, document and evaluate needs, problems and resources relating to ~~health and~~ *medical and health care, education, and research;* and may plan, develop and implement programs to meet such needs on both an immediate and long-range basis.

§ 5. The Medical College School may plan, design, construct, *possess, own, remove, renovate, enlarge, equip, maintain and operate* projects for the purpose of providing *medical and health care, education, medical care, and research,* and related and supporting services, and other appropriate purposes. The Medical College School may lease, sell, or otherwise convey any or all of its projects to others who agree to provide for the operation of the same if the Medical College School determines that such ~~sale, lease, sale,~~ *sale, lease, sale,* or other conveyance will assist, promote, or further the purposes and intent of this act.

"Projects," as used in this act, mean any medical educational institutions and facilities, including, but not limited to, colleges, schools, and divisions offering undergraduate and graduate programs for the health professions and sciences and such other branches of learning as may be appropriate; medical and paramedical facilities; and such other facilities as shall be deemed by the Board as consistent with the powers and purposes of the Medical College School, together with all related and supporting facilities; and all lands, buildings, improvements, and any other appurtenances and equipment necessary or desirable in connection therewith or incidental thereto.

"Operating project," as used in this act, means any project owned, in whole or in part, or controlled, directly or indirectly, in whole or in part, or operated, directly or indirectly, by the Medical College School, and shall also include, without limitation, parking, utility, and similar essential and related facilities operated by the Medical College School or an agent therefor, either for itself or for itself and other health-related entities and institutions on a shared-support basis.

§ 6. The Medical College School may acquire property, real or personal, by purchase, lease, gift, devise or by the exercise of the power of eminent domain, on such terms and conditions, and in such manner as it may deem proper, and such rights, easements or estates therein as may be necessary for its purposes, and sell, lease and dispose of the same, or any portion thereof or interest therein

whenever it shall become expedient to do so. The power of eminent domain shall be exercised in accordance with Chapter 1.1 (§ 25-46.1 *et seq.*) of Title 25 of the Code of Virginia and only within the corporate limits of the City of Norfolk and only for the purpose of acquiring property to be used for operating projects. No property of any corporation itself having the power of eminent domain may be condemned hereunder.

§ 7. The Medical College School may fix and revise from time to time and charge and collect rates, rentals, fees and other charges for the services and facilities furnished by the Medical College School, and establish and revise from time to time regulations, in respect to the use, occupancy or operation of any such facility or part thereof, or service rendered.

§ 8. The Medical College School may accept loans, grants, contributions, or assistance from the federal government, the Commonwealth of Virginia, any municipality thereof, or from any other sources, public or private, to carry out any of its purposes and may enter into any agreement or contract regarding or relating to the acceptance or use or repayment of any such loan, grant, contribution, or assistance.

§ 8.1. The Medical College School shall have the following powers to carry out the purposes and intent of this act:

(a) To provide or assist in providing medical and health care, education, and medical care research and related and supporting services ~~in~~ within or without the Commonwealth of Virginia or the United States.

(b) To develop, undertake, conduct, and provide programs, alone or in conjunction with any other public or private person or entity for medical, biomedical, and health care research and any associated disciplines relating to the knowledge about and the causes and cures of diseases, conditions, syndromes, or disorders or to health care services or the delivery of health care.

(c) To foster the utilization of information, discoveries, data, and material produced through medical, biomedical, and health care research; to obtain patents, copyrights, and trademarks for such intellectual properties; to administer and manage such intellectual properties or to contract for such administration and management by entities organized for such purpose; and to market, transfer, and convey, in whole or in part, any interests in such information, discoveries, data, materials, patents, copyrights, trademarks, or other intellectual properties in any manner consistent with the Medical School's patent and copyright policies and the terms of any grants or contracts providing financial support for the relevant research.

(d) To promote, develop, improve, and increase the health, welfare, convenience, commerce, and prosperity of the Commonwealth of Virginia.

(e) To assist in or provide for the creation of domestic or foreign stock and nonstock corporations, and to purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, shares of or other interests in, or obligations of, any domestic or foreign corporations, partnerships, associations, joint ventures, or other entities organized for any purpose, or direct or indirect obligations of the United States, or of any other government, state, territory, governmental district, or municipality, or of any other obligations of any association, partnership, or individual or any other domestic or foreign corporation organized for any purpose.

(f) To provide appropriate assistance in carrying out any activities authorized by this act to any domestic or foreign corporations, partnerships, associations, joint ventures, or other entities owned in whole or in part or controlled, directly or indirectly, in whole or in part, by the Medical College School; appropriate assistance, including, but not limited to, making loans and providing time of employees, in carrying out any activities authorized by this act.

(g) To make loans and provide other assistance to corporations, partnerships, associations, joint ventures, or other entities.

(h) To make contracts or guarantees, incur liabilities, borrow money, or secure any obligations of others.

(i) To transact its business, establish and locate its offices, facilities, and any satellite offices and facilities, other than its primary Hampton Roads offices and facilities, at other locations within and without the Commonwealth of Virginia or the United States, and control, directly or through domestic or foreign stock or nonstock corporations or other entities, facilities that will assist or aid the Medical

College School in carrying out the purposes and intent ~~of set forth~~ in this act as ~~set forth~~ in §-3 above, including, ~~without limitation but not limited to~~, the power to own or operate, directly, or indirectly, medical educational ~~and research~~ institutions, medical, ~~research~~, and paramedical facilities, together with related and supporting facilities and projects, ~~in within or without~~ the Commonwealth of Virginia or the United States.

(j) To hire employees and staff as necessary for the transaction of its business within and without the Commonwealth of Virginia and the United States.

(~~h~~ k) To participate in joint ventures, within or without the Commonwealth of Virginia or the United States, with individuals, corporations, partnerships, associations, or other entities for providing such medical and health care, education, ~~medical care and research~~, or related services or other activities that the Medical College School may determine to undertake to the extent that such undertakings assist the Medical College in carrying out the purposes and intent of this act.

(i l) To conduct or engage, directly or indirectly, in any lawful business, activity, effort, or project, necessary or, convenient, or desirable to assist the Medical School in carrying out its ~~for the public~~ purposes of the Medical College or for the exercise of any of its powers, within or without the Commonwealth of Virginia or the United States, so long as any private benefit resulting to any other corporation or other entity from any such business, activity, effort, or project is merely incidental to the resulting public benefit. However, nothing contained in this section shall be deemed a waiver of the sovereign immunity of the Commonwealth of Virginia or of the Medical School.

(j m) To have and exercise, in addition to its other powers, all the corporate powers granted to corporations by the provisions of Title 13.1 of the Code of Virginia, except in those cases where, by the express terms of the provisions thereof, it is confined to corporations created under such title; and, further, to also have the power to accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

§ 8.2. The provisions of the Administrative Process Act (§ 2.2-4000, et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) of Title 2.2 of the Code of Virginia shall not apply to the Eastern Virginia Medical School in the exercise of any power conferred under this chapter, as amended.

§ 8.3. In hiring practices and in the procurement of goods and services, the Medical School shall not discriminate against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability.

§ 9. The Medical College School may borrow money and issue bonds as hereinafter provided.

§ 10. In addition to the powers granted by general law or by its charter, any county, city, or town in the Commonwealth is empowered to cooperate with the Medical College School as follows:

(a) To make such appropriations and provide such funds for the operation and carrying out the purposes of the Medical College School as the governing body may deem proper, either by outright donation or by loan, or the governing body may agree with the Medical College School to take such action.

(b) To dedicate, sell, convey, or lease any of its interest in property, or grant liens, easements, licenses or any other privileges therein or thereon to or for the benefit of the Medical College School.

(c) To cause parks, playgrounds, and recreational, community, educational, water, sewer or drainage facilities, or any other works, which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with property of or any facility or project of the Medical College School.

(d) To furnish, dedicate, close, pave, install, grade or regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places, which it is otherwise empowered to undertake.

(e) To plan or replan, zone or rezone any part of such county, city, or town in connection with the use of any property of the Medical College School or any property adjacent to the property of the Medical College School or any of its facilities or projects which that it is otherwise empowered to undertake, in accordance with general laws.

(f) To cause services to be furnished to the Medical College School of the character which that such county, city, or town is empowered to furnish.

(g) To purchase any of the bonds of the Medical College School or legally invest in such bonds any funds belonging to or within the control of such county, city, or town and exercise all the rights of any holder of such bonds.

(h) To do any and all things necessary or convenient to aid or cooperate in the planning, undertaking, construction or operation of any of the plans, projects or facilities of the Medical College School.

(i) To enter into agreements with the Medical College School respecting action to be taken by such county, city, or town pursuant to any of the above powers.

§ 11. The Medical College School is hereby authorized to issue bonds from time to time in its discretion for the purpose of paying all or any part of the cost of any project within the Commonwealth of Virginia, financing any of its programs or its general operations, or refunding any bonds or other obligations of the Medical College School now or hereafter outstanding whether or not the bonds or obligations to be refunded have matured or are then subject to redemption.

Refunding bonds may be issued in exchange for bonds or obligations being refunded, to pay the principal, premium, if any, and interest accrued and to accrue on such bonds or obligations, or any portion thereof, to maturity or earlier date of redemption or to pay the purchase price of any such bonds or obligations to be retired upon such purchase, as may be determined by the Medical College School.

The Medical College School may issue such types of bonds as it may determine, including (without limiting the generality of the foregoing) bonds payable as to principal and interest from any one or more of the following sources: (a *i*) its revenues generally; (b *ii*) the income and revenues of a particular project (including revenues from the sale or lease of such project); (c *iii*) the income and revenues of certain designated projects, whether or not they are financed in whole or in part from the proceeds of such bonds; (d *iv*) the proceeds of the sale or lease of any project or projects, whether or not they are financed from the proceeds of such bonds; (e *v*) funds realized from the enforcement of security interests or other liens securing such bonds; (f *vi*) proceeds from the sale of bonds of the Medical College School; (g *vii*) payments due under letters of credit, policies of municipal bond insurance, guarantees, or other credit enhancements securing payment of bonds of the Medical College School; (h *viii*) any reserve or sinking funds created to secure such payment; or (i *ix*) other available funds of the Medical College School.

As used in this act, unless the context requires otherwise:

"Bonds," as used in this act, includes bonds, notes, revenue certificates, lease participation certificates, and other evidences of indebtedness or deferred purchase financing arrangements.

"Cost," as used in the previous paragraph, means costs of construction, reconstruction, renovation, site work, acquisition of lands, structures, rights-of-way, franchises, easements, and other property rights and interests; costs of demolition, removal, or relocation of buildings or structures; costs of labor, materials, machinery, and all other kinds of equipment; financing charges; costs of issuance of the bonds, including printing, engraving, advertising, legal, and other similar expenses; credit enhancement and liquidity facility fees; fees for interest rate caps, collars, and swaps; interest on bonds and other borrowing in connection with a project prior to and during construction thereof and for a period not exceeding one year after the completion of such construction; costs of engineering and inspections, financial, legal, and accounting services, plans, specifications, studies, surveys, estimates of costs and of revenues, feasibility studies, administrative expenses, including administrative expenses during the start-up of any project; provisions for working capital to be used in connection with any project; reserve funds and other reserves for the payment of principal and interest on bonds; and all other expenses necessary, desirable, or incidental to the construction, reconstruction, renovation, and acquisition of projects, the financing of same, or placing of the same in operation.

Any such bonds may be additionally guaranteed by, or secured by a pledge of any grant, contribution, or appropriation from, a participating political subdivision, the Commonwealth or any political subdivision, agency or instrumentality thereof, any federal agency or any unit, private corporation, copartnership, association, or individual, or a pledge of any income or revenues of the Medical College School, or a mortgage of, or a deed of trust or other lien or a security interest in, any particular project or projects or other property of the Medical College School or any individual or entity referred to above.

Neither the members of the Board of the Medical College School nor any person executing any bonds issued under the provisions of this act shall be liable personally on the bonds by reason of the issuance thereof. The bonds of the Medical College School (and such bonds shall so state on their

face) shall not be a debt of the Commonwealth or any political subdivision thereof and; neither the Commonwealth nor any political subdivision thereof, other than the Medical College School, shall be liable thereon, nor shall such bonds be payable out of any funds or properties of the Commonwealth or any political subdivision thereof, other than those of the Medical College School. The bonds shall not constitute an indebtedness within the meaning of any debt limitation or restriction on any Virginia local government. Bonds of the Medical College School are declared to be issued for an essential public and governmental purpose.

§ 12. Bonds of the Medical College School shall be authorized by resolution and may be issued in one or more series, shall be dated, shall mature at such time or times not exceeding forty years from their date or dates and shall bear interest payable at such time or times at such rate or rates, as may be determined by the Medical College School, or as may be determined in such manner as the Medical College School may provide, including the determination by agents designated by the Medical College School under guidelines established by the Medical College School; and Such bonds may be made redeemable or subject to tender before maturity, at the option of the Medical College School, at such price or prices and under such terms and conditions as may be fixed by the Medical College School prior to the issuance of the bonds.

The Medical College School shall determine the form of the bonds, including any interest coupons to be attached thereto, and the manner of execution of the bonds, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company or securities depository within or without the Commonwealth.

In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before delivery of such bond, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

Notwithstanding any of the other provisions of this act or any recitals in any bonds issued under the provisions of this act, all such bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth of Virginia. The bonds may be issued in coupon or registered form or both, as the Medical College School may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. Bonds issued in registered form may be issued under a system of book-entry for recording the ownership and transfer of ownership of rights to receive payments of principal of and premium, if any, and interest on such bonds.

The Medical College School may contract for the services of one or more banks, trust companies, financial institutions, or other entities or persons, within or outside the Commonwealth, for the authentication, registration, transfer, exchange, and payment of the bonds, or may provide such services itself. The Medical College School may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine to be for the best interests of the Medical College School.

Prior to the preparation of definitive bonds, the Medical College School may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Medical College School may also provide for the replacement of any bonds which that shall become mutilated or shall be destroyed, stolen, or lost.

Bonds may be issued under the provisions of this act without obtaining the consent of any commission, board, bureau or agency of the Commonwealth or of any political subdivision, and without any other proceedings or the happening of other conditions or things than those proceedings, conditions or things which that are specifically required by this act.

§ 13. In the discretion of the Medical College School, any bonds issued under the provisions of this act may be issued pursuant to or secured by a trust indenture by way of conveyance, deed of trust or mortgage of any project or any other property of the Medical College School, whether or not financed in whole or in part from the proceeds of such bonds, or by a trust or other agreement by and between the Medical College School and a corporate trustee (which may be any trust company or bank having the powers of a trust company within or without the Commonwealth) or other agent for

bondholders, or by both such conveyance, deed of trust or mortgage and indenture or trust or other agreement.

Such trust, indenture or agreement, or the resolution providing for the issuance of such bonds may pledge or assign fees, rents and other charges to be received. Such trust indenture or trust or other agreement, or resolution providing for the issuance of such bonds, may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants providing for the repossession and sale by the Medical College School or any trustees under any trust indenture or agreement of any project, or part thereof, upon any default under the lease or sale of such project, setting forth the duties of the Medical College School in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of any project or other property of the Medical College School, the amounts of fees, rents and other charges to be charged, the collection of such fees, rents, and other charges, and the custody, safeguarding and application of all moneys of the Medical College School, and conditions or limitations with respect to the issuance of additional bonds.

It shall be lawful for any national bank with its main office in the Commonwealth or any other state or any bank or trust company incorporated under the laws of the Commonwealth or another state which that may act as depository of the proceeds of such bonds or of other revenues of the Medical College School to furnish indemnifying bonds or to pledge such securities as may be required by the Medical College School.

Such trust indenture, trust, or other agreement or resolution may set forth the rights and remedies of the bondholders and of the trustee or other agent for the bondholders, and may restrict the individual right of action by bondholders.

In addition to the foregoing, such trust indenture, trust or other agreement or resolution may contain such other provisions as the Medical College School may deem reasonable and proper for the security of the bondholders, including, without limitation, provisions for the assignment to a corporate trustee or other agent for bondholders of any rights of the Medical College School in any project owned, operated, or controlled by, or leases or sales of any projects made by, the Medical College School.

All expenses incurred in carrying out the provisions of such trust indenture or agreement or resolution or other agreements relating to any project, including those to which the Medical College School may not be a party, may be treated as a part of the cost of a project.

§ 14. The Medical College School is hereby authorized to fix, revise, charge and collect fees, rents and other charges for the use of any project. Such fees, rents and other charges shall be so fixed and adjusted as to provide a fund sufficient with other revenues to pay the principal of and any interest on bonds secured by or otherwise to be paid by such revenues as the same shall become due and payable, to create reserves for such purposes and for other purposes of the Medical College School and to pay the cost of maintaining, repairing, and operating the project. Such fees, rents and charges shall not be subject to supervision or regulation by any commission, board, bureau or agency of the Commonwealth or any such participating political subdivision.

The fees, rents and other charges received by the Medical College School may be applied and be set aside from time to time in the order and in the manner as may be provided in such resolution or trust indenture or agreement, including application to a sinking fund which that may be pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of such bonds retired by call or purchase as therein provided.

All pledges of such fees, rents, and other charges to payment of bonds shall be valid and binding from the time when the pledge is made. The fees, rents and charges so pledged and thereafter received by the Medical College School shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Medical College School, irrespective regardless of whether such parties have notice thereof. Neither the resolution, any trust indenture, trust, nor other agreement by which a pledge is created need be filed or recorded except in the records of the Medical College School. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution

authorizing the issuance of such bonds or of such trust indenture or trust or other agreement. Except as may otherwise be provided in such resolution or such trust indenture or trust or other agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

§ 15. All moneys received pursuant to ~~the authority~~ of this act *by the Medical School*, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this act.

§ 16. Any holder of bonds, issued under the provisions of this act or of any of the coupons appertaining thereto, and the trustee or other agent for bondholders under any trust indenture or trust or other agreement, except to the extent that the rights herein given may be restricted by such trust indenture or trust or other agreement, may, either at law or in equity, by suit, action, injunction, mandamus or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth or granted by this act or under such trust indenture or trust or other agreement or the resolution authorizing the issuance of such bonds and may enforce and compel the performance of all duties required by this act or by such trust indenture or trust or other agreement or resolution to be performed by the *Medical College School* or by any officer or agent thereof, including the fixing, charging and collection of fees, rents and other charges.

§ 17. The exercise of the powers granted by this act shall be in all respects for the benefit of the inhabitants of the Commonwealth, for the promotion of their safety, health, welfare, knowledge, benefit, convenience and prosperity, and as the operation and maintenance of any project ~~which~~ *that* the *Medical College School* is authorized to undertake will constitute the performance of an essential governmental function, no authority shall be required to pay any taxes or assessments upon any project acquired and constructed by it under the provisions of this act; and the bonds issued under the provisions of this act, their transfer and the income therefrom including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any political subdivision thereof.

§ 18. Bonds issued by the *Medical College School* under the provisions of this act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligation is now or may hereafter be authorized by law.

§ 19. This act shall constitute full and complete authority *for the Medical School*, without regard to the provisions of any other law, for the ~~doing of the acts and things~~ *purposes, activities, and powers* herein authorized, and shall be liberally construed to effect the purposes hereof. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this act.

§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School.

A. No officer or employee of any governmental agency of state government *or Eastern Virginia Medical School* shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment.

B. No officer or employee of any governmental agency of state government *or Eastern Virginia Medical School* shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as defined in § 2.2-4301 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the

employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;

2. The personal interest of an officer or employee of a state institution of higher education or the *Eastern Virginia Medical School* in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are engaged in teaching, research or administrative support positions at the educational institution or the *Eastern Virginia Medical School*, (ii) the governing board of the educational institution finds that it is in the best interests of the institution or the *Eastern Virginia Medical School* and the Commonwealth for such dual employment to exist, and (iii) after such finding, the governing board of the educational institution or the *Eastern Virginia Medical School* ensures that the officer or employee, or the immediate family member, does not have sole authority to supervise, evaluate or make personnel decisions regarding the other;

3. An officer's or employee's personal interest in a contract of employment with any other governmental agency of state government;

4. Contracts for the sale by a governmental agency or the *Eastern Virginia Medical School* of services or goods at uniform prices available to the general public;

5. An employee's personal interest in a contract between a public institution of higher education in Virginia or the *Eastern Virginia Medical School* and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials;

6. Subject to approval by the board of visitors, an employee's personal interest in a contract between the *Eastern Virginia Medical School* or a public institution of higher education in Virginia that operates a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical practice within such public institution of higher education or the *Eastern Virginia Medical School* and of which such employee is a member or employee;

7. Subject to approval by the board of visitors, an employee's personal interest in a contract for research and development or commercialization of intellectual property between a public institution of higher education in Virginia or the *Eastern Virginia Medical School* and a business in which the employee has a personal interest, if (i) the employee's personal interest has been disclosed to and approved by such public institution of higher education or the *Eastern Virginia Medical School* prior to the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before January 15; (iii) the institution has established a formal policy regarding such contracts, approved by the State Council of Higher Education or, in the case of the *Eastern Virginia Medical School*, a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its board of visitors; and (iv) no later than December 31 of each year, the institution or the *Eastern Virginia Medical School* files an annual report with the Secretary of the Commonwealth disclosing each open contract entered subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the *Eastern Virginia Medical School's* employee responsible for administering each contract, the details of the institution's or the *Eastern Virginia Medical School's* commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth; or

8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract between a public institution of higher education in Virginia or the *Eastern Virginia Medical School* and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the *Eastern Virginia Medical School* prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before January 15; (iii) the employee does not participate in the institution's or the *Eastern Virginia Medical School's* decision to contract; (iv) the president of the institution or the *Eastern Virginia Medical School* finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by the institution's medical center or the *Eastern Virginia Medical School*, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its mission, including the acquisition of drugs,

Isotope	Unsealed (μCi)	Sealed (μCi)
Any radionuclide other than alpha emitting radionuclides, not listed above with a half-life greater than or equal to 120 days.	100	1×10^9

Table G.2 Sample Worksheet for Determining Need for a Decommissioning Funding Plan or Financial Assurance

Isotope	Unsealed Byproduct Material Activity (μCi) ÷ Unsealed Value from Table G.1	Sealed Byproduct Material Activity (μCi) ÷ Sealed Value from Table G.1
H-3	$2E6 / 1E6 = 2$	
C-14	$25E5 / 1E5 = 2.5$	
Ci-36	$1E4 / 1E4 = 1$	
Ca-45	$3E4 / 1E4 = 3$	
Cs-137		$2E5 / 1E11 = 2E-6$
Total	8.5	2E-6
Funds required	\$775,000	0

Walter Senckler
11/22/04

This is to acknowledge the receipt of your letter/application dated

12/15/2014, and to inform you that the initial processing which includes an administrative review has been performed.

FINANCIAL ASSURANCE 45-15877-d
There were no administrative omissions. Your application was assigned to a technical reviewer. Please note that the technical review may identify additional omissions or require additional information.

Please provide to this office within 30 days of your receipt of this card

A copy of your action has been forwarded to our License Fee & Accounts Receivable Branch, who will contact you separately if there is a fee issue involved.

Your action has been assigned **Mail Control Number** 136159.
When calling to inquire about this action, please refer to this control number.
You may call us on (610) 337-5398, or 337-5260.

BETWEEN: : (FOR LFMS USE)
 : INFORMATION FROM LTS
 : -----
 :
 License Fee Management Branch, ARM : Program Code: 01100
 and : Status Code: 0
 Regional Licensing Sections : Fee Category: EX 3L
 : Exp. Date: 20130131
 : Fee Comments: 170.11(A)(4)
 : Decom Fin Assur Reqd: Y
 : ::

LICENSE FEE TRANSMITTAL

A. REGION I

1. APPLICATION ATTACHED
 Applicant/Licensee: EASTERN VIRGINIA MEDICAL SCHOOL
 Received Date: 20041217
 Docket No: 3009947
 Control No.: 136159
 License No.: 45-15877-01
 Action Type: Fin. Assurance

2. FEE ATTACHED
 Amount:
 Check No.:

3. COMMENTS
 Signed M. A. Perkins
 Date 12/14/2004

B. LICENSE FEE MANAGEMENT BRANCH (Check when milestone 03 is entered /__/)

1. Fee Category and Amount: _____
 2. Correct Fee Paid. Application may be processed for:
 Amendment _____
 Renewal _____
 License _____
 3. OTHER _____

Signed _____
 Date _____