

DOCKET

BOARD OF VISITORS

University of Virginia

Regular Meeting

May 31, 2003

DOCKET
BOARD OF VISITORS
MAY 31, 2003

CONSENT ITEMS

1. APPROVAL OF ARCHITECT SELECTION FOR THE STUDIO
ART BUILDING

RESOLVED that Schwartz/Silver Architects, Inc., of Boston, Massachusetts, is approved for the performance of architectural and engineering services for the Studio Art Building.

2. APPROVAL OF ENGINEER SELECTION FOR THE MAIN
HEATING PLANT MODIFICATIONS PROJECT

RESOLVED that RMF Engineering, Inc., of Baltimore, Maryland, is approved for the performance of architectural and engineering services for the Main Heating Plant Modifications project.

3. APPROVAL OF A PERMANENT EASEMENT TO THE CITY OF
CHARLOTTESVILLE FOR A NATURAL GAS LINE ON WHITEHEAD
ROAD

RESOLVED that the granting of a permanent easement, dated May 23, 2003, to the City of Charlottesville for a natural gas line on Whitehead Road on property owned by The Rector and Visitors of the University of Virginia, is approved; and

RESOLVED FURTHER that appropriate officers of the University are authorized to execute said dedication and easement.

4. APPROVAL OF A PERMANENT EASEMENT FOR THE UNIVERSITY
OF VIRGINIA ACROSS THE MIDMONT PROPERTY OWNED BY
THE UNIVERSITY OF VIRGINIA REAL ESTATE FOUNDATION
AND THE MIDMONT LANE LAND TRUST

RESOLVED that the request, dated May 23, 2003, to the University of Virginia Real Estate Foundation and the Midmont Lane Land Trust for a storm water easement across the Midmont property located at 200 Midmont Lane is authorized; and

RESOLVED FURTHER that appropriate officers of the University are authorized to request said dedication and easement.

5. APPROVAL OF DEDICATION TO PUBLIC USE OF A STRIP OF UNIVERSITY LAND FOR RIGHT TURN LANES AT THE IVY ROAD ENTRANCE TO THE EMMET STREET PARKING GARAGE

RESOLVED that the Dedication to Public Use to the City of Charlottesville, dated May 23, 2003, for a strip of land on the north side of Ivy Road at the entrance to the Emmet Street Parking Garage for the purpose of allowing City maintenance of the right turn lanes that will be constructed for the garage, is approved; and

RESOLVED FURTHER that appropriate officers of the University are authorized to execute said dedication.

6. CONFLICT OF INTEREST EXEMPTION (MARGARET TARPLEY)

WHEREAS, the University of Virginia wishes to finalize a consulting contract with Ms. Margaret Tarpley for educational research and evaluation; and

WHEREAS, University faculty member, Mr. Donald W. Ball, as the spouse of Ms. Tarpley, has disclosed an economic interest in the consulting contract; and

WHEREAS, the grantor of the research contract, the National Aeronautics and Space Administration, was made aware of the relationship and the scope of work expected; and

WHEREAS, the University of Virginia's entry into a contract with Ms. Tarpley would expose Mr. Ball to violation of the Virginia Conflict of Interests Act unless approved by the Board as permitted by §2.2-3106(c) (7) of the Code of Virginia;

RESOLVED that the conflict of interest of Mr. Donald W. Ball is approved by the Board of Visitors in order to permit the University to enter into a consulting agreement with Ms. Margaret Tarpley; provided, as required by the law, Mr. Ball files the required annual disclosure statement of personal interests, the University files the required annual report concerning the contracts with the Secretary of the Commonwealth, and the chair of the Department of Leadership, Foundations and

Policy of the School of Education, monitors the consulting contract in order to protect the interests of the University and to ensure compliance with policy.

7. PROFESSORSHIP NAME CHANGE: LILLIAN T. PRATT
DISTINGUISHED PROFESSORSHIP IN ORTHOPAEDIC SURGERY

WHEREAS, the Lillian T. Pratt Professorship in Orthopaedics was established by the Board of Visitors in May 1976; and

WHEREAS, the endowment has now reached a level to be named a "distinguished" professorship;

RESOLVED that the Board of Visitors changes the name of the Lillian T. Pratt Professorship in Orthopaedics to the Lillian T. Pratt Distinguished Professorship in Orthopaedic Surgery. This professorship is held in the School of Medicine.

8. RE-ELECTION OF MILLER CENTER COUNCIL MEMBERS

RESOLVED that Dr. Milton T. Edgerton, Mr. Daniel K. Frierson, Mr. Leigh B. Middleditch, Jr., and Ms. Sylvia M. Mathews be re-elected to the Governing Council of the Miller Center for three years. Their terms of office shall expire at the conclusion of the Spring Governing Council meeting in 2006.

9. APPROVAL OF PARTICIPATION OF THE HEALTH SCIENCE
CENTER GARAGE AND THE ADDITION TO THE NATIONAL RADIO
ASTRONOMY OBSERVATORY BUILDING IN THE UNIVERSITY'S
COMMERCIAL PAPER PROGRAM

WHEREAS, the University intends to undertake the Health Science Center Garage and the National Radio Astronomy Observatory Addition (the "Projects") with bonds as a financing source; and

WHEREAS, the United States Department of the Treasury has promulgated final regulations in Section 1.150-2 of the Treasury Regulations (the "Regulations") governing when the allocation of bond proceeds to reimburse expenditures previously made by a borrower shall be treated as an expenditure of the bond proceeds; and

WHEREAS, the University officially declared its intentions to issue debt in accordance with the Regulations

in October 2001, and March 1999, respectively; and

WHEREAS, the Commonwealth of Virginia has granted authority for debt financing for each of these in the following legislation:

- a. Health Science Center Garage (207-16559): Initial Authorization 2001, Chapter 1073, Item Number 4-4.01m; Supplemental Authorization 2002-2004, Chapter 899, Item C-40
- b. National Radio Astronomy Observatory (207-16280): Initial Authorization 1999, Chapter 935; Supplemental Authorization 1998-2000, Chapter 1072; and

WHEREAS, the University may be required to provide short-term financing to the Projects prior to issuing long-term debt in order to implement an efficient and timely construction schedule; and

WHEREAS, if the University arranges short-term financing for a particular project, and if the project is not ultimately completed, or if the project utilizes funding sources other than bonds, then the appropriate school or unit remains responsible for refunding the short-term obligation;

RESOLVED that, pursuant to the Regulations and prior Board actions, the University of Virginia may utilize its existing commercial paper program to provide short-term financing to these two projects under the following conditions:

1. This resolution confirms the prior declarations of official intent under Section 1.150-2 of the Regulations, in October 2001, and March 1999;
2. The Commonwealth of Virginia has authorized these projects with:
 - a. Health Science Center Garage (207-6559): Initial Authorization 2001, Chapter 1073, Item Number 4-4.01m; Supplemental Authorization 2002-2004, Chapter 899, Item C-40
 - b. National Radio Astronomy Observatory (207-16280): Initial Authorization 1999, Chapter 935; Supplemental Authorization 1998-2000, Chapter 1072; and
3. The applicant projects must submit a comprehensive and detailed financial plan;

4. The Executive Vice President and Chief Operating Officer, the Vice President for Finance, the Vice President for Management and Budget and the appropriate area Vice President will approve the financial plan;
5. Short-term financing shall not exceed twenty-four months in maturity for each of these projects;
6. The school or unit remains responsible for any debt obligation incurred regardless of the status of the capital project or whether or not a bond issuance actually occurs.

ACTION ITEMS

10. APPROVAL OF AUDIT SCHEDULE

RESOLVED that the Audit Schedule for Fiscal Year 2003-2004, is approved as recommended by the Audit & Compliance Committee.

11. APPROVAL OF EXPANSION OF THE UNIVERSITY OF VIRGINIA POLICY STATEMENT GOVERNING EXERCISE OF POST-APPROPRIATION AUTONOMY FOR CERTAIN NON-GENERAL FUND CAPITAL PROJECTS TO INCLUDE GENERAL FUND PROJECTS

WHEREAS, the General Assembly of Virginia, during the 2003 Session, enacted legislation providing a pilot program for the delegation of autonomy to the University in relation to post-appropriation review and approval for certain general fund projects at the University of Virginia as provided in Section 4-5.08f of Chapter 1042-2003 Acts of Assembly; and

WHEREAS, this delegation provides that the authority delegated to the University may not be exercised until the Board of Visitors adopts an appropriate system of policies, procedures, reviews, approvals and guidelines pursuant to which University officials will be guided in their exercise of the delegated autonomy; and

WHEREAS, the Board of Visitors' policies adopted in relation to University general fund capital projects are subject to a requirement in the enabling legislation that those policies be submitted to the Secretary of Finance and the Secretary of Administration for their approval by August 1, 2003; and

WHEREAS, the Board of Visitors on June 14, 1996, approved a "Policy Statement Governing Exercise of Post-Appropriation Autonomy for Certain Non-General Fund Capital Projects," for the two-year pilot program for post-appropriation review for non-general fund projects, as enacted by the General Assembly during the 1996 Session, and continued by subsequent legislative action; and

WHEREAS, the system of reviews, approvals, policies, procedures and guidelines included in the "Policy Statement Governing Exercise of Post-Appropriation Autonomy for Certain Non-General Fund Capital Projects" has provided for the efficient and businesslike administration of non-general fund capital projects subsequent to completion of the appropriation process; and

WHEREAS, the 1996 "Policy Statement Governing Exercise of Post-Appropriation Autonomy for Certain Non-General Fund Capital Projects" has been revised to include general fund projects, and is now titled "Policy Statement Governing Exercise of Post-Appropriation Autonomy for General Fund and Non-General Fund Capital Projects;"

RESOLVED that the "Policy Statement Governing Exercise of Post-Appropriation Autonomy for General Fund and Non-General Fund Capital Projects" is approved as shown in Attachment A; and

RESOLVED FURTHER that the President be delegated the authority (1) to implement the Policy Statement in the manner he deems most appropriate; (2) to delegate further to his designee the administrative responsibility to implement and assure compliance with the Policy Statement; (3) to take such steps as he may deem necessary and reasonable to secure approval of the Secretaries of Finance and Administration for those portions of the Policy Statement relating to general fund capital projects; and (4) to approve any minor changes in the Policy Statement where necessary to secure the foregoing approvals, which changes, if any, shall be reported to the Board of Visitors.

12. ESTABLISHMENT OF THE CAROLYN M. BARBOUR PROFESSORSHIP IN RELIGIOUS STUDIES

WHEREAS, Carolyn M. Barbour of Charlottesville, was a friend of the University; and

WHEREAS, Ms. Barbour died on September 13, 1960, leaving a bequest to the College and Graduate School of Arts and Sciences for the establishment of a professorship in religious studies; and

WHEREAS, the endowment has now reached a funding level to establish a professorship in the College and Graduate School of Arts and Sciences;

RESOLVED that the Board of Visitors establishes the Carolyn M. Barbour Professorship in Religious Studies, to be held in the College and Graduate School of Arts and Sciences, in memory of Ms. Barbour.

13. APPROVAL OF THE 2003-2004 OPERATING BUDGET FOR THE ACADEMIC DIVISION

RESOLVED that the 2003-2004 Operating Budget for the Academic Division is approved, as recommended by the President and the Chief Financial Officer.

14. APPROVAL OF THE 2003-2004 OPERATING BUDGET FOR THE UNIVERSITY OF VIRGINIA'S COLLEGE AT WISE

RESOLVED that the 2003-2004 Operating Budget for The College at Wise is approved, as recommended by the President and the Chief Financial Officer.

15. APPROVAL OF THE 2003-2004 OPERATING AND CAPITAL BUDGET FOR THE UNIVERSITY OF VIRGINIA MEDICAL CENTER

RESOLVED that the 2003-2004 Operating and Capital Budget for the University of Virginia Medical Center is approved, as recommended by the President, the Chief Financial Officer and the Medical Center Operating Board.

16. APPROVAL OF PRATT FUND DISTRIBUTION FOR 2003-2004

RESOLVED that the budget for the expenditure of funds from the Estate of John Lee Pratt be approved to supplement appropriations made by the Commonwealth of Virginia for the School of Medicine and Departments of Biology, Chemistry, Mathematics and Physics in the College of Arts and Sciences.

The normal allocations, not to exceed \$2.6 million for 2003-2004, are suggested by the department chairs and recommended by the dean of each school. The special distributions are not to exceed \$4.7 million for 2003-2004. To the extent the annual income from the endowment is not adequate to meet the recommended distribution, the principal of the endowment will be disinvested to provide funds for the approved budgets.

17. APPROVAL OF PROCUREMENT OF ENVIRONMENTAL SERVICES

WHEREAS, the University of Virginia Medical Center desires to contract with a vendor for the provision of environmental services at an estimated cost of \$6.5 million per year for a five (5) year period with the University's option to renew the contract for an additional five (5) year period. During this period, the vendor shall provide all environmental services, including but not limited to, housekeeping (custodial) services and waste management, throughout the Medical Center. This contract shall become effective October 1, 2003 and will replace an existing contract; and

WHEREAS, the Medical Center, through a competitive process, will select a firm to provide these environmental services;

RESOLVED that the Executive Vice President and Chief Operating Officer of the University is authorized to execute a contract for environmental services for the Medical Center upon the recommendation of the Vice President and Chief Executive Officer of the Medical Center, and approval of the Office of the General Counsel.

18. APPROVAL OF PROCUREMENT OF NUTRITION SERVICES

WHEREAS, the University of Virginia Medical Center desires to contract with a vendor for the provision of nutrition services at an estimated cost of \$6 million per year for a five year period with the University's option to renew the contract for an additional five year period. During this period, the vendor shall provide all nutrition services, including dining and related services, at the Medical Center for patients, visitors, employees, clinical staff and others. This contract shall become effective October 1, 2003, and will replace an existing contract; and

WHEREAS, the Medical Center, through a competitive process, will select a firm to provide these nutrition services;

RESOLVED that the Executive Vice President and Chief Operating Officer of the University is authorized to execute a contract for nutrition services for the Medical Center upon the recommendation of the Vice President and Chief Executive Officer of the Medical Center, and approval of the Office of the General Counsel.

19. APPROVAL OF REVISIONS OF THE BYLAWS OF THE UNIVERSITY'S COLLEGE AT WISE BOARD

RESOLVED that the Bylaws of The University of Virginia's College at Wise Board be approved as amended (see Attachment B).

20. APPROVAL OF PROPOSED 2004 BOARD MEETING DATES

The following dates for the 2004 Board Meetings are proposed:

Thursday, Friday, Saturday
February 5, 6, and 7

Thursday, Friday, Saturday
April 1, 2, and 3

Thursday, Friday, Saturday
June 10, 11, and 12

Friday and Saturday - RETREAT
July 30 and 31 (Date to be determined at
or Regular Board meeting)
Friday and Saturday
August 6 and 7

Thursday, Friday, Saturday
September 30, October 1 and 2

POLICY STATEMENT
GOVERNING EXERCISE OF
POST-APPROPRIATION
AUTONOMY FOR GENERAL
FUND AND NON-GENERAL
FUND CAPITAL PROJECTS

THE RECTOR AND VISITORS OF THE UNIVERSITY OF
VIRGINIA POLICY STATEMENT GOVERNING EXERCISE OF
POST-APPROPRIATION AUTONOMY FOR GENERAL FUND AND
NON-GENERAL FUND CAPITAL PROJECTS

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THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA
POLICY STATEMENT GOVERNING EXERCISE OF POST-APPROPRIATION
AUTONOMY FOR GENERAL FUND AND NON-GENERAL FUND CAPITAL
PROJECTS

I. Preamble

Chapters 995 and 933 of the 1996 Acts of Assembly (House Bill No. 884 and Senate Bill No. 389, respectively) delegated limited but significant autonomy to the University of Virginia to establish its own post-appropriation system for undertaking the implementation of non-general fund capital projects for the University of Virginia Medical Center. In general, the autonomy is designed to replace the traditional post appropriations system of reviews, approvals, policies and procedures carried out by a variety of central State agencies identified in the enabling legislation. The University's system for carrying out the post-appropriation capital outlay process for non-general fund capital projects of the Medical Center is to be governed by policies adopted by the Board of Visitors. Similarly, § 4-5.08 of the 1996 Appropriation Act delegated nearly identical limited autonomy to the University as a whole for non-general fund capital projects authorized for the 1996-1998 biennium.

This authority has since been continued through 2002-2004 by subsequent legislative action. This latter delegation of autonomy is subject to certain conditions, the foremost of which is that the Board of Visitors must adopt a system of reviews and approvals for University non-general fund capital projects and submit the proposed system for prior approval to the Secretaries of Finance and Administration prior to September 1, 1996. More recently § 4-5.08 of the 2003 Appropriation Act extended the delegated authority approved in § 4-5.08 of the 1996 Appropriation Act by creating a pilot program delegating post-appropriation review and approval to the University for selected state general fund or state-supported debt capital projects as defined in Section 4-5.08f of Chapter 1042-2003 Acts of Assembly. This latest delegation of autonomy is subject to certain conditions, the foremost of which is that the Board of Visitors must adopt a system of reviews and approvals for University state general fund and state-supported debt capital projects and submit the proposed system for approval to the Secretaries of Finance and Administration prior to August 1, 2003.

The following provisions of this policy statement are based on the 1996 policy statement for non-general fund projects with modifications added that extend the policy to include state general fund and state-supported debt projects as provided in Section 4-5.08f.1. of Chapter 1042 -2003 Acts of Assembly. This statement constitutes the adopted Board of Visitors policies regarding both Medical Center state general fund, state-supported debt, and non-general fund capital projects and other University state general fund, state-supported debt, and non-general fund capital projects.

II. Definitions

The following words and terms, when used in this policy statement, shall have the following meaning unless the context clearly indicates otherwise:

"Board of Visitors" means the Rector and Visitors of the University of Virginia.

"Capital project" and "project" mean Medical Center state general fund, state-supported debt, and non-general fund capital projects and University-wide state general fund, state-supported debt, and non-general fund capital projects unless the text expressly differentiates between

Medical Center projects and projects involving the remainder of the University.

"Enabling legislation" means Chapters 995 and 933 of the 1996 Virginia Acts of Assembly (House Bill No. 884 and Senate Bill No. 389, respectively), § 4-5.08 of the 1996-1998 Appropriations Act, and § 4-5.08 of the 2003 Appropriations Act.

"University" means the University of Virginia, including the Medical Center unless otherwise expressly stated.

"University of Virginia Medical Center" or the "Medical Center" means that part of the University of Virginia Health Sciences Center consisting of the University of Virginia Hospital, referenced in the 1996-98 Appropriation Act as Agency 209, and related health care and health maintenance facilities.

III. Scope of Policy

The current pre-planning process and budget development process for capital projects has not been altered by the enabling legislation. Consequently, this policy statement will only apply to post-appropriation implementation of capital projects which are funded

entirely or in part by a state general fund, state supported debt, or non-general fund appropriation made by the General Assembly. Specifically, this policy applies to items identified as authorized capital projects for the University of Virginia or the University of Virginia Medical Center in an Appropriation Act enacted by the General Assembly and approved by the Governor. For non-Medical Center projects at the University, this policy is applicable only during the 1996-1998 biennium unless extended or continued by a subsequent act of the General Assembly. In accordance with the 2003 Appropriations Act new construction projects costing less than \$750,000 and non-general fund renovation projects costing less than \$1,000,000—are exempt from this policy, except that the provisions of Section IX shall apply to any project costing in excess of \$100,000. The terms and structure of any financing of any capital project shall remain subject to other provisions of law including, but not limited to, § 2.2-2416 of the Code of Virginia.

IV. Project Management System

The President or his designee is authorized to implement a system for the management of University capital

projects. The system may include the delegation of management authority to appropriate University officials, including a grant of authority to such officials to engage in further delegation of authority as the President or his designee deems appropriate.

The management system for capital projects shall be designed to insure that such projects comply with the provisions of this policy statement and other Board of Visitors policies applicable to closely related subjects such as selection of architects or policies applicable to University buildings and grounds.

The management system may include a reporting system applicable to capital projects whereby University officials responsible for the management of such projects provide appropriate and timely reports to the President or his designee on the status of such projects during construction. The project status reporting system adopted by the President or his designee may include requirements for prior consultation with and approval by the President or his designee as are deemed appropriate.

V. Project Size and Scope

It shall be the policy of the University of Virginia that the implementation of capital projects shall be carried out so that the project as completed is the project authorized by the General Assembly. The President or his designee shall insure strict adherence to this requirement.

Accordingly, no Medical Center capital project shall be materially increased in size or materially changed in scope beyond the plans and justifications which were the basis for the project's appropriation, either before or during construction, unless: (i) the President or his designee determines that such increase in size or change in scope is necessary due to an emergency and the Governor concurs in such determination, or (ii) the General Assembly approves such increase or change in a subsequent appropriation.

Similarly, no University capital project other than a Medical Center capital project shall be materially increased in size or materially changed in scope beyond the plans and justifications which were the basis for the project's appropriation, either before or during

construction, unless: (i) such increase in size or change in scope is required because of circumstances determined by the Governor to be an emergency, or (ii) the General Assembly approves such increase or change in a subsequent appropriations. Minor increases in square footage shall be permissible if they are determined by the Director of the Department of General Services to be reasonable based on a written justification submitted by the University stating the necessity for the increases, with the condition that such increases would not increase the cost of the project beyond the amount appropriated.

VI. Project Cost

(a) It shall be the policy of the University of Virginia that capital projects be completed for an amount which is less than or equal to the sum appropriated therefore by the General Assembly. The President or his designee shall ensure strict compliance with this requirement. The President or his designee shall make appropriate periodic reports to the Board of Visitors on the status of projects.

(b) The President or his designee is authorized to include in the project management system implemented

pursuant to Section III of this policy authorization for designated University officials to approve construction contract change orders and to approve professional services contract change orders.

(c) Subject to the limitations set forth elsewhere in this policy regarding change orders and material increases in size or material changes in scope, the President may propose and the Board of Visitors may approve a transfer of funds during any fiscal year in order to supplement funds appropriated for any Medical Center capital project, provided that:

(i) the transferred funds are transferred from a non-general fund appropriation for the Medical Center; and

(ii) the project to which the funds are transferred is a Medical Center non-general fund capital project authorized by the General Assembly; and

(iii) the amount transferred does not exceed 15% of the sum appropriated for the Medical Center project to which the funds are transferred unless the Board of Visitors determines that special circumstances necessitate

the transfer of an amount in excess of 15% of that sum in which case the amount transferred shall not exceed the limitations set forth in § 23-77.4(1)(a)(iii) of the Code of Virginia; and

(iv) the Board of Visitors finds that the transfer is necessary to effectuate the intention of the General Assembly in making the original appropriation for the Medical Center project or projects in question.

Should it become necessary for the President or his designee to seek a transfer of funds to supplement amounts appropriated for a University capital project other than a Medical Center capital project, the procedures set forth in the Appropriation Act shall be utilized.

VII. Acquisition of Land for Capital Projects

It is the policy of the University that projects involving land acquisition will be subjected to thorough inquiry and due diligence prior to closing on the acquisition of such land. The President or his designee shall insure that the management system

implemented pursuant to Section III provides for a review and analysis of all pertinent matters relating to the acquisition of land as any prudent purchaser would perform to the end that any land acquired by the University shall be suitable for its intended purpose, that the acquisition can be made without discernable risk of liability to the University and that the cost of the land to be acquired, together with any contemplated development thereof, will be such that compliance with the provisions of Section VI of this policy statement is achieved. In addition, the President or his designee shall insure that, where feasible and appropriate to do so, the following specific policies pertaining to the acquisition of land for capital projects are carried out.

(a) Environmental and Land Use Considerations. While pre-appropriation activities relating to planning and budget development of capital projects are not subject to this policy statement, it is sometimes the case with projects involving land acquisition that certain environmental and land use planning requirements cannot be fulfilled until after the appropriation process has been completed. In such cases, depending on the cost of the

land and any contemplated development thereof, the University may be required, as a matter of law, to file an Environmental Impact Report ("EIR") with the Department of Environmental Quality ("DEQ") in order to perfect its authority to expend funds for a capital project (see Section IX). If an EIR requirement is applicable in the post-appropriation phase of a project involving land acquisition, the project management system implemented by the President or his designee pursuant to Section IX shall assure that no closing on such land acquisition takes place until after the EIR requirement has been fulfilled.

It is the policy of the University to cooperate with each locality to whom an EIR is furnished by DEQ during the post-appropriation phase of a project involving land acquisition. Such cooperation shall include but not be limited to furnishing any information which the locality may reasonably request and reviewing any requests by the locality with regard to any such capital project. The University will assure examination of the zoning and comprehensive plan designation of the land and surrounding parcels by the locality, as well as any designation of

historically or archeologically significant areas on the land by state or federal agencies.

(b) Infrastructure and Site Condition. The President or his designee shall insure that, in the case of projects involving the acquisition of land, the management system implemented under Section III provides for a review of the following matters prior to acquisition of the land: that the land can be developed for its intended purpose without extraordinary cost; that an environmental engineer has been engaged by the University to provide an assessment of any environmental conditions on the land; that there is adequate vehicular ingress and egress to serve the contemplated use of the land; that utilities and other services to the land are adequate; and that the condition and grade of the soils have been examined to determine if any conditions exist which would require extraordinary site work or foundation systems.

(c) Title and Survey. An ALTA survey shall be prepared for the land and an examination of title to the land shall be conducted by a licensed attorney or, in the alternative, a commitment for title insurance shall be procured from a title insurance company authorized to do

business in the Commonwealth of Virginia. Based upon the survey and title examination or report, the President or his designee shall conclude, prior to acquisition of the land, that title to the land will be conveyed to the University in fee simple, free and clear of all liens, encumbrances, covenants, restrictions, easements or other matters which may have a significant adverse effect upon the University's ability to own, occupy, convey or develop the land.

(d) Appraisal. An appraisal shall be conducted of the land to determine its fair market value and the consistency of the fair market value with the price agreed upon by the University.

VIII. Capital Project Compliance With The Code Of Virginia

Among the requirements of the enabling legislation is that, notwithstanding the delegation of limited, post-appropriation autonomy to the University regarding University-wide and Medical Center capital projects, all such projects must nevertheless comply with the provisions of the Code of Virginia regarding capital projects, excluding only the review, approval, policy and procedure

functions of central State agencies which are referenced in the enabling legislation.

It therefore shall be the policy of the University that capital projects shall be implemented so as to comply with the requirements of the Code of Virginia and the Appropriation Act applicable to capital projects, including those enacted in the future, except to the extent the Code of Virginia or the Appropriation Act exempts such projects from those requirements. The President or his designee shall take all necessary and reasonable steps to assure (i) that University officials responsible for the implementation of capital projects are knowledgeable regarding the requirements of the Code of Virginia and the Appropriation Act regarding capital projects, and (ii) that compliance is achieved.

IX. Environmental Impact Reports

The Board is cognizant that the Department of Environmental Quality is authorized pursuant to provisions of Title 10.1 of the Code of Virginia to require all state agencies to submit an environmental impact report ("EIR") for any state project which involves (i) the acquisition of any interest in land for any state facility

construction or (ii) the construction of any facility or the expansion of any facility if such acquisition or construction costs \$100,000 or more. Accordingly, it is the policy of the University of Virginia that, in all cases in which an EIR is required but has not been filed with DEQ during budget development, no land acquisition shall take place and no construction on such land or previously acquired land shall be commenced for any capital project until the University has complied with the EIR requirements as set forth in the Code of Virginia and the DEQ guidelines and has done so in a timely manner so as not to adversely affect the project.

X. Project Inspections and Certification For Occupancy

(a) Medical Center Projects. Building Code and fire safety inspections shall be conducted for all Medical Center capital projects, and the State Fire Marshal or his designee shall inspect projects prior to certification for occupancy by the University's Assistant State Building Official ("ASBO"). The ASBO will be responsible to the Board of Visitors for insuring that necessary plan reviews and inspections are conducted prior to certification for occupancy. The Chief Facilities Officer will be the

University ASBO as long as the incumbent is a registered professional engineer or architect; the ASBO shall maintain a staff of registered professionals in the major engineering disciplines and architecture who will perform the required reviews and inspections.

(b) Non-Medical Center Capital Projects. For any University capital project other than a Medical Center capital project, the Department of General Services, acting through the Division of Engineering and Buildings, shall continue to function as the State Building Official pursuant to § 36-98.1 of the Code of Virginia.

XI. Reporting Requirements

The President or his designee shall report to the Department of General Services on the status of any capital project at the initiation of the project, prior to the commencement of construction, and at the time of acceptance of any such capital project. In addition, the President or his designee shall promptly comply with any request for a report on the status of any capital project made by the Governor or the General Assembly pursuant to § 2.2-1513 of the Code of Virginia, respectively.

CURRENT BYLAWS

V. Officers, Organization, Executive Committee

At the last regular meeting of the year, The University of Virginia's College at Wise Board shall elect a chair, vice chair, secretary, and executive committee. The chair shall be elected for a two-year term. The vice chair shall be elected for a one-year term and shall not serve successive terms. The secretary shall be elected for a term of one year. The executive committee shall consist of two voting Board members who shall serve with the chair, vice chair, and secretary for a one-year term.

SUGGESTED REVISION

V. Officers, Organization, Executive Committee

At the last regular meeting of the fiscal year, The University of Virginia's College at Wise Board shall elect a chair, vice chair, secretary, and executive committee. The chair shall be elected for a two-year term and is eligible to serve one additional two-year term. The vice chair shall be elected for a two-year term and shall be eligible to serve another two-year term. The secretary shall be elected for one two-year term. The executive committee shall consist of three voting Board members who shall be elected for one two-year term and shall serve with the immediate past chair, chair, vice chair, and secretary, assuming the past chair is still a member of the Board.