

# **CALIFORNIA**

## **CITIZENS REDISTRICTING COMMISSION**

### **POLICY MANUAL**

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## **Section 1: Commissioner Code of Conduct**

The Commission's Code of Conduct is a set of conventional principles and expectations that are considered binding on any person serving the California Citizens Redistricting Commission in any capacity.

Per Government Code Section 8253, Commissioners shall not communicate with or receive communications about the Commission's redistricting matters outside of a public meeting. This does not prohibit communications between Commissioners, employees, consultants, and legal counsel that are otherwise permitted by the Bagley-Keene Act.

Every Commissioner shall:

- Conduct themselves in a manner which reflects credit on the Commission, their colleagues, and themselves.
- Speak the truth with no intent to deceive or mislead by technicalities or omissions.
- Ensure that all reports presented to the Commission or the public are accurate and honest.
- Honor all agreements made with the Commission or colleagues, with the understanding that individual Commissioners may not bind the entire Commission without action by the full Commission.
- Disclose actual or perceived conflicts of interest to the Commission.
- Take personal responsibility for their actions – for success or failure.
- Act impartially and provide no special privilege to any one member of the Commission or staff.
- Discharge their responsibilities with dedication to achieving the Commission's mission and in line with the Commission's principles.
- Comply with all levels of governmental regulations and Commission policy.
- Disclose information that belongs in the public domain freely and completely but protect privileged information about personnel matters and litigation matters.
- Actively encourage diversity of thought and background through the inclusion of qualified people from diverse backgrounds including ethnic or racial minorities, women, and refuse to engage in and or sanction discrimination on the basis of race, gender, age, religion, national origin, sexual orientation, physical appearance, or disability.
- Refuse to engage in and or sanction activities for personal gain at the expense of the Commission or in violation of government code.
- Strive to build collaborative relationships with others including Commission members, Commission staff, and all individuals striving to participate in the redistricting process.

## **Section 2: Staff Code of Conduct**

The Commission's Code of Conduct is a set of conventional principles and expectations that are considered binding on any person serving the California Citizens Redistricting Commission in any capacity. This includes all persons hired directly or indirectly to perform the tasks of the Commission, including consultants and counsel, regardless of the duration of the hiring.

All employees, consultants and legal counsel working for the Commission shall comply with the requirements of Government Code Section 8253 applicable to the Commissioners, and, in particular, shall not communicate with or receive communications about the Commission's redistricting matters outside of a public meeting of the Commission. This does not prohibit communications between Commissioners, employees, consultants, and legal counsel that are otherwise permitted by the Bagley-Keene Act.

Every individual serving the Commission shall:

- Conduct themselves in a manner which reflects credit on the Commission, their colleagues, and themselves.
- Speak the truth with no intent to deceive or mislead by technicalities or omissions.
- Ensure that all reports presented to the Commission or the public are accurate and honest.
- Honor all agreements made with the Commission or colleagues.
- Avoid actual or perceived conflicts of interest and, if in doubt, openly discuss any concerns with their immediate supervisor. The Executive Director should have any such discussion with both the Chief Counsel and the current Chair of the Commission.
- Take personal responsibility for their actions – for success or failure.
- Serve all members of the Commission impartially and provide no special privilege to any one member of the Commission or staff.
- Discharge their responsibilities with dedication to achieving the Commission's mission and in line with the Commission's principles.
- Comply with all levels of governmental regulations and Commission policy.
- Disclose information that belongs in the public domain freely and completely but protecting information which is confidential to the Commission.

- Actively encourage diversity of thought and background through the inclusion of qualified people from diverse backgrounds including ethnic or racial minorities, women, and refuse to engage in and or sanction discrimination on the basis of race, gender, age, religion, national origin, sexual orientation, physical appearance, or disability.
- Refuse to engage in and or sanction activities for personal gain at the expense of the Commission or in violation of government code.
- Strive to build collaborative relationships with others including Commission members, Commission staff, and all individuals striving to participate in the redistricting process.

### **Section 3: Communications Protocol**

1. All communications or requests from the Commission are to be directed to the Executive Director or an individual designated by the Executive Director (designee) to receive communications or requests from the Commission. Staff assignments made as a result of a communication or request from the Commission or a Commissioner are the sole prerogative of the Executive Director or his designee. Any staff work generated by staff for presentation to Commission must be reviewed and approved by the Executive Director or his designee prior to the presentation.
2. All communications between the Commission and the Executive Director will be funneled through the Chair and Vice-Chair of the Communication. If the Chair and Vice-Chair designate another Commissioner as a lead, the Executive Director will send and receive information from that individual directly and provide the Chair and the Vice-Chair with copies of all communications.
3. All calls or e-mails from the media will be transferred to the Communications Director. If the Communications Director is absent, the staff person should take a message and e-mail to the Communications Director or transfer the call to the Communications Director's voice mail. No matter what the question, the staff person is only to take a message or transfer the call. If the caller is insistent, the staff person should transfer the call to the Executive Director or the Chief Counsel who will take the message on behalf of the Communications Director.
4. All telephone questions from the public regarding contracting and the Commission's process as to timelines, decision making process, or other activities are to be written down and given to Executive Director, his designee or the Chief Counsel. These calls are only to be transferred to the Chair, Vice-Chair, or other Commission staff if there is an expressed urgency to the response.
5. All e-mail or written questions and/or comments directed to the Commission by mail or through the Commission's web site will be reviewed by the Commission's Senior Operations Analyst and disseminated in the following manner:
  - a. Documents that, in the opinion of the Senior Operations Analyst, are not offensive or threatening will be posted to the Commission's web site and simultaneously e-mailed to the Commissioners, the Executive Director, the Chief Counsel, the Commission's primary Administrative Assistant, and any other staff person that the Executive Director deems necessary.
    - i. Documents that are determined to be offensive or threatening in any way by the Senior Operations Analyst will be reviewed by the Commission's Executive Director, his designee, and/or the Chief Counsel.
    - ii. If the Commission's Executive Director, designee, and/or Chief Counsel determine that the document(s) is not, in their opinion,

sufficiently offensive or is not credibly threatening; the document will be posted as required per 5. A. above.

- iii. If the Commission's Executive Director, designee, and/or Chief Counsel determine that the document(s) is, in their opinion, sufficiently offensive or credibly threatening to not be posted, the document(s) will be forwarded to the Chair and Vice-Chair for concurrence. If the Chair and Vice-Chair disagree, the document(s) will be posted as required, per 5. A. above, upon written direction from the Chair and Vice-Chair.
- iv. If the Commission's Executive Director, designee, and/or Chief Counsel determine that the document(s) is, in their opinion, sufficiently offensive or threatening to not be posted, the document(s) will be forwarded to the Chair and Vice-Chair for concurrence. If the Chair and Vice-Chair concur, the document will not be posted. Instead:
  1. The document will be placed into a file of "Un-posted Documents" in the Google Doc's section of the Commission's G-Mail account.
  2. The Senior Operations Analyst will notify all Commissioners that an offensive and/or threatening document has been placed in the Un-posted Documents file for their review.
- v. All documents in the Un-posted Document file will be subject to the Public Records Act and will be released upon specific request under the act.

## **Section 4: Personnel Policy and Procedure**

### **1. Employee Status**

- a. All employees of the Commission are exempt from civil service. (Gov. Code Secs. 8253(a)(5), 8253.6(b).)

### **2. Employee Evaluations**

- a. The Commission shall adopt evaluation criteria for the Executive Director.
- b. The Executive Director shall develop objective evaluation criteria for all employees consistent with the standards required by the California Department of Personnel Administration and a methodology for the delivery of employee evaluations that is consistent with state policy.

### **3. Hiring and Firing of Employees**

- a. Any decision to hire an employee may only be made at a public meeting of the Commission and requires nine or more affirmative votes including at least three votes of members registered from each of the two largest parties and three votes from members who are not registered with either of the two largest political parties in California. (Gov. Code Sec. 8253(a)(5).)
- b. All employees of the Commission are “at will” employees, and may be discharged for good cause or for no cause at all, but may not be discharged for reasons that violate either the public policy of California or state or federal statutes.
- c. All employees of the Commission are required to conduct themselves consistent with the Commission’s Code of Conduct, and failure to do so may constitute grounds for discharge.
- d. Any employee accused of misconduct and facing discharge may request a hearing before the Finance and Administration Advisory Committee prior to discharge by the Commission.
- e. Any decision to discharge an employee may only be made at a public and noticed meeting of the Commission and requires nine or more affirmative votes including at least three votes of members registered from each of the two largest parties and three votes from members who are not registered with either of the two largest political parties in California. (Gov. Code Sec. 8253(a)(5).)



## **Section 5: Record Retention Policy**

### **PURPOSE**

This policy provides guidelines for the record retention practices of the Citizens Redistricting Commission (Commission). This policy applies to all records created and received by the Commission, Commissioners, and Commission staff, including paper and electronic records, relating to the Commission's redistricting work.

### **BACKGROUND**

The State Records Management Act, Government Code Sections 14740 – 14769 (Act), requires the Commission to establish and maintain a program for the economical and efficient management of its records. (Gov. Code, Sec.14750, subd. (a).) For this purpose, the Commission establishes this record retention policy.

The Act defines records as follows:

“[A]ll papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by an agency, regardless of physical form or characteristics. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes, and stocks of publications and of processed documents are not included within the definition of the term ‘record’ or ‘records’ as used in this chapter.”

(Gov. Code, § 14741.) In other words, the definition of records for purposes of the State Records Management Act includes all records, regardless of their form, made or received by the Commission in connection with the performance of its public duties.

### **POLICY**

#### **Executive Director Responsibilities**

The Executive Director is responsible for overseeing the Commission's compliance with all applicable statutes, regulations, and other legal requirements related to record retention, and has the following duties: records inventory, records review and appraisal, and renewal and updating of schedules as required.

#### **Appraising Record Values**

Records that are required to be retained cannot be destroyed by the Commission unless the Department of General Services has determined that the records have no further administrative, legal, or fiscal value, and the Secretary of State has determined that the records lack sufficient research, historical, or archival value justifying preservation in the

state archives. Development of effective record schedules and proper retention periods requires careful evaluation of these factors, which are summarized as follows.

Administrative Value. A record's administrative value is measured by how much it assists the Commission in performing current or future work. The primary administrative value of most records is exhausted, and thus should be destroyed, when the transactions to which they relate are completed. However, some administrative records contain important facts concerning the Commission's policies and functions; and, therefore, may be appropriate for longer retention to document the Commission's operations.

Legal Value. Records have legal value if they are relevant to a legally enforceable right or obligation of the state or the Commission. Once that right or obligation is conclusively resolved, the legal value of such records is exhausted. Examples of records with legal value include: legal decisions and opinions; fiscal documents; public input regarding redistricting; and draft and final redistricting maps..

Fiscal Value. Records of fiscal value pertain to the financial transactions of the Commission, such as budgets, ledgers, allotments, payrolls and vouchers. After records have served their basic administrative functions, they may still have sufficient fiscal value to justify extended retention to protect the Commission against court action or audits.

Research, Historical, or Archival Value: Some records have enduring value because they reflect significant historical events or document the history and development of the Commission. The California State Archives identifies such records in the Commission's schedules and reviews them prior to authorizing their destruction.

## **Categories of Records**

To ensure that the Commission develops consistent and appropriate record retention schedules that allow the Commission to operate as effectively and efficiently as possible, the following categories of records are established. The Commission's record retention policies apply equally to paper and electronic records, including word processing documents, databases and email. Electronic records must be retained for the same time period as corresponding paper records.

### 1. Permanent and Vital Records.

Description: Permanent records are records that are required to be permanently preserved pursuant to state or federal law, regulations, or at the direction of the Commission.

Retention Period: Permanent. However, duplicate copies of permanent and vital records may be destroyed whenever they are no longer necessary for the efficient and effective operation of the Commission.

2. Active and Current Records.

Description: These are records maintained in an office or computer system for ready access because they are frequently referred to and necessary for effective and efficient performance of Commission responsibilities

Retention Period: Retention period specified by law or regulation. Where state or federal law prescribes a definite period of time for retaining certain records, the schedule must provide for retention of those records for the prescribed period. Examples of such records include the Conflict of Interest Form 700 , which must be retained for seven years pursuant to Government Code section 81009, subdivision (e), and employment records, most of which must be retained for four years pursuant to federal and state law.

No retention period specified by law or regulation. Where state or federal law does not prescribe a retention period, the records schedule shall specify a retention period based on a careful evaluation of the record's administrative, legal, fiscal, and historical value. Absent unusual circumstances, active and current records maintained in a Commission office should be immediately disposed of or sent to storage when they are no longer necessary for the effective performance of Commission business. Transitory email consists of electronic messages that are created primarily for the communication of informal information as opposed to the perpetuation or formalization of knowledge. Transitory email should be destroyed once it has served its purpose.

3. Storage Records.

Description: Storage records include permanent records, active or current records that need not be readily accessible, and inactive or noncurrent records where it is administratively, legally, or fiscally prudent to retain the records for a prescribed period of time. Storage records may be located in personal offices, Commission storage, private storage, or stored

electronically (such as on Commission computers or other electronic storage device/equipment.)

Retention Period: Paper Records. Only active, current, or permanent records that are frequently referred to and necessary for effective and efficient performance of commission responsibilities should be stored in Commission offices. Permanent records may be sent to storage.

4. Electronic Records.

Description: Active and current electronic records must be stored in secure location for the same time as their corresponding paper records. Reference, working, or informational copies of electronic records and notes should be destroyed when no longer needed.

Retention Period: No Retention Required.

5. Documents and Other Material

Description: Documents and other material that need not be retained for any minimum period of time include: reference, working, or informational copies of records; phone messages; transitory email; informal notes; rough drafts of letters, memoranda or reports; copies of correspondence; and library and reference material.

Retention Period: Documents and other materials within this category (including originals and copies) should be destroyed when no longer needed unless they are otherwise required to be retained, are necessary to the functioning or continuity of the Commission, or have legal significance. According to the Department of General Services, computer back-up tapes and other duplicate computer files are not records that must be retained for purposes of the State Records Management Act.

**Designating the “Record Copy.”**

Because records can be maintained in multiple locations, the Executive Director should identify a secure location for the retention of “record copies” to be kept for the full retention period. All remaining copies should be destroyed as appropriate.

**Public Records Act.**

Notwithstanding the planned destruction of records pursuant to a record retention schedule, upon being informed of a Public Records Act request, the Executive Director shall take reasonable steps to ensure that no record that may be responsive to that request is destroyed until the request has been satisfied by informing the Commission and staff of the request and asking them to refrain from destroying requested records. Upon complying with the Public Records Act request, any records not otherwise required to be retained need not be retained.

**Litigation Holds.**

Records relevant to pending litigation must, at a minimum, be retained until the litigation is finally concluded.

**RECORDS RETENTION SCHEDULE**

**Category of Records**

**Retention Schedule**

**Personnel and Payroll Records**

Payroll Records	Four years from end of pay period.
Health Benefits	Retain until superseded.
Employee Records	Retain until employee separates from state service, and then for five years.
Job Descriptions	Retain until superseded, and then retain as required for historical purposes.

**Fiscal Records**

Budget and Ledgers	Four years.
Reimbursement Claims	Four years from end of fiscal year in which filed.

## **Correspondence**

Letters	Discard when no longer needed, unless required to be kept permanently as part of redistricting process.
Transmittals without significant information as to material transmitted.	Discard when no longer needed.
Transitory e-mail, created to transmit informal information.	Discard when no longer needed.
E-mail consisting of records that, if not transmitted by e-mail would be required to be retained.	Retain for the same period as would be required if not transmitted as e-mail.

## **RECORDS RETENTION SCHEDULE (Continued)**

### **Category of Records**

### **Retention Schedule**

#### **Redistricting Records**

Commission agendas and minutes.	Keep permanently.
Records of public input, including by letter, e-mail, or by other means if not transmitted as an e-mail would be.	Keep for 10 years after redistricting completed or transcripts of public testimony, and until any litigation is concluded, whichever is later.
Reports from consultants.	Keep for 10 years after redistricting completed or until any litigation is concluded, whichever is later.
Draft redistricting maps.	Keep for 10 years after redistricting completed or until any litigation is concluded, whichever is later.
Final redistricting maps.	Keep permanently.

## **Section 6: Input Hearing Security Plan**

### **Staff and Contractor Responsibilities**

1. California Highway Patrol (CHP) or venue specific security guards will provide venue security.
2. The security officer should always be positioned near the commissioners once the meetings begin.
3. The security officer will be briefed by staff on the intended purpose of the meeting, any prior issues from past meetings, where his or her position should be during the meeting, and what he or she is expected to do in the event of a disturbance.
4. The local law enforcement agency with jurisdiction over the venue will be alerted and told that we're holding a meeting where there is a potential for disturbance and where we have had disturbances in the past.
5. Staff will determine the best evacuation plan for each venue that removes the commissioners quickly and, if possible, without passing through the crowd. The commission will be briefed prior to the beginning of the meeting on where to withdraw in the event of a disturbance.
6. During all breaks, staff will block the access to the podium to ensure that no member of the public has access to the commission seating area.
7. At the end of each meeting, the Commission's staff will remain until all Commissioners and Q2 Data and Research line drawing staff have left the venue. Commission staff will escort any Commissioner leaving alone to their vehicle and will escort all Q2 staff to their vehicle(s) before leaving the venue.

### **Commission Responsibilities**

1. The commissioners will increase the decorum of their events including:
  - a. Entering together and on time and leaving the podium together at the end of the meeting (Commissioner's arriving late to a venue should be enter with a member of the Commission's staff and be escorted to the Commission's seating area, if possible, or proceed directly to the Commission's seating area without stopping in the public seating area);
  - b. Keeping questions on point;
  - c. Not mingling with the crowd until after the meeting unless an individual commissioner chooses to do so;
  - d. Taking breaks in groups of two or more and utilizing staff when necessary.
  - e. Not meeting with members of the public at the Commissioner's seating area; if a member of the public attempts to move to the Commissioner's seating area, the following should occur:

- i. If possible, Commission staff or venue security will intercept the individual(s) and request that they not approach the Commission's seating area. If the individual(s) request a meeting with one or more of the Commissioners, the Commissioner(s) will be notified by staff.
  - ii. If a member of the public approaches the Commissioners seating area without be intercepted by the Commission staff or venue security, the Commissioner that is approached should:
    1. Ask the individual(s) to please move away from the Commission's seating area, and/or
    2. Immediately request Commission staff or venue security to escort the individual(s) away from the Commission seating area, or
    3. Guide the individual away from Commission seating area and ask them not to return to Commission seating area.
  - iii. If a member of the public requests a meeting with a Commissioner(s) and the Commissioner(s) chooses to meet with that individual(s), per 1. c. i. above, before, during or after the meeting, the Commissioner(s) should leave the Commission seating area and have the conversation sufficiently away from the Commission seating area to reflect a distinct separation away from that area.
2. The chair reads a brief statement regarding the reason for the meeting and what is expected from the participants and the crowd. Personal introductions are eliminated.
3. A dedicated microphone is always provided for the public. The microphone is located separately from the staff table/microphone and away from commission seating.
4. The attendees are seated as far from the commission as practical. No balcony seating over the back or sides of the commission.
5. A written list of rules that include the chairs statement of expectations is provided to attendees at the door. The rules clearly state what will be considered grounds for asking a member of the public to leave and what will prompt the use of security. The rules will also be posted at the door. Rules may include: outbursts that are derogatory in nature or intended to intimidate other participants; displays or presentations not previously approved by the commission chair; any series of minor disruption that, in their totality, show a lack of respect for the commission or any other attendee, etc. (If required by the commission, a final list of rules will be compiled and approved by the chair prior to our next series of meetings.)



6. For any disturbance witnessed by a Commissioner, a note will be passed regarding the perceived disturbance(s) to the Vice-Chair. The Vice-Chair will then text or gesture to the senior staff person attending the meeting or text or pass a note to Janeece Sargis or Lonn Leitch who will then text the senior staff person attending. The senior staff person will:
  - a. Goes directly to the disturbance and politely asks the individual(s) to have their discussion outside or ask the individual(s) to refrain from speaking/commenting during the meeting out of respect to the Commission and the public.
  - b. Elevates the issue to the security guard if necessary. This action will be at the sole discretion of the senior staff person.
  - c. Requests that the Chair stop the meeting while the disturbance is resolved.
7. For any imminent or occurring disturbance noticed by any commissioner besides the Chair, any commissioner may interrupt the proceeding at any time and request a break of 5 minutes. During that time, the commissioner requesting the break should convene with the rest of the commissioners and make a report to the chair.

### **Contingency Plans**

1. In the event that there is a disturbance, the chair will stop the meeting until the disturbance is resolved.
2. If the disturbance is prolonged or greater than two persons in size, the commissioners will leave the podium and assemble in a pre-determined location until the disturbance ceases.
3. In the event that a disturbance cannot be ended, the chair will return to the podium with staff and the security personnel, if possible. The chair will adjourn the meeting and all speakers will be advised to submit their testimony on line. The commission will then remain in a secluded location until the area is secure. The commissioners will then move as a group with staff to their vehicles and leave the area.

## **Section 7: Reporting Lost/Stolen State Issued Equipment**

If any individual associated with the Citizens Redistricting Commission (CRC), including a Commissioner, staff, or consultant, loses state issued equipment, such as a laptop, cell phone, air card, portable printer, electric timer, charger cord, etc., that individual will be responsible for:

- Notifying the Executive Director, Business Manager and/or Senior Operations Analyst immediately but no later than 24 hours after the equipment is discovered missing. If the item is lost or stolen while the Commission is traveling as a group to input hearings or business meetings, the Commission's Liaison should be notified and that individual will forward the notification to the appropriate individuals, stated above. Notification shall include, at a minimum, a description of the missing item and when and where the item was last known to be seen.
- If the lost or stolen item utilizes a service carrier, the Senior Operations Analyst shall immediately but no later than 24 hours after the equipment is reported missing), upon receiving notification of a lost or stolen item, contact the service carrier providing service for that equipment to report the loss, cancel service and follow other protocol required by the service carrier.
- The Senior Operations Analyst shall also immediately contact the CHP to file a report on the missing/stolen equipment as required by the State Administrative Manual (SAM) Sections 5350.1 through 5350.4.
- The individual who lost the equipment or was in possession of the equipment when it was stolen, will obtain a CRC Lost/Stolen State Issued Equipment Report Form from the CRC Business Manager, Senior Operations Analyst, or the Commission Liaison. The form must be completed and returned to the applicable CRC staff within 24 hours of obtaining the form. An abbreviated form is shown on the next page of this policy and procedure manual.
- The CRC Business Manager shall promptly complete a Std. 152 Form (Property Survey Report), as required by SAM, and submit it to the Department of General Services.
- In the event it is suspected that the equipment was stolen, the Executive Director shall notify all Commissioners and staff regarding the loss or suspected theft.
- In addition, if it is determined that the state property was lost due to fraud or embezzlement, the Executive Director shall notify the Department of Finance, Office of State Audits and Evaluations and the Bureau of State Audits, as required by SAM Section 20080.

**CITIZENS REDISTRICTING COMMISSION**  
**LOST/STOLEN STATE ISSUED EQUIPMENT REPORT**  
(Please use a separate form for each piece of equipment being reported)

Date: \_\_\_\_\_

Name of person completing this form: \_\_\_\_\_

Business Address: \_\_\_\_\_

Detailed description of lost or stolen equipment \_\_\_\_\_

Make/Model \_\_\_\_\_

Model # \_\_\_\_\_ Serial# \_\_\_\_\_

Date equipment was lost or stolen \_\_\_\_\_

Time equipment was lost or stolen (if known) \_\_\_\_\_

To Whom Have You Reported this Loss? \_\_\_\_\_

Estimated value of equipment (if known)? \_\_\_\_\_

Please provide a brief explanation as to what steps you have taken (or are taking) to protect the remaining state issued equipment in your possession.

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Please provide an explanation below (to the best of your knowledge) of the details surrounding the loss of the equipment being reported. Be as specific as possible and include dates, descriptions, how and where equipment was lost (including the city, venue, and exact location you last saw the equipment) and what steps you have taken to attempt to recover the equipment. If equipment was stolen from a vehicle, please provide the vehicle license number. Please use additional paper if necessary.

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To the best of my knowledge and belief, the facts stated above are true and accurate.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_