

## Policy and Procedure 13-2 Photography and Videography Management

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## PURPOSE

To ensure VDOF complies with privacy laws and obtains proper permission for photo and video use in promoting the agency mission. To provide guidance to employees regarding the taking, using and sharing of agency photos and videos.

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## POLICY

VDOF seeks to educate others while maintaining a professional appearance through the use of agency photography and videography. The agency will take steps to ensure individual privacy is respected by obtaining consent from photo and video subjects.

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## DEFINITIONS

“Agency” and “VDOF” means the Virginia Department of Forestry.

“Commonwealth” means the Commonwealth of Virginia.

“Photos” means in general terms any photographs, slides, negatives, videos, films, audio, etc.

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## PROCEDURES

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### Photography and Videography

Photographs can truly be worth a thousand words. Professional quality images with a clear center of interest are best for sharing. Aim for photos that communicate the Department of Forestry’s commitment and dedication to Virginia’s natural resources.

Employees may work with public information photographers to obtain the desired images.

#### Photo Quality

Photographs should be taken at the highest possible resolution to meet any potential use needs for the photos, whether on social media, publications, printed materials or the agency Flickr site for sharing. Horizontal/landscape-oriented photos and videos are recommended – these view better and have less cropping on social media platforms.

#### Staff Photos

Photographs of staff should convey VDOF life and activities. Employees should be appropriately dressed for the activity and in accordance with the Policy and Procedure 8-8 Dress Code and Uniforms. VDOF employees should be using proper personal protective equipment for the activity.

#### Posed Photography

When it is not possible to document live action, posed images in environmental settings may be necessary. Work with public information photographers to schedule such photo shoots. Allow substantial planning time as photo and video shoots can take time to coordinate and schedule.

#### Diversity

Forestry touches all sizes, genders, ethnicities and faiths, and any photography or videos used in promoting the agency should reflect this diversity.

## Locations

Photographs of locations around the Commonwealth of Virginia are preferred. Avoid direct identification of properties, such as house numbers and license plate numbers. Be aware of backgrounds of photos being published.

## Photo Alteration

Technology like Adobe Photoshop has made it easier to alter photographs, and, although some alterations may seem harmless, they can easily cross the line of changing a photo's content. Alterations should never fundamentally change the truth of a scene or the accuracy of persons, places or events depicted in a photograph.

## Authorization/Photo Releases

The agency will take steps to ensure individual privacy is respected by obtaining consent from photo and video subjects wherever appropriate.

### *Authorization of People Photography and Videography*

#### Consent Required

Any photos or videos taken under the following circumstances require consent:

- ◆ VDOF-Hosted Events
- ◆ Privately-Hosted Events
- ◆ Agency Customers (landowners, loggers)
- ◆ School Programs
  - Parent/Guardian consent is required for any school programs where photos or video may be taken and published in any format. This consent is typically handled by the teacher prior to the program day. Any children without consent should not be photographed in a way that they can be identified.

All photos and videos should have proper, signed consent. Use Form 13.1 Photo/Video Consent to obtain permission of any subjects of photos or videos.

#### Consent Not Required

Any photos or videos taken under the following circumstances generally do not require consent:

- ◆ Public Events
  - When capturing images at a crowded event, make it known that any and all attendees may be photographed or recorded and used in agency promotions and publications.
  - The agency will strive to honor the request of any person who asks not to be photographed or recorded.
- ◆ Agency Employees
  - All VDOF employees are subject to photos and videos and consent is implied as a condition of employment.
- ◆ Law Enforcement Activities for internal business use
- ◆ Landowner Services Activities for internal business use

Employees may take any photos or videos necessary in carrying out job duties to be used internally in providing service. However, any identifying photos to be used in promotional or educational materials will require consent.

### *Photo Sharing – Flickr*

VDOF hosts a photo sharing page on Flickr where we share our photos with others. All photos are available to the public – the site is not restricted – so these sites can be accessed by anyone. The agency Flickr site is managed by the integrated media manager in the Public Information Office.

- ◆ Primary VDOF site – [https://www.flickr.com/photos/vdof\\_photos/albums](https://www.flickr.com/photos/vdof_photos/albums)
  - Primarily photos of events.

## Photo Library/Archive

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### Photo, Slide, Film and Video Retention

#### *Library of Virginia Requirements*

The Library of Virginia (LVA) requires “Permanent – In Agency” retention of all photographs and negatives deemed historically significant:

**Photographs and Negatives: Historically Significant (100346)**

**Retention:** Permanent, Archives

This series consists of the collection of photographs or negatives created by or for an agency. Includes events that document the agency's organization, special ceremonies, occasions, events and facilities. May include commercially available material.

**Photographs and Negatives: Other Material (100347)**

**Retention:** 0 Years after no longer administratively useful; Non-confidential Destruction

Documents the collection of photographs, negatives, image files, filmstrips or slides produced by the agency that are not considered historically significant by the agency.

**Recordings, Audio and Visual: Historically Significant (100361)**

**Retention:** Permanent, In Agency

This series consists of audio or visual recordings, created by or for an agency, that are of an enduring historically significant nature or that describe the current function or organization of the agency's major administrative units. Commercially available material may be included, if appropriate. Does not include recordings used in lieu of minutes or as temporary transcripts of minutes.

**Recordings, Audio and Visual: Other Recordings (100362)**

**Retention:** 0 Years after no longer administratively useful; Non-confidential Destruction

Documents the production of audio or visual recordings, not used for security of considered historically significant. Does not include commercially available material or recordings used in lieu of minutes or as temporary transcripts of minutes.

**Investigative Case Files: Historically Significant (200212)**

**Retention:** Permanent, In Agency

This series documents the processes and results of any systematic investigations, inquiries, or examinations into criminal or suspected criminal acts, that are determined to have historical value. This series may include, but is not limited to: reports, photographs, audio and video recordings, evidence, fingerprints, laboratory reports and other supporting documentation.

**Investigative Case Files: Less Serious Offenses (200213)**

**Retention:** 25 Years after closed; Confidential Destruction

This series documents the processes and results of any systematic investigation, inquiries, or examinations into criminal or suspected criminal acts that have been committed, are being committed, or are about to be committed that the agency has deemed to be less serious in nature. This series may include, but is not limited to records pertaining to: Breath Alcohol, Confiscated (non-weapon) Property, City-wide/In-car Surveillance/ Monitoring Recordings, Controlled Substance Seizures, Dispatch/ Communications Recordings, Emergency Calls, Evidence (including receipts and requests for), Field Notes, Fingerprints (including latents), Incident Reports, Lab Requests/ Reports/ Certificates of Analysis, Photographs, Polygraphs, Release (Waiver) Forms, Summons, and Virginia Criminal Information Network/ National Crime Information Center (VCIN/NCIC) entries.

**Investigative Case Files: Non-Serious Offenses (200214)**

**Retention:** 5 Years after closed; Confidential Destruction

This series documents the processes and results of any systematic investigations, inquiries or examinations into criminal or suspected criminal acts that have been committed, are being committed or are about to be committed that the agency has deemed to be non-serious in nature. This series may include, but is not limited to records pertaining to: Breath Alcohol, Confiscated (non-weapon) Property, City-wide/In-car Surveillance/ Monitoring Recordings, Controlled Substance Seizures, Dispatch/ Communications Recordings, Emergency Calls, Evidence (including receipts and requests for), Field Notes, Fingerprints (including latents), Incident Reports, Lab Requests/ Reports/ Certificates of Analysis, Photographs, Polygraphs, Release (Waiver) Forms, Summons and Virginia Criminal Information Network/ National Crime Information Center (VCIN/NCIC) entries.

## Agency Photo Library

VDOF maintains an agency photo library. The retention requirements for photos requires that the agency determine what it deems historically significant. Photos determined NOT to be historically significant can be destroyed when no longer administratively useful in accordance with LVA record retention and destruction guidelines. The agency must determine when items are no longer administratively useful.

VDOF will categorize photos into the following categories:

- Stock
- Shared Gallery
- Historically Significant
- Not Historically Significant
- Legal Use
- Research
- Temporary Use

## Categories

### Stock

“Stock” photos are subject examples that are used in PowerPoint presentations, publications, reports, exhibits, projects, website, educational or promotional materials, etc. These items are subject based and fairly timeless and often include some of our best imagery.

Stock Examples		
American chestnut	New Kent Conference Center facility	Smokey
BMPs (good, bad)	Nursery operations	Spraying
Employee activities	Parades	State forests
Equipment operation	Pine forest	Streams
Exhibits	Planting (machine, hand)	Training materials
Fall foliage	PPE protocol	Tree species
Field activities	Product examples	Uniform protocol
Forest firefighting	Protocol demonstration	VDOF products
Hardwood forest	Recreation	Water quality
Insect and disease damage	Riparian planting and buffers	Wildlife
Landowner services	Scenic	Winter forest
Logging	Education (adults, kids)	Wood products

- ◆ Retention is 0 years after no longer administratively useful.
- ◆ Storage on network storage device by subject, overseen by the Public Information Office.
- ◆ Readable and downloadable by all employees; write and delete by Public Information Office staff only.
- ◆ Requires Form 13.2 Photo Library Profile (minimum top with Section 1 Basic Identification completed) when submitted to the library.

## Shared Gallery

“Shared Gallery” photos are the best subject examples copied from stock photos to be shared with employees in an easily-accessible manner. The shared gallery includes a maximum of 25 images per subject to maintain a reasonable size and useful gallery.

- ◆ Retention is 0 years after no longer administratively useful.
- ◆ Replaced as better photos become available.
- ◆ Storage on-line by subject accessible by all employees, overseen by the Public Information Office.
  - Testing options such as Google Photos, Flickr or potential website gallery to determine the best solution.

## Historically Significant

LVA retention states that historically significant “includes events that document the agency’s organization, special ceremonies, occasions, events and facilities.” VDOF defines “Historically Significant” as photos that document the evolution of the agency; major milestones of the agency; major milestones in the forestry profession; events with statewide, national or international impact; events inclusive of the Governor or President, etc.

Historically Significant Examples		
American chestnut research	Education (school programs, etc.)	Office buildings
Agency-wide meetings or events	Equipment (operation, model)	Parades and floats
Century Forest program	Fire towers	Planting (machine, hand)
Conservation easements	First Forest Legacy participant	President-attended events
Dedication of buildings or properties	Forestry profession (activities)	Significant fire/storm incidents*
Dedication of state forests	Formal partnership ceremonies	Smokey Bear (programs, suits)
Delegation tours	Governor-attended events	Stewardship*
Easement properties	Inaugural program events	Tree improvement research
<p>For historically significant, we do not need all photos on a subject, but examples that document the evolution of the program or subject (e.g., landowner with easement sign on their property, various Smokey Bear suits or school programs over time, inaugural first group of Century Forest landowners, equipment, personnel). For events, select a small selection of the best photos (i.e., group photos, VIPs, speakers, general activity shots) to mark the event historically but all photos are not needed. Identify persons if possible.</p> <p>*Significant fire/storm incidents are defined as a historically large or impactful; substantial damage or loss of property; loss of life; special significance to the location or incident.</p>		

- ◆ Retention is permanent in agency.
- ◆ Storage on network storage device by date, overseen by the Public Information Office.
- ◆ Readable and downloadable by all employees; write and delete by Public Information Office staff only.
- ◆ Requires Form 13.2 Photo Library Profile (minimum top with Section 1 and Section 2 completed) when submitted to the library. Identify individual persons if possible.

## Not Historically Significant

LVA retention states other material includes material “not considered historically significant by the agency”. VDOF defines “Not Historically Significant” as photos that document events and activities of the agency, projects within the agency, cooperative projects, which are useful for a limited time in reporting of activities, annual and other reports, promotion of events, documentation of accomplishments, etc. The submitter or Public Information staff may deem a few select photos from such materials as historically significant as part of agency evolution and history.

Not Historically Significant Examples		
Arbor Day events	Landowner tours	Urban Wood Workshops

Fire academy	Meetings and conferences	Wheelin’ Sportsmen Events
Fire incidents	Public events and fairs	Women and land workshops
HLFC	State fair	Workshops
Kids school programs	Training	Youth events

- ◆ Retention is 5 years after date of photo *{See Destruction Process}*.
- ◆ Storage on network storage device by date, overseen by the Public Information Office.
- ◆ Readable and downloadable by all employees; write and delete by Public Information Office staff only.
- ◆ Requires Form 13.2 Photo Library Profile (minimum top with Section 1 completed) when submitted to the library.

### Legal Use

“Legal Use” is defined as photos that document an activity or event that has or may have legal ramifications. These are retained by the person taking or needing the item and not widely shared or otherwise posted.

Legal Use Examples		
Contract violations/vendor disputes	Seed Tree Law violation	
Fire investigation	Water quality violation	

The responsible employee may submit a selection of copies of these photos as:

- ◆ Stock photos (i.e., for training purposes or subject matter use) *{See Stock section above}*
- ◆ Historically-significant photos *{See Historically Significant section above}*
  - Historically significant – VDOF defines historically significant as those legal cases with high-impact criminal activity, a historic first time of occurrence, large size, significant loss of property or resources, death, line-of-duty death, significant water quality damage, water quality case proceeds to full hearing, etc.
- ◆ Retention is based on legal case retention *{See Policy and Procedure – Records Retention}*
  - Selections submitted as stock or historically significant will follow retention guidelines for those categories as these would be copies of the official legal-use photos held with the case records.
- ◆ Primary storage on local computer or network storage of the investigator or primary employee responsible.
  - Individual is responsible for backing up their local computer or storage location if not on the network.

### Research

“Research” is defined as photos that document research studies. These are retained by the person taking or needing the item and not widely shared or otherwise posted.

Research Examples		
Progeny testing	American chestnut research	Restoration of diminished species
Longleaf pine research		

The responsible employee may submit a selection of copies of these photos as:

- ◆ Stock photos (i.e., for training purposes or subject matter use) *{See Stock section above}*
- ◆ Historically-significant photos *{See Historically Significant section above}*
  - Historically significant – VDOF defines historically significant as those historical efforts, restoring diminished species (chestnut, longleaf pine), controlled pollination, efforts documenting the scientific advancement of forestry, etc.
- ◆ Retention is based on research study retention *{See Policy and Procedure – Records Retention}*
  - Selections submitted as stock or historically significant will follow retention guidelines for those categories as these would be copies of the official legal-use photos held with the case records.

- ◆ Primary storage on local computer or network storage of the research manager or primary employee responsible.
  - Individual is responsible for backing up their local computer or storage location if not on the network.

### Temporary Use

“Temporary Use” is defined as photos that are taken to serve a temporary one-time purpose and serve no purpose beyond the initial need. These are retained by the person taking or needing the item and not archived, widely shared or otherwise posted. The individual taking the photo, etc. or the person who needs the photo, etc. determines when the item is no longer needed. No filing to the LVA is necessary.

Temporary Use Examples		
Equipment or wiring to assist in reassembling or troubleshooting	Good example or bad example of what to do or not to do	Product idea
Equipment setups for reference	Installation example	Status check
Funny happening or face	Notes	Surplus property

- ◆ Retention is 0 years after no longer administratively useful

### Retention Summary

Photo Summary		
Image Category	Location	Retention
Stock Images	Network Storage	0 years after no longer useful
Photo Share Gallery	Google Photos/Flickr/Website Gallery	0 years after no longer useful
Historically Significant	Network Storage – Permanent Archive	Permanent Retention
Not Historically Significant	Network Storage – 5-Year Storage	5 years after the photo date
Temporary Use	Local Devices	0 years after no longer useful
Legal Use	Local Devices	Per Legal Case Retention
Research	Local Devices	Per Research Study Retention

### Photo Processing and Submission

- ◆ The photographer will take the first cut to delete unusable photos immediately (i.e., blurry, closed eyes, too dark, too light, etc.) – be realistic about what is truly usable (1<sup>st</sup> cut).
- ◆ Identify materials to be submitted to the VDOF Photo Library.
- ◆ Complete Form 13.2 Photo Library Profile.
- ◆ For physical photos,
  - Email the Form 13.2 to the public information specialist at Headquarters.
  - Print a copy of the Form 13.2 and include a printed copy in the envelope or box with the photos.
  - Deliver physical materials to the Public Information Office at Headquarters.
- ◆ For electronic photos,
  - Create a folder named in this manner [yyyy-mm-dd\_subject-or-event-name] (e.g., 2018-12-11\_Christmas-Party-Western-Region ; 2018-12-10\_Winter-Forest-with-Snow).
    - Create separate folders for each event, subject or submission. Each folder will have a completed Form 13.2 included.
  - Place photos and completed Form 13.2 in the folder.
  - Copy the folder to the “Photo Library storage device” (\Photo Library\Submissions\).
  - Email the public information specialist a heads up about a new submission.
  - Once files are transferred, the user can delete the files from their local computer.
- ◆ The public information specialist will review the submission:

- Delete any unusable (2<sup>nd</sup> cut)
- Verify complete information (Form 13.2)
- Ensure the folder and files are named according to standards (electronic submissions)
- Ensure the material meets the criteria as submitted and move files to appropriate final Photo Library storage location.
- The Public Information Office will review items suggested on the Form 13.2 for stock or historically significant and, if agreeable, copy these files to the appropriate Photo Library storage location (Stock or Historically Significant, as appropriate).
- The Public Information Office may deem some photos as historically significant or stock and process accordingly.

## **Destruction Process**

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### **When to Destroy**

Utilize the Library of Virginia Records Retention and Disposition Schedules along with VDOF Policy and Procedures to determine the time to destroy specific records. The LVA requires that records be disposed of in a timely manner.

- ◆ <https://www.lva.virginia.gov/agencies/records/retention.asp>
- ◆ <http://www.lva.virginia.gov/agencies/records/timely.asp>

### **Types of Destruction**

#### ***Confidential Destruction***

- ◆ Custodians of records must ensure that information in confidential or privacy-protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Destruction of confidential or privacy-protected paper records will be done by shredding, pulping or incineration.
- ◆ Electronic records must be overwritten with meaningless data or the storage media must be physically destroyed. Commercial software applications are available that electronically shred records from media. Deletion of confidential or privacy-protected information in electronic storage media is not acceptable.

#### ***Non-Confidential Destruction***

- ◆ Physical materials may be discarded through recycling or trash.
- ◆ Electronic records may be deleted to reuse storage space and media.

### **Documentation of Destruction**

- ◆ Utilize the Library of Virginia Records Retention and Disposition Schedule in conjunction with the Certificate of Records Destruction (RM-3 Form). A signed RM-3 form must be approved by the designated records officer and on file in the agency before records can be destroyed.
- ◆ After the records are destroyed, the original signed RM-3 form must be sent to the Library of Virginia.

### **Actual Destruction**

- ◆ The Public Information Office will take care of the destruction for the VDOF Photo Library.
- ◆ Primary employee holding photos will take care of the destruction for his or her local devices.

### **Employee Responsibilities**

It is the responsibility of every employee to manage his or her photos in accordance with the policy and procedure... to submit photos and destroy photos as specified.

Photos on shared network storage location and local devices must be managed to maintain control of storage space.

## Managing Existing Photos

The first step to the organization and archiving of photos to ensure we meet mandated retention requirements and agency needs is to establish a process going forward to prevent the issue from continuing to grow. The second step is managing with past materials.

### Existing Electronic Photos

- ◆ All employees storing photos should begin the process of sorting through these existing materials on their local devices.
  - Locate files on your devices.
  - Tackle a folder at a time (i.e., break it down, it doesn't have to all be done at once).
  - Try to organize items and identify the photos.
  - Dispose of totally unusable, blurry or bad photos (no need to send them if they are worthless).
  - Complete a Form 13.2 for each photo set (file folder of photos).
  - Please make every effort to organize and submit identifiable and organized materials. We need to share this workload.

### Old Format Photos

- ◆ Consolidate old filmstrips, broadcast videos and VHS videos within the agency. VDOF no longer has equipment to read any of these formats. Must be labeled as best we can as to content, dates, etc.
  - The public information specialist will contact LVA to determine if their historian/archivists are interested in archiving any of these.
  - Decide to transfer to the LVA or to destroy as no longer useful to the agency or the Commonwealth.
- ◆ All employees holding old photos should begin the process of sorting through these old materials around their offices.
  - Locate materials in your offices.
  - Tackle a box at a time (i.e., break it down, it doesn't have to all be done at once)
  - Try to organize items and identify the materials. Make use of more tenured employees to assist in identifying materials. Look for identifying information or similarities such as same slide jacket.
  - Dispose of totally unusable, unreadable or damaged photos (no need to send them if they are worthless).
  - Group items and complete a Form 13.2 for each photo set.
  - We are well aware that many photos are not identified and not organized but please make every effort to organize and submit identifiable and organized materials. We need to share this workload. LVA will only consider archiving organized materials.

## Legal and Research Photos

The full legal case or full research study documentation should be the retention focus, not just the photos. The photos are really of little to no use as a whole by themselves, without the case or study documentation and therefore, the photos should be retained as a part of the package. Here are some of our findings that can be used to establish the retention policy and procedures for these particular instances.

### Legal Use

“Legal Use” is defined as photos that document an activity or event that has or may have legal ramifications. These are retained by the person taking or needing the item and not archived, widely shared or otherwise posted.

Legal Use Examples		
Contract violations/vendor disputes	Seed Tree Law violation	
Fire investigation	Water quality violation	

“Legal Use” photos must be identified as non-serious offenses, less-serious offenses or historically significant.

**Non-serious offenses** – VDOF defines non-serious offenses as those classified as misdemeanors; not leading to a court case; when there is no major impact, damage or loss (e.g., a citizen violation of 4PM burn law, fires with no charges filed).

**Less-serious offenses** – VDOF defines less-serious offenses as those classified as felonies; when there is moderate impact, damage or loss (e.g., serial arsonist resulting in felony charges).

**Historically significant** – VDOF defines historically significant as those legal cases with high-impact criminal activity, extreme serial arsonist, a historic first time of occurrence, large size, significant loss of property or resources, death, line-of-duty death, significant water quality damage, water quality case proceeds to full hearing (e.g., Easter Complex fire as a record large fire, serial arsonist)

- ◆ Retention is based on degree of legal case:
  - Non-serious offenses – 5 years after the legal case is closed, Confidential Destruction {See Destruction Process}
  - Less-serious offenses – 25 years after the legal case is closed, Confidential Destruction {See Destruction Process}
  - Historically significant – Permanent retention
- ◆ While the legal case/issue is pending, the local employee responsible for the case will retain all photos and records. The local employee is responsible for:
  - Completing backups of their computer/photos to external location.
  - Ensuring secure storage of physical evidence and case information.
- ◆ Once the case is complete and closed, the local employee will compile the entire case material, including the photos, to submit as a complete case file.

## Research

“Research” is defined as photos that document research studies. These are retained by the person taking or needing the item and not archived, widely shared or otherwise posted.

Research Examples		
Progeny testing	American chestnut research	Restoration of diminished species
Longleaf pine research		

- ◆ Retention is permanent in agency.
- ◆ Once the research study (or phase of the study) is complete, the local employee will compile the entire study material, including the photos to submit as a complete research study file.
- ◆ Final research study file including photos stored on network storage device, overseen by the research manager.
- ◆ Readable and downloadable by all employees; write and delete by research staff only.

## Employee Responsibilities

It is the responsibility of the primary employee involved in any legal proceedings, audits or investigations to ensure there are no unresolved issues that many require prolonged retention of particular photos and/or records (e.g., investigation reopened on a particular arson case, pending audit).

These situations may require extending the retention of specific records.

## **AUTHORITY**

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This policy and procedure is issued by the Virginia state forester.

## **INTERPRETATION**

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The director of public information is responsible for the interpretation of this policy and procedure.

## **APPROVAL**

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I certify that this policy and procedure is approved and ready for publication.

**Janet Muncy**

\_\_\_\_\_  
Integrated Media Manager Name (Print)

\_\_\_\_\_  
Integrated Media Manager Signature

**Michelle Stoll**

\_\_\_\_\_  
Director of Public Information Name (Print)

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Director of Public Information Signature