

# HOUSTON FORENSIC SCIENCE LGC, INC.

## MEETING OF BOARD OF DIRECTORS MINUTES

July 9, 2012

The undersigned, being the duly appointed Acting Secretary of Houston Forensic Science LGC, Inc. (the "Corporation"), hereby certifies that the following are true and correct minutes of the July 9, 2012, meeting of the Board of Directors (the "Board") of the Corporation.

A. In a manner permitted by the Corporation's Bylaws, the meeting was called by providing all Directors with notice of the date, time, place, and purposes of the meeting more than three days before the date of the meeting.

B. In accordance with Chapter 551, Texas Government Code, which Chapter is made applicable to the Corporation by Section 431.004, Texas Transportation Code, a notice of the meeting was duly filed on July 5, 2012, in the same manner and location as required by law of the City of Houston, Texas ("COH").

C. The meeting was called to order by Scott Hochberg, Chairman of the Board, at approximately 10:00 a.m. on Monday, July 9, 2012, in the Council Annex Chambers, 900 Bagby St. (Public Level), Houston, Texas 77002. Mr. Hochberg appointed Carolyn Lacye as Acting Secretary for the meeting. Ms. Lacye called the roll. The following Directors were present:

Scott Hochberg, Nicole B. Cásarez, Donna Fujimoto Cole, Marcia Johnson, Enrique V. Barrera, Hiram A. "Art" Contreras, Catherine Lamboley, Willie E. B. Blackmon, and Tom P. Allen (ex-officio).

The following Director was absent:

Sandra Guerra Thompson.

Mr. Hochberg announced that a quorum of the Directors was present.

D. Mr. Hochberg tentatively scheduled the next two meetings of the Board for August 1, 2012, and August 22, 2012, both meetings to commence at 9:00 a.m. in the Council Annex Chambers.

E. Ms. Thompson arrived and joined the meeting at 10:15 a.m.

F. Mr. Hochberg noted that a draft of the minutes of the Corporation's organizational meeting of June 20, 2012, had been distributed to the Board. After discussion, a motion was made and seconded to approve the minutes after substituting "roll" for "role" in Section C of the draft. The Motion passed unanimously, and the minutes of the meeting of June 20, 2012, were approved.

G. Mr. Contreras moved to ratify all actions taken by the Board at the meeting of June 20, 2012, which motion was seconded by Mr. Blackmon. Ms. Lacye took a roll call vote, and the motion passed unanimously.

H. Mr. Hochberg stated the Honorable Ellen Cohen, a member of the Houston City Council, was scheduled to appear before the Board and to discuss the establishment of a fee related to sexually oriented businesses to fund analyses of sexual assault evidence. Ms. Cohen, however, was unable to attend due to a family emergency. The matter was deferred to a future meeting.

I. Mr. Hochberg asked if any members of the public were present who would like to address the Board. Mr. Hochberg then noted that no one had asked to address the Board, and the meeting continued.

J. Mr. Allen noted that a proposed Minute Book had been made available for inspection by the Directors. Ms. Lamboley moved to accept the said book as the official Minute Book of the Corporation, which motion was seconded by Director Johnson. The motion passed unanimously.

K. At Mr. Hochberg's request, Ms. Lamboley discussed issues and action items to be considered in connection with the transition of forensic operations from the Houston Police Department ("HPD") to the Corporation.

L. Ms. Lamboley stated that COH has indicated a willingness to transfer substantial funds to the Corporation, but not until the Corporation has opened a bank account and submitted a preliminary budget. Mr. Allen stated that the Corporation must comply with Chapter 105, Texas Local Government Code, in order to open a bank account. Mr. Hochberg asked how long the process was likely to require; Mr. Allen estimated thirty to forty-five days. Mr. Allen also stated that the said statute requires that certain actions be taken by a "designated officer" of the entity seeking to open a bank account, which officer must be the treasurer of the entity or other officer designated by the entity. Because the Corporation has not yet named a treasurer, it was moved and seconded that Mr. Allen serve as the Corporation's "designated officer" for purposes of the said statute. The motion passed unanimously.

M. Mr. Hochberg asked about the Corporation's obtaining the services of a person to assist with the Corporation's administrative needs, noting that the Corporation will

not have direct access to funds for several weeks. Mr. Hochberg also noted certain ongoing expenses of the Corporation such as parking fees. Mr. Allen stated that the COH Legal Department has agreed to pay reasonable third-party expenses (including the cost of part-time administrative support by an independent contractor or through an agency) until the Corporation obtains access to funds, with the understanding that the Corporation will reimburse the Legal Department. Mr. Hochberg asked whether COH expects the Corporation to pay for professional services being provided by COH employees. Mr. Allen stated that the Legal Department would not seek payment for such services or for office space, at least through the end of this calendar year.

N. The Board discussed a draft preliminary budget offered by Ms. Cole, which addressed likely near-term expenses, including the hiring of an Executive Director and other personnel, as well as fees for various consultants. Ms. Cole noted that certain items in the budget were serving as placeholders and will require significant further discussion.

O. Ms. Thompson inquired about the future location of the forensic science laboratory. After discussion by the Board, Mr. Hochberg stated that a committee of the Board may need to consider long-term goal-setting for the Corporation; Mr. Hochberg asked the Directors to notify him if they wanted to serve on such a committee.

P. Ms. Casarez briefed the Board regarding options for the recruitment and hiring of the Corporation's executive staff, which options the Board discussed at length. The Board also discussed the recruitment of members of the Technical Advisory Group ("TAG") and considered at length the role of the TAG in the operations of the Corporation. The discussion included comments by HPD Executive Assistant Chief Tim Oettmeier.

Q. The Board considered inviting various experts and stakeholders to address the Board at its August 1 meeting; Mr. Hochberg asked the Directors to submit to him names of persons who should address the Board.

R. The Board discussed the draft "Resolution Establishing Gift Policy," copies of which had been distributed to the Board before the meeting. Ms. Johnson moved to adopt the Resolution, which motion was seconded by Mr. Blackmon. Ms. Lacye took a roll call vote, and the motion passed unanimously. (The adopted Resolution is No. 2012-001.)

The Board took a recess in its proceedings from approximately 12:45 p.m. until 1:00 p.m.

S. Chief Oettmeier provided the Board with two documents, "DNA and Serology Problem Identification: Historical Review and Time Line" and "Creation of a Technical

Advisory Group." Together with Matt Slinkard (HPD Assistant Chief), Irma Rios (Director, HPD Crime Lab), and Laurie Wilson (Quality Assurance Manager, HPD Crime Lab), Chief Oettmeier discussed the contents of these documents, the present accreditation status of the HPD Crime Lab, and related issues, and responded to questions from the Board.

The meeting ADJOURNED at approximately 2:05 p.m.

ATTACHMENT(S) INCORPORATED INTO AND MADE A PART OF THESE MINUTES: Resolution No. 2012-001.

HOUSTON FORENSIC SCIENCE LGC, INC.

By:



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Carolyn Lacye  
Acting Secretary

HOUSTON FORENSIC SCIENCE LGC, INC.

Resolution No. 2012- 001

**RESOLUTION ESTABLISHING GIFT POLICY**

**WHEREAS**, the Board of Directors of Houston Forensic Science LGC, Inc. (the "Corporation") desires to establish a policy governing the conduct of the Corporation's employees in the event an employee receives or has an opportunity to receive certain benefits; **NOW, THEREFORE**;

**BE IT RESOLVED BY THE DIRECTORS OF THE CORPORATION:**

**Section 1.** That the Policy established by this Resolution applies to all employees of the Corporation.

**Section 2.** That for the purposes of this Resolution:

(a) "Benefit" includes (i) any gift of food, goods, services, money, lodging, transportation, or any other thing of value; and (ii) the extension of any discount, rebate, or other privilege or thing that reasonably could be regarded as economic gain or advantage, whether given directly or indirectly; and

(b) "Person" includes natural persons and for-profit and non-profit organizations and business entities.

**Section 3.** That no employee of the Corporation shall accept, directly or indirectly, any benefit under any circumstance that reasonably could create an appearance of an intent to influence the operations of the Corporation or any other appearance of impropriety.

**Section 4.** That, except as provided in Section 5 below, no employee of the Corporation shall accept any benefit from any of the following persons:

(a) A person who is the subject of a pending criminal investigation or a pending criminal prosecution;

(b) A person who regularly provides goods or services used, or reasonably anticipated to be used, in the operations of the Corporation;

(c) A person who is a party to, or is seeking to be a party to, a contract, purchase order, or other business transaction of the Corporation; or

(d) A person who reasonably may be anticipated to benefit professionally or personally from the operations of the Corporation.

**Section 5.** That, by resolution the Board of Directors may grant exceptions to Section 4 above, but only in advance of the receipt of the benefit and only in the following circumstances:

(a) A special event for which the person offering the benefit is reimbursed for the fair market value of the benefit by the person receiving the benefit; or

(b) An offer to provide food, lodging, transportation, or educational services, the receipt of which would be of direct and substantial benefit to the operations of the Corporation.

**Section 6.** That any actual or reasonably suspected violation of the Policy established by this Resolution must be reported to the Board of Directors for action commensurate with the violation, which action may include termination of employment.

**Section 7.** That this Resolution shall take effect immediately upon its adoption by the Board of Directors.

ADOPTED this 9 day of July, 2012.

**CERTIFICATE**

The undersigned hereby certifies that this Resolution 2012-001 was duly adopted by the Board of Directors of Houston Forensic Science LGC, Inc., on the 9 day of July, 2012.

Executed this 10<sup>th</sup> day of July, 2012.

Carolyn Lacye  
(Signature)

CAROLYN LACYE  
(Printed Name of Secretary or Acting Secretary)