

Houston Forensic Science LGC, Inc.

MEETING OF BOARD OF DIRECTORS
MINUTES

January 10, 2014

The undersigned, being the duly appointed Acting Recording Secretary of the Houston Forensic Science, LGC, Inc., (the "Corporation"), hereby certifies that the following are true and correct minutes of the January 10, 2014 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 January 6, 2014, in the same manner and location as required by law of the City of Houston, Texas (the "City").
- C. The meeting was called to order by Scott Hochberg, Chairman of the Board, at 9.00 a.m. on Friday, January 10, 2014, in the Council Annex Chambers, 900 Bagby St. (Public Level), Houston, Texas 77002.
- D. Chairman Hochberg appointed Ms. Lori Ann Gerken as Acting Secretary for the purposes of the meeting.
- E. Ms. Gerken called roll. The following Directors were present: Scott Hochberg, Nicole B. Cásarez, Dr. Enrique V. Barrera, Hiram A. "Art" Contreras, Catherine Lamboley, Sandra Guerra Thompson, and Tom P. Allen (ex-officio).

The following Directors were absent: Willie E. B. Blackmon and Anthony T. Robinson.

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

- F. Mr. Hochberg introduced new Board member, Anthony T. Robinson, and referenced his official resume provided in the Board deliverables. Mr. Robinson was unable to attend due to prior international business travel commitments. Mr. Hochberg provided a brief summary of Mr. Robinson's accomplishments and welcomed him to the Board of Directors.
- G. Mr. Hochberg noted that a draft of the minutes of the Corporation's meeting of November 8, 2013, had been distributed to the Board. Mr. Hochberg referred to the Corporation's meeting on November 20, 2013, at which no Board of Directors business was conducted, and noted that the minutes of the meeting would be provided promptly. Ms. Lamboley made a motion to approve the minutes of November 8, 2013, and it was seconded by Dr. Barrera. The Motion passed

unanimously, and the minutes of meeting of November 8, 2013 were adopted.

- H. Mr. Hochberg asked if any members of the public wished to address the Board. Mr. Hochberg noted that no one asked to address the Board, and the meeting continued.
- I. President and CEO, Dr. Daniel Garner, provided a report to the Board on several topics including the growth of the Corporation, a report on the upcoming American Academy of Forensic Sciences, and information pertaining to the 2015 fiscal year budget.

Dr. Garner informed the Board about the current growth of the Corporation. He noted that the offices are equipped with new furniture, additional security, phone systems, and Internet systems. Dr. Garner introduced the new Director of Human Resources, Caresse Young; he provided both a warm welcome and a brief summary of her accomplishments. Dr. Garner also reported that the Corporation had selected a new Chief Financial Officer, Linda Harvey. He provided a brief summary of her accomplishments and referenced her resume provided in the Board deliverables.

Dr. Garner provided a report on the upcoming American Academy of Forensic Sciences annual meeting hosted in February 2014 in Seattle, WA. Dr. Garner provided helpful information about the meeting and referred to the recent newsletter provided in the Board deliverables.

Dr. Garner briefly discussed the 2015 fiscal year budget and referred to the copy available in the Board deliverables.

Ms. Catherine Lamboley inquired about the status of the Bromwich Report. Dr. Garner and Mr. Hochberg both confirmed that the report was in the review process; Mr. Hochberg noted that he had been assured by the Bromwich Group that the report would be reviewed and returned according to schedule.

- J. Mr. Hochberg provided a financial report and noted that spending was minimal in November 2013 and increased in December 2013; spending is still within allocated budget constraints. Mr. Hochberg brought attention to budget items including the cost of management consulting services, accounting services, and the upcoming miscellaneous personnel recruitment charges. He reported that the entirety of the allocation for the fiscal year had been received from the city as of December 31, 2013; prior to the receipt of these funds, the Corporation's bank balance was \$160K. Mr. Hochberg noted that the MOU was approved by City Council. Mr. Hochberg informed the Board of the intent to begin establishing regular working focus groups, including a budget and financing working group.
- K. Dr. Enrique V. Barrera, liaison to the Technical Advisory Group, reported that with the selection of Michelle Triplett the TAG is now full. All TAG members attended the November 20, 2013 meeting in person; Dr. Barrera provided a brief report of the meeting. He noted that Dr. Garner participated in the meeting, providing an introduction of both himself and the Houston Forensic Science LGC, Inc. Board of Directors. Dr. Barrera reviewed the topics discussed at the TAG meeting, which were presented at the request of the Board of Directors. These topics included

certification for the disciplines, proficiency testing, quality assurance, accuracy of current methods, how to characterize error rates for disciplines for those that there are no statistical foundation, and the latest methods in forensics. Dr. Barrera noted his intent to provide a full report at the February Board meeting, suggesting that a topic of discussion may be the consideration of a TAG chairperson.

- L. Mr. Hochberg opened a discussion regarding the potential need for a new location for the Houston Forensic Science Center LGC, Inc. He reported that the Justice Center Project is moving forward, as confirmed by the Mayor of Houston, Annise Parker. He noted that the city is currently evaluating what is needed to move both HPD and the Corporation to new facilities; a new HPD facility will not include the Corporation. Mr. Hochberg stated that although the determination of a physical location is not immediate, a direction regarding the relocation is necessary by the end of 2014. He noted that projections of utilization, technology, and space needs are important factors to consider when determining the potential of the forensic lab. Mr. Contreras inquired about the discussion of relocating the crime lab near the property room; Captain David E. Watkins confirmed there are preliminary discussions about this possibility. Mr. Hochberg noted that he had been assured by the Mayor that the Board of Directors would be in charge of the relocation discussion; he stated that the Corporation would defer to Dr. Garner's expertise as well as establish a working focus group. The Board continued the discussion regarding the need for a new location; topics such as Dr. Garner's observations and experiences with other forensic labs and the potential to collaborate with local universities were discussed.
- M. Mr. Hochberg opened the discussion regarding the proposed Interlocal Agreement with the City of Houston; he referred to draft 5.7 enclosed in the Board deliverables and turned the discussion over to Tom P. Allen, ex-officio member. Mr. Allen noted the majority of the topics involved the change of management, or responsibility for and control of the forensic operations; he noted that some of these issues involved the subject of space and third-party agreements, such as equipment warranties, of which the Board would discuss at a later time.

Mr. Hochberg inquired about the process of finalizing the Interlocal Agreement; Mr. Allen informed the Board that the process entails an agreement approved by the Board of Directors, a City Council committee hearing, a review by City Council, and signatures from the Mayor, the City Controller, and President and CEO. Mr. Allen described the difference between the management date, the time at which responsibility for and control of the forensic operations changes, and the completion date, the date by which the Corporation will complete the lease and transfer of various third-party agreements.

Mr. Allen informed the Board that once a document is adopted, changes may be suggested; Mr. Hochberg requested that Mr. Allen clarify with all parties that the Board of Directors will not be delegating the authority to make changes to the Interlocal Agreement.

Mr. Allen continued with a lengthy discussion on revisions to various topics, including but not limited to:

- Article 1. Definitions.
Definitions of assets including the definition of Forensic Operations.
- Article 3. Transfer of Responsibility and Control; Additional Obligations of the Parties.
Corporation's Use of Provisional Assets, Corporation's Control of Leasehold, and Transfer Deadline.
- Article 6. Services Provided by Civilians.
Management of Civilians, Modification of City Job Classifications or Compensation, and Return of Responsibility and Control.
- Article 9. Compliance by Corporation.
Compliance with Applicable Laws.
- Article 10. Financial Support of the Corporation.
Current Funding of the Forensic Operations, Transfer of Funds to the Corporation.
- Article 11. Accounting; Maintenance and Preservations.
- Article 13 – Legal Representation; Indemnification; Insurance.
Covered Person, Insurance.
Director of Human Resources, Caresse Young, commented on the status of the liability insurance applications delivered to the Michael Alexander Group; she noted that she would provide Mr. Allen a resolution on the pending insurance agreement.

Mr. Hochberg welcomed questions from the Board regarding revisions to the Interlocal Agreement. Per Dr. Barrera's question, Mr. Allen confirmed that Minority Owned Business would be included in the Interlocal Agreement. Per Mr. Hochberg's inquiry, Mr. Allen confirmed that language from the Certificate of Formation would specifically be included in the Interlocal Agreement.

The Board of Directors entertained a lengthy discussion regarding the inclusion of the Polygraph Unit in the forensic lab. Due to significant skepticism, the Board unanimously decided to consult the expertise of the TAG before taking a final position on the issue and present the following question: "Is there sufficient scientific basis behind polygraphs to include in a forensic science center?" Dr. Barrera confirmed he would report back at the February Board meeting; Mr. Hochberg stated that Mr. Allen had full authority to express the concerns of the Board. Mr. Hochberg summarized the sentiments of the members present as being "clear" about the concerns of including the Polygraph Unit in the forensic lab.

Additionally, the Board of Directors engaged in a thorough discussion with Captain David E. Watkins regarding the Automated Fingerprint Information System (AFIS) and the necessary budgetary accommodations to consider; currently the cost of AFIS upgrades are not included in the fiscal budget for 2015. Dr. Garner expressed the need to evaluate for budgetary inclusion; he noted that access to AFIS is critical, however owning an AFIS is not necessary. The Board also discussed the Digital Forensics Laboratory with Captain Watkins.

Mr. Allen concluded by introducing fellow attorney, Ron Sandburg, who joined him in the City Attorney's Office.

N. There being no other business, the meeting was ADJOURNED at 11:22 a.m.

Houston Forensic Science LGC, Inc.

By: Ashley Wieringa
Ashley Wieringa
Acting Secretary