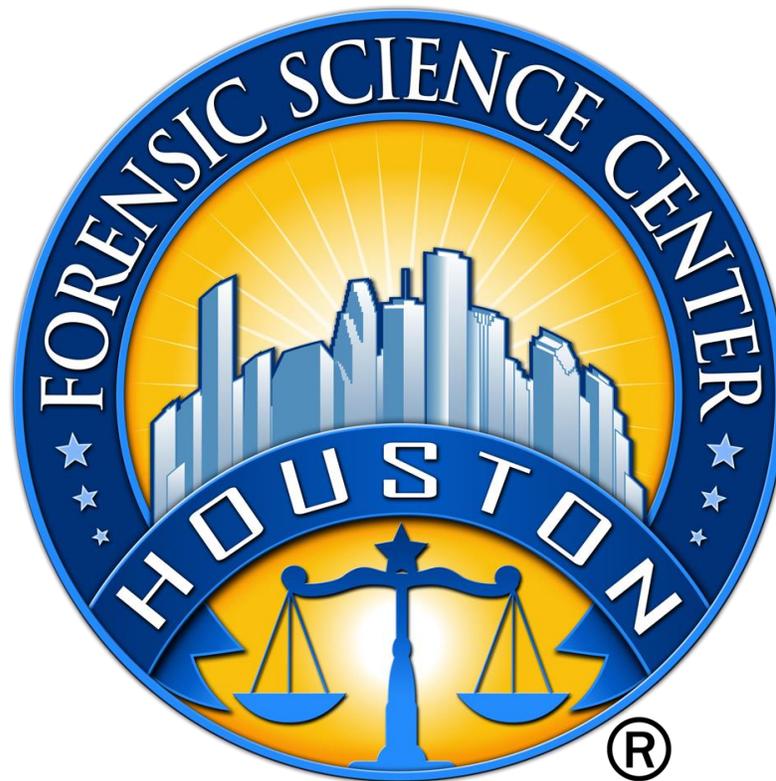


Houston Forensic Science Center, Inc.

**Board of Directors Meeting**

*November 18, 2019: Special Meeting*



**Position 1 - Dr. Stacey Mitchell, Board Chair**

**Position 2 - Anna Vasquez**

**Position 3 - Philip Hilder**

**Position 4 - Francisco Medina**

**Position 5 - Janet Blancett**

**Position 6 - Dr. Robert McPherson**

**Position 7 - Vacant**

**Position 8 - Mary Lentschke**

**Position 9 - Vacant, Vice Chair**

**Ex-Officio - Tracy Calabrese**

HOUSTON FORENSIC SCIENCE CENTER, INC.

**NOTICE OF PUBLIC MEETING  
November 18, 2019**

Notice is hereby given that beginning at 8:00 a.m. on the date set out above, the Board of Directors (the "Board") of the Houston Forensic Science Center, Inc. (the "Corporation") will meet in the Council Annex Chambers, 900 Bagby St. (Public Level), Houston, Texas 77002. Pursuant to the Corporation Bylaws, this special meeting is called by the Chair of the Board, for the purpose of considering time-sensitive voting items related to the Corporation. The items listed below may be taken out of order at the discretion of the Chair and any items listed for closed session may be discussed and/or approved in open session and vice versa as permitted by law.

**SPECIAL MEETING AGENDA**

1. Call to order.
2. Roll call; confirmation of presence of quorum.
3. Reading of draft minutes of October 11, 2019 board meeting. Consideration of proposed corrections, if any. Approval of minutes.
4. Public comment.
5. Report from Dr. Stacey Mitchell, board chair, including a monthly update of activities and other announcements.
6. Discussion and possible selection of a board member to fill the vacant position of Board Vice Chair, and possible related action.

Reports and presentations by corporate officers, and possible related action items

7. Presentation from Dr. Stout regarding a proposed Interagency Cooperation Agreement between the Houston Police Department and the Corporation and related action.
  - a. Consider authorizing Dr. Stout to negotiate and enter into an Interagency Cooperation Agreement between the Houston Police Department and the Corporation.
8. Consider authorizing Dr. Stout to negotiate and enter into an agreement with a financial institution for the purpose of managing the corporate employee retirement fund, and possible related action.
9. Adjournment.

Persons requiring accommodations for special needs may contact the HFSC at 713-929-6760 to arrange for assistance.

–NOTICE REGARDING PUBLIC COMMENT –

Members of the public may address the Board during the "Public Comment" segment of the meeting. Each speaker should limit his or her comments to three minutes. The Chairman may limit both the number of speakers and the time allotted for each speaker. A speaker who plans to submit a document for the Board's consideration should provide at least ten copies of the document, each marked with the speaker's name.

– NOTICE REGARDING CLOSED MEETINGS –

As authorized by Texas Government Code Chapter 551.001 (the "Open Meetings Act"), if during the course of the meeting covered by this Notice, the Board should determine that a closed or executive session of the Board should be held or is required in relation to any items included in this Notice, then such closed or executive session as authorized by Section 551.001 et seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board at the date, hour and place given in this Notice or as soon after the commencement of the noticed open meeting, for any and all purposes permitted by Section 551.071-551.089, inclusive, of the Open Meetings Act.

The presiding officer shall announce that the Board will convene in a closed meeting; that is, in "a meeting to which the public does not have access," sometimes known as an "executive session." The presiding officer's announcement will identify the provision(s) of the Open Meetings Act permitted by Section 551.071-551.089 under which the closed meeting will be held. Should any final action or vote be required in the opinion of the Board with regard to any matter considered in such closed or executive session, then such final action or vote shall be taken only in a meeting open to the public, including reconvening the open meeting covered by this Notice.

**Certification of Posting of Notice of the Board of Directors ("the Board) of the Houston Forensic Science Center, Inc. (the "Corporation)**

I, Jordan Benton, coordinator of board relations and executive administration, do hereby certify that a notice of this meeting was posted on Tuesday, the 13th day of November, 2019 in a place convenient to the public in the Council Annex Chambers, 900 Bagby Street. (Public Level), Houston, Texas 77002, and on the HFSC website as required by Section 551.002 et seq., Texas Government Code.

Given under my hand this the 13th day of November 2019.

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Jordan Benton

Houston Forensic Science Center, Inc.

MEETING OF BOARD OF DIRECTORS

MINUTES

October 11, 2019

The undersigned, being the duly appointed secretary of the Houston Forensic Science Center, Inc., (“HFSC” and/or the “Corporation”) hereby certifies the following are true and correct minutes of the October 11, 2019 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, made applicable to the Corporation by Section 431.004, Texas Transportation Code, a notice of the meeting was duly posted on October 8, 2019, 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 Dr. Stacey Mitchell, board chairwoman, at approximately 8:32 a.m. on Friday October 11, 2019 in the Council Annex Chambers, 900 Bagby St. (Public Level), Houston, Texas 77002.
- D. Ms. Jordan Benton called the roll. The following directors were present during roll call: Dr. Stacey Mitchell, Philip Hilder, Anna Vasquez, Francisco Medina, Janet Blancett, \ Mary Lentschke and Ms. Tracy Calabrese

Dr. McPherson arrived at the meeting at approximately 9 a.m. after the closed session ended.

Chairwoman Mitchell declared a quorum was present

- E. In accordance with Section 551.071(1) of the Texas Government Code, consultation with attorney, the board entered into executive session at approximately 8:32 a.m. Dr. Peter Stout, CEO and president, and Ms. Akilah Mance, HFSC general counsel, were present with the board.
- F. The board reconvened into open session at approximately 9 a.m. Chairwoman Mitchell said the closed session ended at approximately 8:57 a.m. and declared a quorum was still present. She said no action needed to be taken from the executive session.
- G. Chairwoman Mitchell asked if any changes were needed for the August 9, 2019 board meeting minutes. Mr. Hilder made a motion to approve the minutes. Dr. McPherson seconded the motion. The motion passed unanimously.

- H. Chairwoman Mitchell asked if members of the public wished to address the board. No one addressed the board.
- I. Chairwoman Mitchell presented a chair's report. Dr. Mitchell said Vice Chair Sandra Guerra Thompson had resigned from the board. She thanked Ms. Thompson for her years of support and service to HFSC. Chairwoman Mitchell said she attended a roundtable discussion at HFSC with Sen. John Cornyn, Mayor Sylvester Turner, Texas Rep. Gina Calanni, Director Lentschke and two sexual assault survivors and an advocate about the need to immediately reauthorize the Debbie Smith Act, the primary grant funding source for crime laboratories, including HFSC. Chairwoman Mitchell also shared that she presented about healthcare's response to evidence management at the National Institute of Standards and Technology's (NIST) evidence management conference. She said Dr. Stout also presented at the conference. She reminded the board that Mayor Turner will join HFSC for the grand opening of the new lab on October 22. Dr. Mitchell also reminded the board about HFSC's holiday party on December 14, which will be held at 500 Jefferson. She thanked John Quinlan, president of Jefferson Smith, LLC, for donating funds for the party and encouraged other board members to do the same since HFSC does not use tax dollars to pay for the celebration.
- J. Dr. Stout gave the president's report. Dr. Stout reviewed HFSC's overall turnaround time and requests for September 2019. He said the toxicology section is struggling to keep up with requests due to a significant increase in enforcement of drunk and drugged driving in Houston. Dr. Stout reviewed certifications earned by staff and shared recent outreach events, including HFSC's evidence handling symposium and an interview he did on Fox 26's morning show where he discussed the dangers associated with CBD products. Dr. Stout said HFSC will have three disclosures at the next Texas Forensic Science Commission meeting: a disclosure from the toxicology section regarding a typo that changed the blood alcohol content, a disclosure on an administrative error in reports from the National Integrated Ballistics Information Network (NIBIN) and a disclosure to HFSC's accrediting body regarding two proficiency tests from the seized drugs section. He said HFSC's Quality Division Director Erika Ziemak would provide additional details in her report.
- K. Dr. Amy Castillo, vice president and chief operations officer, presented an operations report. Dr. Castillo provided an overview of turnaround times and backlogs. Dr. Castillo said the lab-wide move and large backlogs in the latent print and toxicology sections make up the majority of HFSC's current backlog. She said the biology section's backlog has also increased as it continues to train analysts to do probabilistic genotyping, which will change how DNA mixtures are analyzed and how the section reports results. Dr. Castillo said the biology section will outsource sexual assault cases when the lab is shutdown during the move. Dr. Castillo said the biology section should be caught up on non-sexual assault casework by January 2020. She said the toxicology section has increased its output but is unable to catch up and decrease the backlog because incoming requests are rising too quickly. Dr. Castillo said the section exceeded its monthly goal and completed 566 blood alcohol requests in September. However, it received 600 blood alcohol requests, a significant increase from the 505 requests received in August. Dr. Castillo noted in August and September 2018 the section received only 368 requests each month in each month. Dr. Castillo stressed the consistent increase in requests means the section needs additional resources to keep up. Dr. Stout added that the Houston Chronicle shared a story that demonstrated how Houston has the biggest rate of drugged and drunk driving. He added that two new leased instruments will arrive in October, but the

toxicology section will likely need a third instrument to keep up with the demand. Dr. Castillo reviewed the new dashboard section pages, including a new graphic showing the breakdown of all pending cases for each section and information on how long it takes for a case to travel between “assigned” and “completed.”

- L. Mr. David Leach, treasurer and CFO, said HFSC is three months into the new fiscal year’s budget and expenses are tracking along as expected. Mr. Leach reviewed the budget dollar breakdown through graphs and explained that \$250,000 worth of grant expenses will be given back to HFSC from the federal government. Mr. Leach said the biology section received three grants funded by the Debbie Smith Act and Congress’ failure to reauthorize the act will have a negative impact on the lab. He said an external audit of HFSC’s financials confirmed the financial statements are accurate.
- M. Mr. Jerry Pena, director of the crime scene unit (CSU) and digital multimedia division, said CSU is working to fill vacant positions. He highlighted that the multimedia lab was working on skimmer cases with the Houston Police Department (HPD.) A skimmer is a device that thieves use to steal credit card and PIN number information. Mr. Pena said the section completed 17 skimmer cases since June 2019 and is spending time studying the devices to help relay information back to law enforcement that will help catch perpetrators and assist victims.
- N. Mr. Charles Evans, director of business development, updated the board about the ongoing lab construction and facility move to 500 Jefferson. Mr. Evans said the supply room, biology and latent print processing lab moves were underway. He said the 18<sup>th</sup> floor lab is nearing completion, with only final inspections left and minor construction, air and electrical items. Mr. Evans said contractors had retouched the epoxy lab floors and installed security cameras. Mr. Evans said all systems are being tested throughout the process. Mr. Evans said the firearm section’s shooting tank had been placed in its final location and that the armored door, bullet-resistant wall panels and noise reduction paneling between CSU and firearms had been installed. Mr. Evans said the firearms, seized drugs and toxicology sections will move in November. HFSC will hand over to HPD the remaining space in 1200 Travis the second half of November. He said move costs are on track, with \$780,000 spent of the \$1 million budget.
- O. Ms. Erika Ziemak, quality division director, updated the board on the September blind quality controls, audits, disclosures, corrective actions, proficiency tests, transcript reviews and testimony data. Ms. Ziemak said a quality specialist will present on HFSC’s blind quality program at the Society of Forensic Toxicologist’s (SOFT) conference in October. Ms. Ziemak said the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) denied HPD’s request for written approval to allow HFSC to submit blind tests through NIBIN. As a result, HFSC is unable to upload blind samples into NIBIN to better mirror the normal workflow. The quality division will still work find ways to submit blind tests to the analysts in the firearms section. Ms. Ziemak said HFSC had disclosed to TFSC about a toxicology nonconformance that involved a typo in a 2015 result where an analyst reported a blood alcohol concentration as below the legal limit in Texas when the concentration was in fact above the legal limit. Ms. Ziemak said the original report has been amended and that HFSC had notified the Harris County District Attorney’s (HCDAO) office and the defense attorney associated with that case. The quality division also audited 320 out of 1,967 toxicology blood alcohol cases and found no additional similar typographical errors. Ms. Ziemak said the quality division had completed an investigation into two proficiency tests done in the seized drugs section. The analysts had

achieved unexpected results and reported no controlled substance when in fact codeine should have been identified. The quality division did an in-depth investigation and found that when acetaminophen is present in a sample in higher concentrations it can mask oxycodone, hydrocodone and codeine. Ms. Ziemak said the seized drugs section's standard operating procedure (SOP) has been revised and now requires additional testing when acetaminophen is identified and no other controlled substance. Ms. Ziemak said an audit of n cases dating back to January 2018 has been completed. Four cases had similar circumstances to those in the external proficiency test. The HCDAO has been informed and required additional testing on those four cases. Ms. Ziemak said both seized drugs analysts were given internal proficiency tests and successfully achieved the expected results.

- P. Chairwoman Mitchell asked for a motion to adjourn the meeting. Mr. Hilder made a motion to adjourn. Ms. Blancett seconded the motion. The meeting ADJOURNED at approximately 10:38 a.m.

By: \_\_\_\_\_

Jordan Benton Secretary

**HOUSTON FORENSIC SCIENCE CENTER, INC.**

Special Meeting of the Board of Directors

November 18, 2019 at 8:00 a.m.

<b>Agenda Action Item No.:</b>	<b>6.</b> Discussion and possible selection of a board member to fill the vacant position of board vice chair, and possible related action.
<b>Subject:</b>	Consider selection of the Board Vice Chair, in accordance with HFSC's bylaws and discussion relating thereto.
<b>Background:</b>	At the October 2019 meeting of the Board, Chairwoman Stacey Mitchell announced that the position of Board Vice Chair had been vacated by the resignation of Board member and Vice Chair Sandra Guerra Thompson, effective October 10, 2019.
<b>Executive Summary:</b>	Pursuant to the Corporation's Bylaws Section 2.04, from among its members the Board shall select a Vice Chair of the Board. The Vice Chair shall perform the duties and exercise the powers of the Chair upon the Chair's death, absence, disability, resignation, or inability to perform the duties of the office.
<b>Fiscal Impact:</b>	No anticipated additional fiscal impact.
<b>Staff Recommendation:</b>	No recommendation.
<b>By:</b>	Stacey Mitchell, Board Chair Legal review by General Counsel

## HOUSTON FORENSIC SCIENCE CENTER, INC.

Special Meeting of the Board of Directors

November 18, 2019 at 8:00 a.m.

<b>Agenda Action Item No.:</b>	<b>7.a.</b> Consider authorizing Dr. Stout to negotiate and enter into an Interagency Cooperation Agreement between the Houston Police Department and the Corporation.
<b>Subject:</b>	Delegating authority to the President and CEO, to negotiate and enter into an Interagency Cooperation Agreement (ICA) with HPD, to govern the relationship between the parties after HFSC's move from 1200 Travis to 500 Jefferson.
<b>Background:</b>	After the creation of HFSC in 2012 the City of Houston (City) and HFSC executed the first Interlocal Agreement (ILA) on March 4, 2014 to officially transfer control and responsibility of City forensic operations to HFSC. The ILA in relevant part, governs the transfer of assets, use of provisional assets, lease of space from the City, and personnel assignments. Pursuant to the ILA and throughout the initial term of the agreement, HPD and the Corporation shared spaces and provided for the transfer of personnel, vehicles and assets between the parties.
<b>Executive Summary:</b>	<p>On October 3, 2018, the City approved HFSC's move to 500 Jefferson, Houston, Texas by passing and adopting City of Houston Ordinance 2018-0793, a 30-year lease between the City of Houston and Jefferson LLC. On February 19, 2019, City Council passed and adopted Ordinance 2019-0116 a sublease between the City and the Corporation for the 500 Jefferson leasehold and Ordinance 2019-0117 the First Amendment to First Interlocal Agreement.</p> <p>HFSC and the Houston Police Department now find it necessary to enter into an ICA to reflect changes to HFSC's forensic operations, namely the move of HFSC to 500 Jefferson. The proposed agreement provides for the following: 1) disposal of provisional assets and certain grant assets; 2) sharing of space; and 3) HFSC access to HPD network and systems.</p> <p>The President and CEO requests that the Board authorize the negotiation and execution of a final Interagency Cooperation Agreement with Houston Police Department.</p>
<b>Fiscal Impact:</b>	No anticipated additional fiscal impact within the current budget cycle.
<b>Staff Recommendation:</b>	Staff recommends authorizing the President and CEO to negotiate and execute an ICA with HPD on behalf of the Corporation.
<b>By:</b>	Dr. Peter Stout, President and CEO Legal review and approved by General Counsel

**HOUSTON FORENSIC SCIENCE CENTER, INC.**

Special Meeting of the Board of Directors

November 18, 2019 at 8:00 a.m.

<b>Agenda Action Item No.:</b>	<b>8.</b> Consider authorizing Dr. Stout to negotiate and enter into an agreement with a financial institution for the purpose of managing the corporate employee retirement fund, and possible related action.
<b>Subject:</b>	Authorizing Dr. Stout to negotiate and sign an agreement relating to HFSC employee benefits, namely selection of a financial institution to manage the employee retirement fund.
<b>Background:</b>	In 2014, the Board delegated authority to staff to enter into negotiations and a final agreement with a health care provider and financial institution, to provide for a corporate employee benefits package. Pursuant to this authority, HFSC entered into an agreement with Mass Mutual to manage the employee retirement savings fund for the Corporation.
<b>Executive Summary:</b>	<p>Since the initial savings plan was implemented in 2014, HFSC has grown in size and fund assets. HFSC seeks to obtain a more competitive plan, to maximize the Corporation's financial position and provide a sustainable retirement fund to HFSC employees. The Corporation obtained a final proposal for terms and conditions relating to the selection of a financial institution to manage the corporate employee retirement savings fund.</p> <p>HFSC seeks to finalize negotiations with Empower Retirement, a financial institution which provides services relating to employer-provided retirement plans. Pursuant to Board Resolution 2015-001 the President and CEO does not have authority to approve an expenditure exceeding \$200,000 or execute documents relating to said expenditure, without the Board delegating authority to Dr. Stout.</p> <p>Staff requests the Board delegate authority to Dr. Stout to finalize negotiations and enter into an agreement with a financial institution, for the purpose of managing the HFSC employee retirement savings plan.</p>
<b>Fiscal Impact:</b>	Anticipated costs will fit within existing budget line items.
<b>Staff Recommendation:</b>	Staff recommends approval.
<b>By:</b>	David Leach, Treasurer and Chief Financial Officer Legal review by General Counsel