

HOUSTON FORENSIC SCIENCE CENTER, INC.

RESOLUTION NO. 2022- 001

**RESOLUTION REGARDING AUTHORITY TO WITHDRAW FUNDS OF THE CORPORATION.**

**WHEREAS**, the Board of Directors (the “Board”) of Houston Forensic Science Center, Inc. (the “Corporation” or “HFSC”) has concluded the Corporation’s interests will be served by revising procedures for disbursement from the Corporation’s funds; and

**WHEREAS**, the Board has concluded that it is in the best interests of the Corporation to increase the amount of disbursement within the authority of the President and CEO, and that such action will further the purposes of the Corporation;

**NOW THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF CORPORATION:**

**SECTION 1.** That the findings contained in the preamble of this Resolution are declared to be true and correct and are adopted as part of this Resolution.

**SECTION 2.** That for the purpose of this Resolution the following terms have the meanings stated:

- (a) "Account Signer" means a person whose Signature authorizes a disbursement from the Corporation's funds in a manner consistent with (i) this Resolution; (ii) the Corporation's agreements with the bank into which the Corporation deposits its funds; and (iii) applicable law.
- (b) "CEO" means the Chief Executive Officer of the Corporation.
- (c) "CFO" means the Chief Financial Officer of the Corporation.
- (d) "Chair" means the Chair of the Corporation's Board of Directors.
- (e) "COO" means the Chief Operating Officer of the Corporation.
- (f) "Signature" includes "electronic signature" as defined by Section 322.002(8), Texas Business & Commerce Code.
- (g) "Vice Chair" means the Vice Chair of the Corporation's Board of Directors.

**SECTION 3.** That the following persons are Account Signers, but only for disbursements in the amounts listed below:

<u>Amount of Disbursement</u>	<u>Required Account Signer(s)</u>
Less than \$20,000.00.	Any one of the CEO, CFO, or COO.
\$20,000.00 or more but less than \$100,000.00.	Any two of the CEO, CFO, or COO.
\$100,000.00 or more but less than <u>\$300,000.00</u> .	The CEO and either the CFO or COO.
<u>\$300,000.00</u> or more.	The CEO, and either the CFO or COO, along with either the Chair or Vice Chair.

**SECTION 4.** That to the extent any provisions of Resolution 2012-003, 2013-001, 2013-002, or 2015-001 are inconsistent with this Resolution, the said provisions of the previous Resolutions are repealed.

**SECTION 5.** That this Resolution shall take effect immediately upon its adoption by the Board of Directors.

**ADOPTED** this 14<sup>th</sup> day of January, 2022.

**CERTIFICATE**

The undersigned hereby certifies that this Resolution **2022-001** was duly adopted by the Board of Directors of Houston Forensic Science Center, Inc., on the 14th day of January, 2022.

Executed this 25th day of January, 2022.

By: *Amanda DeBerry*

Amanda DeBerry, Secretary of the Board of Directors

HOUSTON FORENSIC SCIENCE CENTER, INC.

**Resolution No. 2022-002**

**RESOLUTION APPROVING FOURTH AMENDMENT OF CERTIFICATE  
OF FORMATION**

**WHEREAS**, Chapter 431, Texas Transportation Code, authorizes the creation of a local government corporation to aid and act on behalf of a local government to accomplish any governmental purpose of the local government; and

**WHEREAS**, Houston Forensic Science Center, Inc. (“HFSC” or the “Corporation”) was incorporated on June 26, 2012 “to operate an independent center providing ... accurate and timely analysis of forensic evidence;” and

**WHEREAS**, access to federal grant funding is essential to the Corporation's fulfillment of said purpose; and

**WHEREAS**, HFSC has routinely been denied the opportunity to apply for certain federal programs, including grant programs, as an ineligible unit of local government/ governmental entity, due in part, to the Corporation’s Certificate of Formation; and

**WHEREAS**, the Corporation’s Certificate of Formation Article XIII “Public Instrumentality;” has been cited as a significant factor in HFSC’s previous letters of ineligibility from federal agencies; and

**WHEREAS**, language in the Corporation’s Certificate of Formation, Article XIII stating the Corporation is “... not a political subdivision or public or political authority of the State of Texas...” is limited and does not capture the full range of legal interpretations regarding the Corporation’s status as a public instrumentality; and

**WHEREAS**, the Corporation has prepared a Certificate of Amendment to theirs attached to this Resolution as Exhibit "A" and incorporated herein for all purposes);

**NOW, THEREFORE; BE IT RESOLVED BY THE DIRECTORS OF THE CORPORATION:**

**Section 1.** That the findings contained in the preamble of this Resolution are declared to be true and correct and are adopted as part of this Resolution.

**Section 2.** That the Corporation **APPROVES** the Amendment to the Corporation's Certificate of Formation in the form attached hereto as Exhibit "A".

**Section 3.** That, in keeping with Article XIV of the Corporation's Certificate of Formation, HFSC requests the consent of the Houston City Council to the filing of the said Amendment with the Secretary of State of Texas.

**Section 4.** That, after the Houston City Council has so consented, the Corporation instructs the President and CEO of the Corporation to execute the said Amendment and to file the Amendment with the Secretary of State, together with any required filing fee.

**Section 5.** That this Resolution shall take effect immediately upon its adoption by the Board of Directors.

**ADOPTED this 18th day of November 2022.**

**CERTIFICATE**

The undersigned hereby certifies that this Resolution 2022-002 was duly adopted by the Board of Directors of Houston Forensic Science Center, Inc., on the **18th** day of November, 2022.

**Executed this 21st day of November, 2022.**

*Amanda DeBerry*  
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**Signature**

Amanda DeBerry  
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**Printed Name, Corporate Secretary**