



Houston Forensic Science Center, Inc.

Board of Directors

Public Meeting

~ Minutes ~

Friday, March 10, 2023

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1. **CALL TO ORDER:**

At 9:00am, Board Chairwoman Stacey Mitchell called the meeting to order.

The Houston Forensic Science Center, Inc. (“HFSC” and/or the “corporation”) board of directors (the “board”) convened this in-person meeting on Friday, March 10, 2023, in the City Hall Council Annex Chamber, 900 Bagby Street (public level), Houston, Texas 77002. In a manner permitted by the corporation’s bylaws, the meeting was called by providing all directors with notice of the date, time and purpose of the meeting at least three days before the scheduled date.

In accordance with Chapter 551 of the Texas Government Code (Texas Open Meetings Act) a notice of this meeting was posted on the bulletin board located on the exterior wall of the City Hall building at 901 Bagby Street on March 10, 2023.

2. **ROLL CALL:**

The following board members were present in-person:

Chairwoman Stacey Mitchell
Vice-chairwoman Mary Lentschke
Philip Hilder
Francisco Medina
Vanessa Goodwin
Ellen Cohen
Lois Moore
Vicki Huff
Tracy Calabrese

The following board members were absent:

Anna Vasquez

Chairwoman Mitchell declared a quorum was present.

3. **APPOINTMENT OF BOARD SECRETARY:**

Chairwoman Mitchell expressed appreciation to interim corporation secretary Ashley Henry for her service to the board, specifically Mrs. Henry’s willingness to assist with board preparation and meeting coordination.

Chairwoman Mitchell introduced Ms. Sandra V. Ham, who was recently hired to serve as the HFSC Public Information Officer. In addition to that role, she was employed with the intent of being considered by the board for appointment as the corporate secretary. The chairwoman provided a brief

overview of Ms. Ham's resume and previous experience as a City Secretary with a Houston-area municipality.

Director Philip Hilder made a motion to appoint Ms. Ham as secretary of the corporation. Director Vanessa Goodwin seconded the motion, and the board unanimously approved the motion.

4. **PUBLIC COMMENT:**

Chairwoman Mitchell invited members of the public to address the board and make public comments. No members of the public addressed the board.

5. **REVIEW AND APPROVAL OF MINUTES FROM PRIOR MEETING:**

Following a motion by Director Ellen Cohen and seconded by Director Lois Moore, the board unanimously approved the January 13, 2023 meeting minutes as presented.

6. **CHAIRWOMAN STACEY MITCHELL'S REPORT:**

The chairwoman highlighted items of interest, including an update on matters for consideration by the City of Houston. The board previously approved an agreement for fleet services with the City which received final approval by Council. Dr. Peter Stout will proceed with fully executing the document on the corporation's behalf. Additionally, the previously approved amendment to the corporation's certificate of formation was also approved by City Council, and HFSC is in the process of finalizing the document with the Secretary of State. Chairwoman Mitchell recognized the City for their support of the organization.

Lastly, Chairwoman Mitchell acknowledged March as Women's History month and March 8, 2023 as International Women's Day. The chairwoman highlighted the large percentage of female personnel and leadership within the HFSC organization. She also recognized Director Moore, Director Cohen, and Vice Chair Lentschke for their significant service to Houston and Harris County.

7. **PRESIDENT AND CEO DR. PETER STOUT'S REPORT:**

Dr. Peter Stout began his presentation with an overview of the organization's operational highlights, which include a reduction in the backlog requests for seized drugs, latent print comparison, and digital multimedia. Of the seized drug requests, 85% of those were marijuana testing requests, overall reducing the marijuana backlog by approximately 40%. Director Francisco Medina requested additional details on the current backlog, with Dr. Stout indicating that HFSC will continue to utilize American Rescue Plan Act (ARPA) funds for backlog reduction.

Continuing, Dr. Stout discussed the potential impacts of the 88th Legislative Session, on account of Governor Greg Abbott's declaration of the fentanyl crisis as an emergency item. With increased attention on fentanyl, several bills have been introduced related to the requirement of fentanyl testing on all substances, and increased penalties for fentanyl related deaths. Both proposals could have a significant impact on the lab, resulting in additional support for testing, testimony, and documentation.

Vice Chair Mary Lentschke requested additional details on the practicality of testing large quantities of drugs for fentanyl. Dr. Stout clarified that HFSC's current process is to test a received substance to the highest sentencing threshold. Current proposed bill language stipulates testing of all substances received, even after thresholds have been met for prosecutorial purposes. Dr. Stout indicated first responder safety to be the motivation behind the bill's current language.

Dr. Stout continued with an overview of a potential bill mandating that law enforcement submit all drug materials seized to the lab for testing. He emphasized that the bill provides for the dismissal of charges if the required testing is not completed within 30 days from seizure. This timeline requirement could provide for an overall increased demand on crime labs state-wide.

Dr. Stout summarized the various bills related to medical cannabis, legalization, and decriminalization, with several bills attempting to better define hemp and marijuana from “intoxicating hemp” products. Dr. Stout recognized Delta 8 to be a significant driver of the regulation, as the drug maintains a highly complex chemistry which creates difficulties in defining the legality of the substance.

Dr. Stout ended his overview on the 88th Legislative Session with an update on additional bills that could have a potential impact on the organization, specifically those relating to the prioritization of homicide cases in the courts; declassification of fentanyl test strips as paraphernalia; post-conviction DNA testing; tracking of evidence, rights to information for victims, and the processing and sale of kratom and kratom products.

Additionally, there was a brief discussion amongst board members on the support by the House and Senate for each of the proposed bills. Clarification was requested on whether those Senate or House members consult with HFSC prior to bill introduction, with Dr. Stout responding that no prior considerations were given to HFSC.

Introducing the budget strategy discussion, Dr. Stout recognized that HFSC has received approximately \$5 million in ARPA funding and detailed the restrictions on the utilization of funds. In general, HFSC can employ temporary personnel, but cannot utilize funds for analysts and examiners.

In anticipation of the upcoming budget discussion, Dr. Stout provided a summary of the organization’s budget priorities. Recognizing all items to be essential, he detailed the requests from most important to important. Dr. Stout designated the most essential request to be funding for additional DNA outsourcing. Currently, the DOJ prevents HFSC from utilizing ARPA funds for DNA outsourcing, as the DOJ believes it to be a conflict in the use of federal funds already received by the organization.

Continuing with the budget priorities, Dr. Stout emphasized the need for additional staff, with the budget proposal including an increased number of firearms analysts, crime scene unit investigators, toxicologists, and a quality specialist. He also highlighted a need for equipment for the seized drugs, toxicology, and firearms sections.

8. **TREASURER AND CFO DAVID LEACH’S REPORT:**

Treasurer and CFO David Leach began by summarizing the most significant highlights regarding the proposed FY24 budget, which includes a \$3 million-dollar funding increase. This increase would allow for much needed resources in Forensic Biology, Firearms, Crime Scene Unit, Seized Drugs, Toxicology, Information Technology and Quality. Additionally, this budget proposal allocates funds to continue the outsourcing of cases to reduce the Forensic Biology backlog, as well as new equipment leases for various forensic sections.

Mr. Leach provided an overall glimpse into HFSC’s expenditures, highlighting HFSC’s significant expenditures for FY23 to be personnel and services. Personnel costs account for 65 percent of the organization’s total business spending. Services include outsourcing, which dramatically help reduce backlog among forensic sections.

Mr. Leach detailed HFSC's spending priorities, presenting the various allocations within the \$3 million proposed funding increase. The proposed \$33.458 million funding request to the City of Houston for FY24, inclusive of additional ARPA funding, provides for an 11% increase in revenue over the prior year.

Mr. Leach continued the presentation with an overview of spending and summarized the FY23 forecasted expenditures versus FY24 proposed expenditures. The change in expenditures from year to year is a 22% increase in spending. The presented forecast accounts for approximately \$31 million for personnel costs, which includes an additional 13 staff members and provides for a fully staffed organization. The increase in expenditures also provides for approximately \$2 million in funds for outsourcing and training services.

In reviewing the full HFSC FY24 budget, Mr. Leach provided the FY15 through FY24 total revenue and total expenditures, specifying that HFSC would be requesting \$31.5 million from the City of Houston. This request is presented as three separate budget lines on the budget proposal. Additional significant revenue includes \$1.95 million in ARPA funding, and \$1.6 million in federal grants.

Overviewing the changes for the FY24 budget, Mr. Leach highlighted the additional \$3 million funding increase request to the City of Houston. He also noted the FY24 budget accounts for a \$1 million decrease in ARPA funding, as HFSC received \$3 million in funds in FY23. Ending his overview, Mr. Leach indicated that total expenses after depreciation is forecasted at approximately \$39.5 million, for a total increase in expenses of \$6.8 million.

Director Medina requested additional details on the distribution of ARPA funds, with Mr. Leach noting ARPA funding will conclude in FY24. Dr. Stout clarified that ARPA funding needs to be obligated by June 2024 and expended by 2025.

Mr. Leach presented the organization's average annual personnel count, with 232 total number staff members proposed for FY24. The budget includes almost \$23 million in "people costs," an increase of \$2.7 million from the previous year and inclusive of an additional 13 staff members. This personnel count is based on no vacancies within the organization. Mr. Leach detailed employee costs from FY19 through the proposed FY24 budget. A brief discussion was held on recruitment, retention, as well as training difficulties. Overall, Mr. Leach emphasized that the funding increase will provide for new work and services to be completed.

Mr. Leach ended his presentation with a description of capital expenditures, with a large component of spending related to technology and access to information. Dr. Stout clarified that there is an increase in documentation demand, and this funding will improve automation. Mr. Leach detailed the remaining capital items, including CSU vehicles, LCMS leases, microscopes, and data storage, totaling approximately \$1.3 million in capital spending.

8a. **CONSIDER APPROVAL OF HFSC'S FY24 BUDGET PROPOSAL:**

Mr. Leach requested the board's consideration to approve HFSC's FY24 budget as presented, inclusive of the \$31.508 million funding request from the City of Houston for total revenue of \$35.115 million, and total expenditures after depreciation of \$39.543 million.

Director Francisco Medina made a motion to approve the proposed FY24 budget, and Director Lois Moore seconded the motion. The board unanimously approved the motion.

9. **INTERIM QUALITY DIRECTOR JACKELINE MORAL'S REPORT:**

Interim Quality Director Jackeline Moral began the discussion by thanking the board for the opportunity to serve in the interim position, and anticipates a seamless transition from the former director.

Mrs. Moral continued by discussing the corporation's blind quality control metrics, reporting HFSC met all submission goals for January and February. In addition, she highlighted the recent publication of two articles related to latent print examination by Quality Associate Maddisen Neuman.

Next, Mrs. Moral provided an update on the recent Texas Forensic Science Commission disclosure related to the misidentification of an un-controlled isomer of alprazolam (xanax). She indicated that this isomer is an emerging designer benzodiazepine that has the exact molecular weight of alprazolam but with a differing chemical structure. In conclusion, TFSC voted "no further action" on this misidentification.

Director Medina inquired whether there were any adverse consequences with the misidentification, as related to the judicial process. General Counsel Akilah Mance indicated that she was in communication with the Harris County District Attorney's Office on the potential consequences, as the misidentification affected one known case.

Interim Quality Director Moral proceeded with an overview of the 2023 internal audit program. The internal audit will demonstrate HFSC's compliance to all accreditation standards, the HFSC quality manual, OSAC registry standards, and section specific standard operating procedures. Additionally, the organization will undergo the ANAB Surveillance Document Review process, which will focus on a subset of accreditation requirements.

Mrs. Moral concluded her presentation with the 2023 testimony data year-to-date. For January and February, HFSC had 32 analysts testify, with approximately 50% of those testimonies monitored. She continued by overviewing the testimony hours, specifically detailing the hours spent on the stand versus hours waiting to testify. Mrs. Moral also detailed the waiting hours by section, with the crime scene unit spending the largest amount of waiting hours to testify. Mrs. Moral recognized that with the requirement for testimony to be monitored, there is also uncounted waiting hours by monitors.

Chairwoman Mitchell emphasized a need for the organization to maintain open communication with the District Attorney's Office and judges to ensure the full impact of testimony is recognized. Director Hilder requested a comparison of time spent waiting versus previous years, with Mrs. Moral responding that data had not been captured prior to 2018, and additionally the pandemic would provide for abnormal data points.

Chairwoman Mitchell thanked Mrs. Moral for her willingness to serve in the interim role, and commended her for her first official board meeting in the interim director capacity.

10. CLOSED MEETING/EXECUTIVE SESSION:

The board convened in a closed meeting, also referred to as executive session. The executive session was held in accordance with Texas Government Code Sections 551.071, consultation with attorney and 551.072, deliberation regarding real property, for the potential lease of a facility to house expansion of HFSC operations to include management of property and evidence. Chairwoman Mitchell closed the open meeting at 10:33am and convened the executive session, at 10:35am.


11. RECONVENE INTO OPEN MEETING:

At 11:10am., Chairwoman Mitchell reconvened the open meeting. She announced a quorum was present.

12. **ADJOURNMENT:**

Chairwoman Mitchell requested a motion to adjourn the meeting. Director Ellen Cohen made a motion to adjourn. Director Philip Hilder seconded the motion. The meeting adjourned at 11:11 am.

The undersigned secretary of the board hereby certifies the following are true and correct minutes of the March 10, 2023 public meeting of the board.

By:  _____
Sandra V. Ham
Board Secretary