

Houston Forensic Science Center, Inc.

MEETING OF BOARD OF DIRECTORS
MINUTES

November 14, 2014

The undersigned, being the duly appointed Secretary of the Houston Forensic Science Center, Inc., (the "Corporation"), hereby certifies that the following are true and correct minutes of the November 14, 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 November 7, 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 10:01 a.m. on Friday, November 14, 2014, in the Council Annex Chambers, 900 Bagby St. (Public Level), Houston, Texas 77002.
- D. Ms. Wieringa called the roll. The following Directors were present: Scott Hochberg, Nicole B. Cásarez, Carolyn Hanahan, Hiram A. "Art" Contreras, Judge Willie E. B. Blackmon, and Tom P. Allen (ex-officio).

The following Directors were absent: Dr. Enrique V. Barrera, Anthony T. Robinson, and Sandra Guerra Thompson.

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

- E. Mr. Hochberg noted that a draft of the minutes of the Corporation's meeting on October 10, 2014 had been distributed to the Board. Ms. Hanahan made a motion to approve the minutes of the October 10, 2014 minutes, and the motion was seconded by Judge Blackmon. The motion passed unanimously, and the minutes of the October 10, 2014 meeting were adopted.
- F. 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.
- G. Mr. Hochberg presented a proposal for ratification of previous Board actions. He reported that the reappointments of Dr. Barrera, Judge Blackmon, and Ms. Cásarez had been completed. He noted that it is the view of Mr. Allen that all action which required a vote had a quorum of the legally and duly constituted Board members. Mr. Hochberg moved to ratify all action taken during the July, August, September, and October 2014 Board meetings, and the motion was seconded by Mr. Contreras. The motion passed unanimously.
- H. Captain Jennifer Evans of the Special Victims Division of the Houston Police Department (HPD) provided an update regarding the status of the sexual assault kit (SAK) project. Captain Evans

provided the background and discussed the changes since the SAK project started within HPD. She discussed the purpose and history of the NIJ grant funding and explained the SAK Task Force. Captain Evans explained the DNA Backlog Clearance Project, and noted that she would include the Board members on the quarterly newsletter distribution list. Captain Evans reported that there is now a sexual assault information line, and noted that this information would be made available on the Houston Forensic Science Center (HFSC) website.

- I. President and CEO, Dr. Daniel Garner, provided a report on the status of the potential Interlocal Agreement with the City of Pasadena. Dr. Garner noted that a meeting will be held with Pasadena to discuss the progress of the agreement. He reported that the agreement would consist of the HFSC taking over operation of the Pasadena forensic laboratory including trained and experienced personnel, equipment, and accredited facility. Dr. Garner explained the details of the draft agreement. Per Mr. Hochberg's request, Dr. Garner explained that the primary areas of the Pasadena laboratory would continue to be maintained by the personnel within the Pasadena forensic laboratory and therefore the caseload would not have a negative impact on the capability of the HFSC. Mr. Hochberg requested that a list of the value of the equipment be provided to the Board.
- J. President and CEO, Dr. Daniel Garner, provided a President's report to the Board. Dr. Garner provided a personnel report including current staffing updates. He provided an update on the status of the Chief Operating Officer applicant interviews. Dr. Garner introduced the new Scientific Training Director, Ms. Soraya McClung, and shared her credentials and experience. He noted that Ms. McClung is focused on the NIST Center of Excellence funding opportunity with help from TAG member, Dr. Clifford Spiegelman.

Dr. Garner discussed case metrics. Mr. Hochberg requested that an overview of these numbers be presented at the December Board meeting to assess targets and any weaknesses within the numbers. Dr. Garner provided a report on technology updates, noting that once approved all Board member biographies would be posted on the HFSC website. Dr. Garner provided a report on media updates and noted that a monthly newsletter for the HFSC would be distributed and shared with the Board.

Dr. Garner provided a report on new business opportunities. He noted that the District Attorney from Alameda County, California would be visiting the HFSC to discuss issues similar to those presented by Captain Evans. Dr. Garner provided a training report. He reported that City Attorney David Feldman conducted training on ethics for the HFSC staff and the HFSC management staff attended a diversity training presented by the Anti-Defamation League (ADL).

Dr. Garner provided a report on planned initiatives. Dr. Garner noted that he would be visiting the University of Pennsylvania Law School to conduct a presentation on November 20th and 21st and noted that the HFSC is hosting a holiday party on December 12th.

- K. CFO and Treasurer, Ms. Linda Harvey, provided a Treasurer's report. Ms. Harvey noted that the AP aging report and HPD billing statement for September had been provided to the Board. Ms. Harvey reviewed the Comparative Statement of Net Position, Comparative Statement of Activities, and various charts and graphs provided through October 31, 2014. Mr. Hochberg requested that Ms. Harvey provide a proposal of budget variation guidelines at the next Board meeting. Mr. Hochberg reported that he and Dr. Garner recently met with Mr. Kelly Dowe. He

reported that the Mayor is recommending, in addition to the revised base budget, an additional \$2.2M in new funds plus the retention of the ending FY '15 balance, subject to approval by City Council. Mr. Hochberg reported that a meeting would be arranged with the Public Safety Committee for further discussions.

- L. Director of the Forensic Analysis Division, Ms. Irma Rios, provided a quality assurance report. She reviewed the Quality Division Update for October 2014. She reviewed the testimony monitoring, proficiency tests, incidents/corrective/preventative action, public service, audits and inspections, complaints, and other sections of the quality assurance report. Ms. Rios provided a report on the progress of the accreditation timelines in the various sections. Ms. Rios reported that the quality division would be pursuing Corrective and Preventative Action (CAPA) training for the unaccredited sections.
- M. Mr. Hochberg introduced the follow-up report on the previous discussion regarding the investigation by the Texas Forensic Science Commission (TFSC). Dr. Garner reported that communication with HPD had been initiated regarding officer's evidence discrepancies, and he noted that he would follow-up on the preferred process. Dr. Garner reported that he and Mr. Allen are in the process of scheduling a meeting with the District Attorney to establish a process by which notification of evidence discrepancies are communicated between the HFSC and the District Attorney.

Ms. Young provided a report on the status of the Progressive Correction Action Policy which includes guidelines for written notification to employees regarding disciplinary actions. She explained that the policy closely follows the guidelines in the City of Houston (COH) policy. Ms. Young reported that management training is scheduled in December and will include training on how to implement the Progressive Corrective Action Policy. Mr. Hochberg requested that Ms. Young provide a copy of the Progressive Corrective Action Policy to the members of the Board.

Dr. Garner provided a report on the NMS Labs contract for the toxicology section. Mr. Hochberg requested that resumes of the NMS Labs employees contracted with the HFSC be provided to the Board.

Mr. Hochberg suggested that the HFSC notify the TFSC of actions that have been taken by the HFSC thus far.

- N. Mr. Robinson joined the November 14th meeting at approximately 11:54 a.m.
- O. Mr. Allen presented the discussion on the proposal for a policy regarding communications between HFSC personnel and third parties. The members of the Board discussed the policy in great detail and also discussed the need for training.

Mr. Hochberg made a motion to accept the recommendation presented by Mr. Allen of draft 2.2 of the policy regarding communications with third parties with modifications including the broadening of the definition of legal request to also include any request from an investigative entity, deletion of procedure paragraphs 1, 7, 8, 9, and 10, and inclusion of verbiage that this policy is superseded by the quality manual where it applies. The motion was seconded by Judge Blackmon.

Mr. Hochberg offered an amendment to his motion that procedure paragraph 11 be elevated in the procedural list to a place of more prominence so that it is not an afterthought. The amendment was adopted without objection.

Mr. Hochberg's motion, as amended, passed unanimously.

P. There being no other business, the meeting was ADJOURNED at 1:00 p.m.

Houston Forensic Science Center, Inc.

By: Ashley Wieringa

Ashley Wieringa

Secretary