

JUN 26 2012

CERTIFICATE OF FORMATION

HOUSTON FORENSIC SCIENCE LGC, INC.

Corporations Section

We, the undersigned persons, each of whom is at least eighteen years of age, a resident and a qualified voter of the City of Houston, Texas (the "City") and a citizen of the State of Texas, acting as incorporators of a local government corporation under the provisions of Chapter 431, Subchapter D, of the Texas Transportation Code ("Chapter 431"), do hereby adopt this Certificate of Formation ("this Certificate") for the said corporation:

ARTICLE I. NAME

The name of the corporation shall be HOUSTON FORENSIC SCIENCE LGC, INC. (the "Corporation").

ARTICLE II. NON-PROFIT

The Corporation shall be a public non-profit local government corporation created and operated in accordance with Chapter 431 and other applicable laws.

ARTICLE III. DURATION

The period of the duration of the Corporation shall be perpetual.

ARTICLE IV. PURPOSE, ACTIVITIES

- A. The Corporation shall be incorporated to aid and to act on behalf of the City to accomplish a governmental purpose of the City; namely, to operate an independent center (the "Houston Forensic Science Center" or the "Center") to provide accurate and timely analysis of forensic evidence and related services. To accomplish the said purpose, the Corporation shall be authorized:
1. To contract with persons and with governmental, for-profit, and non-profit entities for the procurement of facilities, equipment, and services; the hiring of personnel; and the operation of the Center;
 2. To acquire, hold, and convey interests in real and personal property;
 3. To accept funds and property appropriated by the City, other governments, individuals, and for-profit and non-profit entities;
 4. To apply for grants of funds, services, and things of value and to accept awards of such grants;

5. To accept donations of funds, services, and things of value;
 6. To issue bonds, notes, and other debt obligations as necessary for the accomplishment of the governmental purpose stated above, *provided that* the Corporation shall not incur debt without the consent of the City Council of the City (the "City Council"), as evidenced by a resolution approved by a majority vote; and
 7. To engage in other lawful activities to accomplish the governmental purpose stated above.
- B. To the extent permitted by law, the Corporation shall comply with the City's prevailing wage and minority/women, disadvantaged business enterprise policies.
- C. The Corporation shall comply with all applicable provisions of the Texas Open Meetings Act (Chapter 551, Texas Government Code) and the Texas Public Information Act (Chapter 552, Texas Government Code).

ARTICLE V. NO MEMBERS; NO STOCK

The Corporation shall have no members and no stock.

ARTICLE VI. BOARD OF DIRECTORS

- A. The affairs of the Corporation shall be managed by nine Directors appointed by the Mayor of the City (the "Mayor") and confirmed by the City Council, as evidenced by a resolution approved by a majority vote. As prescribed by Section 431.102(c), Texas Transportation Code, a majority of the Directors shall be residents of the City. In the aggregate, the Directors shall be qualified to govern a forensic science center and to provide guidance regarding forensic science issues from the perspectives of science, law enforcement, public policy, business, persons accused of crimes, and the general public.
- B. The initial terms of Director Nos. 1, 3, 5, 7, and 9 shall expire on June 30, 2015. The initial terms of Director Nos. 2, 4, 6, and 8 shall expire on June 30, 2014. After completion of the first term, the term of each Director shall be three years.
- C. Director No. 1 shall be the Chairman of the Board.
- D. A Director may be removed from the Board only by a resolution approved by a majority vote of the City Council finding that the Director has committed one or more of the acts or omissions described in Section 7.001(c), Texas Business Organizations Code.

- E. The number of Directors may be revised only by amendment of this Certificate. Notwithstanding Paragraph D immediately above, one or more of Director Nos. 5 through 9 may be removed from the Board by an amendment of this Certificate to add one or more other governmental entities, including but not limited to Harris County, Texas, as a joint sponsor of the Corporation and to provide for the appointment of Directors by such other entity or entities. Removal of a Director under the circumstances contemplated by this Paragraph E shall be without cause and shall not constitute any judgment whatsoever regarding the Director's service to the Corporation.
- F. Should a Director resign, be removed, or become incapacitated before the end of his or her term, the position shall be filled for the remainder of the unexpired term by appointment of the Mayor, which appointment shall be confirmed by the City Council, as evidenced by a resolution approved by a majority vote.
- G. As required by Section 431.101(c), Texas Transportation Code, the provisions of Chapter 22, Texas Business Organizations Code, relating to powers, standards of conduct, and interests in contracts apply to each Director.
- H. Other matters pertaining to the affairs of the Corporation shall be governed by the Bylaws of the Corporation, which Bylaws shall not be inconsistent with this Certificate or with the laws of the State of Texas.
- I. The Mayor may designate an attorney licensed to practice law in Texas to serve as an ex-officio, non-voting member of the Board in the manner prescribed by Section 22.210, Texas Business Organizations Code. An attorney so designated shall serve at the pleasure of the Mayor and may be compensated by the City.

ARTICLE VII. INITIAL BOARD

The initial Directors of the Corporation shall be as follows:

Director	Name	Address
1	Hon. Scott Hochberg	7011 Harwin Dr., No. 230 Houston, Texas 77036
2	Nicole B. Cásarez	c/o Communication Department University of St. Thomas 3800 Montrose Blvd. Houston, Texas 77006

3	Marcia Johnson	c/o Thurgood Marshall School of Law Texas Southern University 3100 Cleburn St., Suite 236-B Houston, Texas 77004
4	Enrique V. Barrera	c/o Dept. of Mechanical Engineering Rice University P.O. Box 1892 Houston, Texas 77251-1892
5	Hiram A. "Art" Contreras	P.O. Box 130383 Houston, Texas 77219-0383
6	Catherine Lamboley	P.O. Box 27557 Houston, Texas 77227
7	Donna Fujimoto Cole	c/o Cole Chemical & Distributing, Inc. 1500 S. Dairy Ashford, Suite 450 Houston, Texas 77077
8	Willie E. B. Blackmon	218 De Haven St. Houston, Texas 77029
9	Sandra Guerra Thompson	c/o University of Houston Law Center 100 Law Center Houston, Texas 77204

ARTICLE VIII. TECHNICAL ADVISORY GROUP

At such times and under such circumstances as the Board deems necessary, the Board may appoint persons to the Corporation's Technical Advisory Group (the "TAG"), whose members shall advise the Board individually or collectively regarding best practices for the management and operation of a forensic science center, especially with regard to obtaining and maintaining the highest levels of accreditation through the ASCLD/*International* Program or its equivalent. No member of the Board shall be appointed to the TAG. Members of the TAG shall serve under such terms as may be determined by the Board, which terms may include the payment of reasonable compensation.

ARTICLE IX. INITIAL REGISTERED OFFICE AND REGISTERED AGENT

The street address of the Corporation's initial registered office is c/o City Attorney, 900 Bagby, 4th Floor, Houston, Texas, 77002. The initial registered agent is David M. Feldman, the City Attorney of the City and a resident of the State of Texas. Mr. Feldman has consented to this appointment.

ARTICLE X. INCORPORATORS

The names of the incorporators, each of whom is more than 18 years of age and resides in the City, are as follows:

Name	Address
David M. Feldman	900 Bagby St., 4 th Floor, Houston, Texas 77002
Andrew F. Icken	901 Bagby St., 4 th Floor, Houston, Texas 77002
Tom P. Allen	900 Bagby St., 4 th Floor, Houston, Texas 77002

ARTICLE XI. LIMITED LIABILITY

No Director of the Corporation shall be liable for monetary damages for an act or omission in the Director's capacity as a Director unless the Director has committed one or more of the acts or omissions described in Section 7.001(c), Texas Business Organizations Code. Any repeal or amendment of this Article shall be prospective only and shall not adversely affect any limitation on the personal liability of a Director existing at the time of such repeal or amendment. In addition to the circumstances in which a Director is not personally liable set forth in this Article XI, a Director shall not be liable to the fullest extent permitted by any amendment to any Texas statute hereafter enacted that further limits the liability of a director.

ARTICLE XII. TAX MATTERS

In accordance with Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and regardless of any other provision of this Certificate, the Corporation (a) shall not permit any part of its net earnings to inure to the benefit of any private individual (except that reasonable compensation may be paid for services rendered to or for the Corporation in effecting its governmental purpose); (b) shall not devote more than an insubstantial part of its activities or income to attempting to influence legislation; and (c) shall not participate or intervene in any political campaign on behalf of (or in opposition to) any candidate for public office by any means, including the publication or distribution of statements.

ARTICLE XIII. PUBLIC INSTRUMENTALITY

The Corporation is a constituted authority and a public or governmental instrumentality within the meaning of the regulations of the United States Treasury Department and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to Section 103 of the Internal Revenue Code. Although the Corporation is authorized to act on behalf of one or more governmental entities as provided in this Certificate, the Corporation is not a political subdivision or political authority of the State of

Texas within the meaning of the constitution and laws of the State of Texas, including, without limitation, Article III, Section 52, of the said constitution, and no agreement, bond, debt, or obligation of the Corporation shall be deemed to be the agreement, bond, debt, or obligation, or the lending of credit, or a grant of public money or thing of value, of or by the City or any other political subdivision or authority or agency of the State of Texas, or a pledge of the faith and credit of any of them. No action of the Corporation shall be an action of the City or its agents or employees, and neither this Certificate nor any action by the Board or the City Council shall create a joint enterprise.

ARTICLE XIV. AMENDMENT

This Certificate may not be amended without the prior consent of the City Council, as evidenced by a resolution approved by a majority vote.

ARTICLE XV. DISSOLUTION

The Corporation may be dissolved only in the manner prescribed by Section 394.026, Texas Local Government Code, *provided that* no certificate effecting a dissolution of the Corporation shall be executed without the prior consent of the City Council, as evidenced by a resolution approved by a majority vote.

ARTICLE XVI. RULES OF CONSTRUCTION; DEFINITIONS

This Certificate shall be construed under the laws of the State of Texas, and all references to statutes, regulations, ordinances, and orders shall be construed to include any amendments of the said laws. The rules of construction and definitions in Section 1-2 of the City's Code of Ordinances shall apply to this Certificate.

ARTICLE XVII. SPONSOR

The City has authorized the Corporation to act on the City's behalf to further the governmental purpose stated above. The City Council approved the form of this Certificate by adopting Resolution No. 2012-0017 on June 6, 2012.

ARTICLE XVIII. EFFECTIVE DATE; AUTHORIZATION TO FILE

This Certificate shall be effective when fully executed and filed with the Office of the Texas Secretary of State. Each of the undersigned executes this instrument subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that he is authorized to execute this instrument.

David M. Feldman

David M. Feldman, Incorporator
City Attorney
City of Houston
900 Bagby St., 4th Floor
Houston, Texas 77002

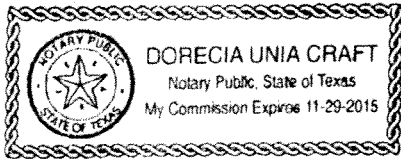
Verification

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared David M. Feldman, known to me to be the person whose name is subscribed immediately above, and, being by me first duly sworn, declared that the statements contained in this Certificate of Formation are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on June 22nd, 2012, to certify which witness my hand and seal of office.

Notary Public's Stamp or Seal:



Dorecia Unia Craft
Notary Public in and for the State of Texas

[Handwritten Signature]

Andrew F. Icken, Incorporator
Director of Development
City of Houston
901 Bagby St., 4th Floor
Houston, Texas 77002

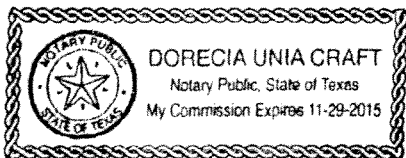
Verification

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Andrew F. Icken, known to me to be the person whose name is subscribed immediately above, and, being by me first duly sworn, declared that the statements contained in this Certificate of Formation are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on June 22nd, 2012, to certify which witness my hand and seal of office.

Notary Public's Stamp or Seal:



[Handwritten Signature]

Notary Public in and for the State of Texas

Tom P. Allen

Tom P. Allen, Incorporator
First Assistant City Attorney
City of Houston
900 Bagby St., 4th Floor
Houston, Texas 77002

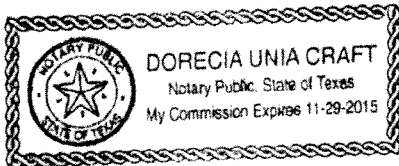
Verification

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Tom P. Allen, known to me to be the person whose name is subscribed immediately above, and, being by me first duly sworn, declared that the statements contained in this Certificate of Formation are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME on June 22nd, 2012, to certify which witness my hand and seal of office.

Notary Public's Stamp or Seal:



Dorecia Unia Craft
Notary Public in and for the State of Texas

Form 424
(Revised 05/11)
Submit in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555
FAX: 512/463-5709
Filing Fee: See instructions



Certificate of Amendment

This space reserved for office use.

FILED
In the Office of the
Secretary of State of Texas

JUN 20 2014

Corporations Section

Entity Information

The name of the filing entity is:

Houston Forensic Science LGC, Inc.

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

- | | |
|---|---|
| <input type="checkbox"/> For-profit Corporation | <input type="checkbox"/> Professional Corporation |
| <input checked="" type="checkbox"/> Nonprofit Corporation | <input type="checkbox"/> Professional Limited Liability Company |
| <input type="checkbox"/> Cooperative Association | <input type="checkbox"/> Professional Association |
| <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Limited Partnership |

The file number issued to the filing entity by the secretary of state is: 801620684

The date of formation of the entity is: June 26, 2012

Amendments

1. Amended Name

(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

2. Amended Registered Agent/Registered Office

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:

RECEIVED

JUN 20 2014

Secretary of State

Registered Agent
(Complete either A or B, but not both. Also complete C.)

A. The registered agent is an organization (cannot be entity named above) by the name of:

OR

B. The registered agent is an individual resident of the state whose name is:

<i>First Name</i>	<i>M.I.</i>	<i>Last Name</i>	<i>Suffix</i>
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The person executing this instrument affirms that the person designated as the new registered agent has consented to serve as registered agent.

C. The business address of the registered agent and the registered office address is:

<i>Street Address (No P.O. Box)</i>	<i>City</i>	TX	<i>State</i> <i>Zip Code</i>
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3. Other Added, Altered, or Deleted Provisions

Other changes or additions to the certificate of formation may be made in the space provided below. If the space provided is insufficient, incorporate the additional text by providing an attachment to this form. Please read the instructions to this form for further information on format.

Text Area (The attached addendum, if any, is incorporated herein by reference.)

Add each of the following provisions to the certificate of formation. The identification or reference of the added provision and the full text are as follows:

New ARTICLE IV(D):

D. To the extent authorized by the DNA Identification Act of 1994, 42 U.S.C. § 14132, the Corporation may engage in the analysis of forensic DNA evidence on behalf of criminal justice agencies, which analysis may involve access to the Combined DNA Index System ("CODIS") established and managed by the Federal Bureau of Investigation. With regard to every such activity the Corporation shall comply with:

1. The quality control requirements stated in 42 U.S.C. § 14132(b)(1) & (2); and
2. The privacy requirements stated in 42 U.S.C. § 14132(b)(3), specifically including the requirement that stored DNA samples and DNA analyses be disclosed only:
 - (a) to criminal justice agencies for law enforcement identification purposes;
 - (b) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;
 - (c) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or
 - (d) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

Alter each of the following provisions of the certificate of formation. The identification or reference of the altered provision and the full text of the provision as amended are as follows:

Delete each of the provisions identified below from the certificate of formation.

Statement of Approval

The amendments to the certificate of formation have been approved in the manner required by the Texas Business Organizations Code and by the governing documents of the entity.

Effectiveness of Filing (Select either A, B, or C.)

- A. This document becomes effective when the document is filed by the secretary of state.
- B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: _____
- C. This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90th day after the date of signing is: _____

The following event or fact will cause the document to take effect in the manner described below:

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: 6-13-14

By:

DANIEL D. GARNER

Daniel D. Garner

Signature of authorized person

Daniel D. Garner, Ph.D.
President and Chief Executive Officer
Houston Forensic Science LGC, Inc.

DANIEL D. GARNER

Printed or typed name of authorized person (see instructions)

Form 424
(Revised 05/11)

Submit in duplicate to:
Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
512 463-5555
FAX: 512/463-5709
Filing Fee: See instructions



Certificate of Amendment

This space reserved for office use.

FILED
In the Office of the
Secretary of State of Texas
AUG 12 2014
Corporations Section

Entity Information

The name of the filing entity is:

Houston Forensic Science LGC, Inc.

State the name of the entity as currently shown in the records of the secretary of state. If the amendment changes the name of the entity, state the old name and not the new name.

The filing entity is a: (Select the appropriate entity type below.)

- | | |
|---|---|
| <input type="checkbox"/> For-profit Corporation | <input type="checkbox"/> Professional Corporation |
| <input checked="" type="checkbox"/> Nonprofit Corporation | <input type="checkbox"/> Professional Limited Liability Company |
| <input type="checkbox"/> Cooperative Association | <input type="checkbox"/> Professional Association |
| <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Limited Partnership |

The file number issued to the filing entity by the secretary of state is: 801620684

The date of formation of the entity is: June 26, 2012

Amendments

1. Amended Name

(If the purpose of the certificate of amendment is to change the name of the entity, use the following statement)

The amendment changes the certificate of formation to change the article or provision that names the filing entity. The article or provision is amended to read as follows:

The name of the filing entity is: (state the new name of the entity below)

Houston Forensic Science Center, Inc.

The name of the entity must contain an organizational designation or accepted abbreviation of such term, as applicable.

2. Amended Registered Agent/Registered Office

The amendment changes the certificate of formation to change the article or provision stating the name of the registered agent and the registered office address of the filing entity. The article or provision is amended to read as follows:

Registered Agent
(Complete either A or B, but not both. Also complete C.)

A. The registered agent is an organization (cannot be entity named above) by the name of:

OR

B. The registered agent is an individual resident of the state whose name is:

First Name *M.I.* *Last Name* *Suffix*

The person executing this instrument affirms that the person designated as the new registered agent has consented to serve as registered agent.

C. The business address of the registered agent and the registered office address is:

Street Address (No P.O. Box) *City* *State* *Zip Code*

TX

3. Other Added, Altered, or Deleted Provisions

Other changes or additions to the certificate of formation may be made in the space provided below. If the space provided is insufficient, incorporate the additional text by providing an attachment to this form. Please read the instructions to this form for further information on format.

Text Area (The attached addendum, if any, is incorporated herein by reference.)

Add each of the following provisions to the certificate of formation. The identification or reference of the added provision and the full text are as follows:

Alter each of the following provisions of the certificate of formation. The identification or reference of the altered provision and the full text of the provision as amended are as follows:

Delete each of the provisions identified below from the certificate of formation.

Statement of Approval

The amendments to the certificate of formation have been approved in the manner required by the Texas Business Organizations Code and by the governing documents of the entity.

Effectiveness of Filing (Select either A, B, or C.)

- A. This document becomes effective when the document is filed by the secretary of state.
- B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of signing. The delayed effective date is: _____
- C. This document takes effect upon the occurrence of a future event or fact, other than the passage of time. The 90th day after the date of signing is: _____

The following event or fact will cause the document to take effect in the manner described below:

Execution

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: 8-7-14

By: Daniel D. Garner
Daniel D. Garner
Signature of authorized person

Daniel D. Garner, Ph.D., President and CEO
Printed or typed name of authorized person (see instructions)