

# SANTA CLARA COUNTY HUMAN TRAFFICKING COMMISSION

## BYLAWS

### **I. Establishment of the Human Trafficking Commission**

On April 29, 2014, the Board of Supervisors (“Board”) of the County of Santa Clara (“County”) directed County administration to create a Human Trafficking Commission (“Commission”). See April 29, 2014 (Item 16) Transmittal to the Board of Supervisors from Supervisor Cindy Chavez (“Commission Transmittal”) at p. 1.

### **II. Purpose, Role, and Responsibilities.**

The transmittal pursuant to which the Board created the Commission described its purpose, role, and responsibilities as follows:

The Human Trafficking Commission will 1) investigate the nature and scope of human trafficking in the County, including both labor and sex trafficking; 2) identify model victim-centered polices, services, and preventative measures to address this issue; 3) make legislative and policy recommendations to the [Board]; 4) support the apprehension and prosecution of traffickers; and 5) collaborate with partners regionally, nationally, and internationally to share information and strategies for ending human trafficking....

The Commission will periodically report its progress to the Board through the Public Safety and Justice Committee...

Because of the broad scope of the problem, the Commission will focus on the following initial projects with the goal of completing them within six months. These projects target (1) known issues that need to be addressed and (2) the gathering of additional data that will focus future efforts. The Commission will determine its subsequent projects based on the data gathered.

#### *1. Sex Trafficking*

Recognizing that an existing workgroup is drafting a protocol to guide local law enforcement in utilizing best practices when they encounter Commercial Sexual Exploitation of Children (CSEC) youth, the Commission may work to streamline the provision of services to CSEC youth through non-law-enforcement agencies, other County departments and community organizations.

The Commission will work with the police departments and the Sheriff to develop a coordinated response to sex and labor trafficking. For instance, an influx is expected during the 2016 Super Bowl. Alternatively, the Commission will recommend that the Board of Supervisors provide funding to a non-profit organization to coordinate this response.

## 2. *Labor Trafficking*

The Commission will partner with the San Jose Police Department, with local agencies, and federal agencies that inspect various businesses, and with victim service provider organizations to develop trainings for law enforcement and other public agencies designed to assist in identification of labor trafficking.

The Commission will also create a community engagement plan directed towards prevention, to raise awareness, and to educate the public on labor trafficking.

## 3. *Prosecution*

The Commission will collaborate with law enforcement and the District Attorney's office to marshal resources to facilitate the prosecution of human traffickers.

The Commission will also identify innovative approaches to target individuals and entities that profit indirectly from human trafficking.

## 4. *Data Gathering*

The Commission will request data from County departments, service providers, and local law enforcement to determine the nature and scope of labor and sex trafficking in Santa Clara County, current resources available to trafficking victims, and the efficiency of current policies and programs. If data is limited or unavailable, the Commission will evaluate and improve the County's mechanisms for gathering data on trafficking within the County. This data will inform the Commission's future projects.

Commission Transmittal at pp. 1-4.

### **III. Term**

The Commission will meet at least six times a year for two years, ending in August 2016. At the conclusion of those two years, the Board will determine whether to extend or revise the operations of the Commission based on the needs of the County.

### **IV. Membership**

#### **A. General Members**

The general membership of the Commission shall consist of:

- i. Supervisor Cindy Chavez
- ii. District Attorney Jeff Rosen
- iii. Sheriff Laurie Smith

- iv. The Public Defender or her designee
- v. The County Counsel or his designee
- vi. The Chief of Probation or her designee
- vii. The Director of Social Services or his designee
- viii. The Mental Health Director or her designee
- ix. The Director of the Office of Women's Policy or her designee
- x. A Representative of the Santa Clara County Police Chief's Association
- xi. The San Jose Police Chief or his designee
- xii. The Santa Clara Police Chief or his designee
- xiii. A Representative of the Federal Bureau of Investigations
- xiv. The Honorable Patrick Tondreau
- xv. The Honorable Risë Jones Pichon
- xvi. Two Representatives Nominated by the South Bay Coalition to End Human Trafficking
- xvii. A Labor Representative Nominated by the South Bay Labor Council
- xviii. A Business Representative Nominated by the San Jose Silicon Valley Chamber of Commerce
- xix. The Mayor of the City of San Jose or his designee
- xx. The Mayor of the City of Santa Clara or his designee
- xxi. The General Manager of the Valley Transportation Authority or her designee

If a member appoints a designee to serve on the Commission in his or her place, that designee must have the authority necessary to vote on any matter that comes before the Commission for decision. If any member appoints a designee, he or she shall promptly notify the Clerk of the Board. Thereafter, the designee shall be the named member of the Commission for quorum purposes.

#### **B. Advisory Members**

The following governmental officials will serve as advisory members of the Commission: Congressmembers Zoe Lofgren, Anna Eshoo, and Mike Honda; a representative of the U.S. Department of Justice; and a representative from the California Attorney General's Office.

Advisory members will sit with the Commission and participate in discussions at all meetings they are able to attend. However, advisory members are not counted for purposes of establishing a quorum and are not voting members of the Commission. When an advisory member is present at a meeting during which the Commission votes to make a recommendation to the Board of Supervisors or any other body or official, the Commission secretary shall record the concurrence or non-concurrence of the advisory member with the recommendation of the Commission. The concurrence or non-concurrence of the advisory member shall be

communicated to the Board of Supervisors or other body or official along with the recommendation of the Commission.

### **C. Alternates**

All general and advisory Commission member positions shall also have a named alternate, appointed in the same manner and by the same appointing authority as the primary member. Each alternate is responsible for being informed sufficiently to represent the primary member at meetings and to vote should the primary member be unable to attend a meeting.

### **V. Co-Chairs**

Supervisor Chavez, District Attorney Rosen, and Sheriff Smith shall serve as Co-Chairs of the Commission.

### **VI. Attendance**

Every Commission member shall attempt to attend each meeting of the Commission. In the event that a Commission member fails to attend a posted meeting and fails to notify the Chairs in advance of the absence, the absence shall be recorded as unexcused. If a member incurs three unexcused absences from posted meetings in a single year, the Chairs will request the appointing authority to consider replacing the designated member with a representative who can attend meetings on a regular basis.

### **VII. Secretary**

The Clerk of the Board of the County shall be ex-officio secretary of the Commission and shall be responsible for providing secretarial assistance to the Commission during its meetings.

### **VIII. Meetings**

*Notice:* Commission meetings shall be properly noticed and open to the public in accordance with the Ralph M. Brown Act and the County's Open Government Ordinance.

*Procedure:* Except as provided in these bylaws, meetings and other business of the Commission shall be conducted in accordance with Robert's Rules of Order.

*Meeting Schedule:* The Commission shall generally meet bi-monthly. Special sessions shall be called as necessary.

*Quorum:* A quorum is required to initiate the transaction of business at any regular or special meeting of the Commission. A majority of the general members of the Commission shall constitute a quorum. A quorum is sufficient to pass a motion on any action item before the Commission.

*Agenda:* The Chairs shall prepare the agenda for each Commission meeting. Items to be placed on the agenda of any regular meeting shall be on file with the secretary of the Commission ten days prior to the scheduled meeting. Any member of the Commission may place an item on the agenda.

#### **IX. Adjournment**

A majority of the members present, whether or not a quorum is present, may adjourn any meeting to another time and place. If the meeting is adjourned for more than twenty-four hours, notice of the adjournment shall be given.

#### **X. Subcommittees**

The Commission may establish standing and/or ad hoc subcommittees as necessary to assist in furthering the purposes of the Commission. A subcommittee may be created or disbanded upon majority approval of the Commission's voting membership. Any subcommittee will have the duties provided by its mandate, but will not have the power to exercise the authority of the Commission or to bind the Commission.

The chairs of the Commission shall appoint a chair to each subcommittee subject to confirmation by the Commission. All subcommittee chairs shall be members of the Commission.

All standing subcommittees are subject to the requirements of the Brown Act; any ad hoc subcommittee that includes as a member one or more individuals who is not a voting member of the Commission is subject to the Brown Act.

For subcommittees subject to the Brown Act, minutes (in summary form) of each subcommittee meeting shall be prepared and shall include a record of attendance of the members and the vote taken on each matter. Copies of the minutes shall be submitted to the next meeting of the subcommittee for approval.

In creating any subcommittee, the Commission will:

1. Define the purpose and scope of the subcommittee's charge;
2. Identify if the subcommittee will have an ongoing role in a particular subject area/issue or if the subcommittee is being created for a limited duration to address a single issue/purpose;
3. Only set a meeting schedule if the subcommittee is to be subject to the Brown Act;
4. Define the membership of the subcommittee;
5. Document the creation of the subcommittee in the Commission's minutes; and
6. If the subcommittee is subject to the Brown Act, immediately notify the Clerk of the Board's Records Unit.

**XI. Bylaws Amendments**

Proposed amendments shall be presented to the Commission in writing at a regular meeting. The Commission may then recommend amendment of these bylaws, subject to the approval of the Board of Supervisors. A recommendation to amend the bylaws shall be approved as to form and legality by County Counsel and transmitted to the Board of Supervisors for final approval.

**XII. Conflict of Interest Policy**

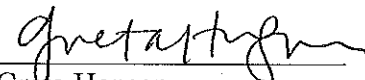
Commission members shall comply with all applicable federal, state, and local conflict of interest laws and regulations, including, without limitation, California Government Code section 1090 et. seq., the California Political Reform Act (California Government Code section 87100 et. seq.) and the regulations of the Fair Political Practices Commission concerning disclosure and disqualification (2 California Code of Regulations section 18700 et. seq.).

Generally, if a Commission member is disqualified from participating in a decision because of a conflict of interest, the Commission member must (1) publicly recuse him or herself and announce the source of the conflict of interest, (2) leave the room during any discussion or deliberations on the matter in question, and (3) not participate in the decision or be counted for purposes of a quorum. A Commission member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Commission when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue.

**XIII. AB 1234 Ethics Training**

Each member of the Commission must receive training in public service ethics laws and principles within twelve months of assuming membership on the Commission and every two years thereafter. If a member has already received the training prior to assuming membership, the member may submit proof of his/her last training completion. The signed certification of completion must be sent to the Clerk of the Board as soon as practicable upon completion of the training.

Approved as to form and legality

  
Greja Hansen  
Deputy County Counsel

978462