

RESOLUTION NO. 3 FOR 2014

A RESOLUTION TO ADOPT THE LIMITED ENGLISH PROFICIENCY POLICY AND LANGUAGE ACCESS PLAN.

WHEREAS, the City of Sweet Home undertakes to ensure that persons with Limited English Proficiency (LEP) shall not be discriminated against nor denied meaningful access to, and participation in, the programs and services provided by the City; and

WHEREAS, the LEP Plan applies to all City administered programs, services and facilities, regardless of whether they receive Federal financial support or not; and

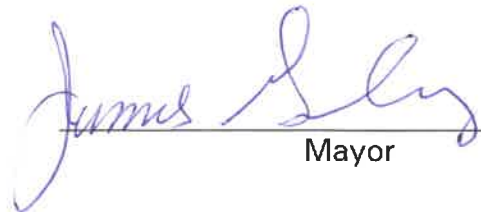
WHEREAS, it is the intent of the City, in providing language services to LEP persons, to achieve a balance that ensures meaningful access to programs and services while not incurring undue burdens on City resources; and

WHEREAS, the City Manager's Office is the central coordinator for the LEP Plan and language services, and provides oversight for the implementation of the LEP Plan.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL authorizes the City of Sweet Home to adopt and implement the Limited English Proficiency Policy and Language Access Plan for the City.

This Resolution shall be effective immediately upon its passage.

PASSED by the City Council and APPROVED by the Mayor this 14th day of January, 2014.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder

City of Sweet Home

Limited English Proficiency (LEP) Plan

CONTACT INFORMATION

Jim Gourley
City Mayor
jgourley@ci.sweet-home.or.us

Craig Martin
City Manager
cmartin@ci.sweet-home.or.us

City of Sweet Home—City Hall
1140 12th Avenue
Sweet Home, OR 97386
Phone: (541) 367-8969 ♦ FAX: (541) 367-5113

This document addresses the needs of the citizens of the City of Sweet Home with Limited English Proficiency

City of Sweet Home Oregon Limited English Proficiency Plan

Introduction

The City of Sweet Home Oregon is situated in Linn County, Oregon with an approximate population of 9,065. The city encompasses a multitude of services, including the Mayor and City Council, City Manager, Community Development, Finance, Parks and Recreation, Police, Public Works, and a Library.

The population of Sweet Home is predominantly English speaking, with the largest minority language being Spanish¹, and includes a variety of other Indo-European, Asian and Pacific Islander, and other languages. English is the primary language of approximately 96.9% of the population, with 1.9% speaking Spanish and 1.2% speaking other Indo European Languages as their primary language. Of the Spanish speaking and other Indo-European populations, less than 1% (40 persons) speaks English less than very well. No other language populations are identified in the City of Sweet Home.

The City of Sweet Home (City) undertakes to ensure that persons with Limited English Proficiency (LEP) shall not be discriminated against nor denied meaningful access to, and participation in, the programs and services provided by the City. In order to ensure meaningful access and participation for LEP persons, the City takes reasonable steps to see that language services are provided according to the provisions of the City's LEP Plan as described below.

The LEP Plan applies to all City administered programs, services and facilities, regardless of whether they receive Federal financial support or not. However, the LEP Plan does not apply to the operation or administration of any properties or projects wherein the City is not the primary owner (i.e., the City is a funding agency and not the entity with primary control over said property) and the primary owner qualifies as recipient or sub-recipient of federal financial assistance.

It is the intent of the City, in providing language services to LEP persons, to achieve a balance that ensures meaningful access to programs and services while not incurring undue burdens on City resources.

Sweet Home's City Manager's office is the central coordinator for the LEP Plan and language services. The office provides oversight for the implementation of the LEP Plan, coordinates and facilitates delivery of LEP language services, ensures that staff are informed on LEP services and procedures, and directs the monitoring and assessment of the LEP Plan's effectiveness.

Definitions:

Limited English Proficiency person. Any person who does not speak English as their primary language and who has a limited ability to read, write, speak, or understand English. Such person or persons shall be entitled to language assistance at no cost to themselves with respect to a particular type of service, benefit, or encounter.

Vital document. Any document that contains information that is critical for obtaining or maintaining the services or benefits that are supported by Federal funds, or that are required by law. Such documents may include but are not limited to applications, consent forms, notices of participant rights and responsibilities, disciplinary notices, letters or notices that require a

¹ See Exhibit A—Sweet Home Oregon Limited English Proficiency Population, US Census American Fact Finder

response from the participant or beneficiary, legal notices, and notices advising LEP persons of the availability of free language services.

Interpretation. The act of listening to spoken words in one language (the source) and orally translating it into another language (the target).

Translation. The replacement of a written text from one language into an equivalent written text in another language. NOTE: Some LEP persons cannot read in their own language and back up oral interpretation services may be needed for written documents.

Four-Factor Assessment. This is an assessment tool used by the City, as a recipient of federal funding, to determine the extent of its obligation to provide LEP services. These four factors are: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided the program to people's lives; and (4) the resources available to the grantee/recipient and costs.

Who is covered?

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

Under regulations implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI), recipients of federal financial assistance have a responsibility to ensure meaningful access to their programs and activities by persons with LEP. The purpose of the LEP is to ensure that the City, as a recipient of Federal Funding, is complying with its Title VI responsibilities and that access to their programs or activities, normally provided in English, are accessible to LEP persons.

In order to avoid discrimination against LEP persons on grounds of national origin, the City has taken adequate steps to ensure that LEP persons receive the language assistance necessary to afford them meaningful access to the programs, services, and information the City provides, free of charge.

Pursuant to Executive Order 13166, the meaningful access requirement of the Title VI regulations and the four-factor analysis set forth in the LEP Guidance of the Federal Register (FR-4878-N-01) are to apply to programs and activities receiving federal assistance. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.

Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the recipient's programs and activities. To do this, the recipient has: (1) conducted the four-factor assessment; (2) developed a language access plan (LAP); and (3) provided access to appropriate language assistance.

Coverage under Title VI and Executive Order 13166 extends to all of a recipient's programs or activities, (i.e., to all parts of a recipient's operations). This is true—even if only one part of the recipient receives the federal assistance.

As the City of Sweet Home encompasses a variety of services, application of the Four-Factor analysis varies depending on the specific service.

Four-Factor Assessment

1. Population Size of LEP Persons who Need Language Services Assistance

The City has used the following methodology and data sources to identify and determine the number of LEP persons currently using the City's services, the number of LEP persons in the City's area of operations who may be eligible for programs and services and the particular languages used by both groups. The City used various methods to identify LEP persons with whom they have contact. These included:

- Past experiences with LEP by City staff.
- Latest Census Department data. Census data has been reviewed and matched to the extent possible with the City area of operations. When Census data is updated, it will be reviewed to identify commonly encountered languages other than English.

Assessment: Housing and Urban Development, in its final guidance for providing program access to LEP individuals, has detailed a 'Safe Harbor' where providing a certain level of translated materials for a LEP population of a specified size will "be considered strong evidence of compliance with the recipient's written translation obligations." The City of Sweet Home has determined that, in regards to its LEP language populations, the Spanish LEP population is below both 5% and 1,000 individuals, and thus translated vital documents are not required. The City of Sweet Home's remaining LEP populations for each spoken language are also below 5% and 50 persons. According to the 'Safe Harbor' Guidelines, any language population that falls below 50 individuals and 5% of the service population is not required to receive any written translations. As the remaining LEP populations fall below this level, the City of Sweet Home is not required to provide any translated documents under 'Safe Harbor' guidelines to non-Spanish LEP individuals.

2. Frequency of Contact with LEP Persons who Need Language Services Assistance

Linn County is the primary provider of social services within Sweet Home, and has the most contact with LEP persons who need language service assistance. The majority of contact the City has with non-English speaking citizens is through Police Department stops and other activity. Frequency of contact with LEP persons for other City services such as applications, consent forms, notices of participant rights and responsibilities, disciplinary notices, letters or notices that require a response from the participant or beneficiary, and public legal notices is relatively rare, less than once a year. City staff indicates that generally, individuals with limited English proficiency will bring a family member or friend, who will translate.

Assessment: Need for LEP services approximates the percentage of Sweet Home residents with limited English proficiency—less than 1% of staff encounters or contacts. Ongoing monitoring of LEP contact with the City occurs, and should the level or difficulty of serving this population increase, the City is prepared to add resources.

3. Nature and Importance of Programs and Service Utilized or Needed by LEP Persons

The City recognizes that, within the range of programs and services it provides, some programs and services, such as those that directly impact the well-being of the local population, are of higher priority than others. While it is the City's intent to provide meaningful access to all participants and eligible persons, the availability of resources may limit the provision of language services in some instances.

Activities such as outreach, intake forms, leases, rules of occupancy, legal actions, life and safety notices, and the like have a high priority. Information about and an understanding of these activities should be effectively communicated to all persons affected by them. Other activities such as recreation programs, social activities, optional meetings, and related areas are of a lesser priority.

Assessment: Given that Police stops are generally where the City has the highest contact with LEP individuals, the City has designated translation services to be available during normal working hours within the Police Department. For other services, the City provides on call translation services and public information in multiple languages on its website.

4. Availability of Resources to LEP Persons Who Need Language Assistance

The City of Sweet Home may contract with authorized interpreters who are available over the telephone. Other sources for interpretation may include:

- Qualified bilingual staff members of the City.

- Individuals employed exclusively to perform interpretation services

- Contracted in-person interpreters

- Other qualified interpreters from other local agencies or organizations within the Sweet Home Community

Language assistance may be available from community volunteers who have demonstrated competence in their monolingual (direct) communication and/or in interpretation or translation as noted above and have been approved by the City to communicate with LEP individuals.

Where qualified bilingual staff members or other authorized interpreters are unavailable to assist approved community volunteers who have demonstrated competence may be called upon when appropriate.

Family and Friends of an LEP individual may offer to assist with communication or interpretation.

Sweet Home's website includes a Google Translate tab  which translates the public information into Chinese, Finnish, German, Spanish and Swedish.

Assessment: The City is both pro-active in providing persons with limited English proficiency public information about Sweet Home's public services, and in having translation resources available to those having direct contact with City staff. The City works to ensure that at a minimum, at least one bilingual-Spanish staff person is available during normal business hours, and to provide translation in other languages when arranged for in advance.

City of Sweet Home Limited English Proficiency (LEP) Plan

The City provides language services to LEP persons by a variety of methods based upon the relative numbers of such persons and the frequency of contacts or anticipated contacts. Reasonable steps are taken to accomplish this. Specifically, this LEP Plan outlines the City's approach to working with persons needing language assistance:

I. Identification of LEP Individuals who Need Language Assistance: Activities include:

- Posting of notices in City Hall and in separate lobbies of other City facilities accessible by the public. These posted notices will be in commonly encountered languages and will encourage LEP persons needing language assistance to self-identify.
- “Language Identification” cards (<http://www.lep.gov/resources/ISpeakCards2004.pdf>) will be available in the languages identified in the City’s area of operations. The cards will also be used by staff on a day-to-day basis to determine and document the need for particular language services during routine activities and encounters.
- Notification to applicants for assistance, licensing, or permits that language services will be provided at no cost.
- Periodic reviews with staff to determine if the needs of residents with limited English continue to be met.

II. Provision of Language Assistance Measures: Procedures and activities for the provision language assistance include:

A. Types of Language Services Available

A. 1. Written Translation Measures

- Postings in conspicuous places in City Hall, Police Department Main Lobby, and any other City facility accessed by the public informing applicants or members of the general public that translation services are available at no charge to the individual who is seeking services or information regarding such services. The City has a list of interpreters and translators for staff to use when language services are required for LEP persons.
- Bi-lingual public notice communications and outreach. The City also provides language services in the conduct of its web-based outreach efforts which are intended to make the general public aware of its programs and services. In this manner, LEP persons who are a part of the population in the City's area of operations have an equal opportunity to learn about the City's programs and services and to access and participate in them.

A. 2. Oral Translation Measures

- The City shall strive to have bilingual staff available during normal business hours. Should the City not have bilingual Spanish speaking staff, the City will contract with a telephone interpretive service that will allow tenants, applicants or members of the general public who do not speak English to communicate with staff at the time they call or come into City Hall, the Police Department, and any other City facility regularly accessed by the public.
- The City shall offer oral interpretation at no charge at meetings, events, and other activities, provided that the need is identified by the participant(s) at least forty eight (48) hours prior to the event, dependent upon the availability of an interpreter for the requested language.

A. 3. Additional Measures to be Considered and Used Based on an Assessment of Need

The following list outlines potential future measures that could be undertaken, should the level of need for LEP services increase from the current assessment.

- Use of and/or hiring bilingual staff to handle the majority of the verbal and written translation duties for the City. (Essential in the daily operations.) At the time of adoption of this LEP plan, 1 bilingual staff member is available during normal working hours.
- Contracting with qualified interpreters and translators, either individually or through an interpreting service agency which provides such persons when other City employees are not available or not skilled. (Essential when accuracy and details are important or critical.)
- Centralizing language services and/or sharing language services with other City if/when available. (If needed to minimize costs.)
- Use of telephone (or video conferencing) interpreter services. (If prompt delivery of interpretation services is required.)

- Pooling resources and/or standardization of documents and forms. (If needed to minimize costs.)

B. Connecting Staff to Available Language Services Available

City staff should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The City will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The City will use all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept City provided LEP services at no cost or they may choose to provide their own.

City provided LEP services may include, but are not limited to the assistance methods described in this policy.

C. Telephone System Protocols

If City staff cannot understand a LEP caller, and a translator is not immediately available, the caller's phone number is taken, and a bi-lingual interpreter/translator calls the individual back.

D. Responding to Written Communications from LEP Persons

The City will utilize a bi-lingual interpreter/translator to read and respond in the LEP's language in written communications.

E. Responding to In-Person Contact with LEP Persons

Should staff be unable to communicate with a LEP person, the City's bilingual interpreter/translator is contacted, and communications are either continued in-person or over the phone. Should the interpreter/translator be unavailable, contact information for the individual will be recorded, including nature of the inquiry, and an interpreter/translator will re-contact the person.

F. Ensuring the Competency of Interpreter and Translator Services

The City makes every reasonable effort to assure that the language services it provides to LEP persons are of the highest quality and that the competency of interpreters and translators is appropriate to the situation. This applies to both the use of internal bilingual employees and contracted interpreters and translators.

- 1) Interpreters (outside the use of internal bilingual employees). Oral interpretation of encounters, interviews, meetings and the like require a certain level of competency and professionalism on the part of the interpreter. These characteristics do not necessarily exist in a person who is simply bilingual. Likewise, formal certification while helpful may not always be required. Often the importance of the encounter or the consequences will direct the level of professionalism needed. When using an interpreter, the City uses the following general criteria to ensure effective communications with LEP persons:
 - a) Demonstrated proficiency in and ability to communicate information accurately in both English and in the other language and able to identify and employ the appropriate mode of interpreting (consecutive, simultaneous, summarization, or sight translation).
 - b) Knowledge in both languages of any specialized terms or concepts particular to

the City programs or services and of any particularized vocabulary and phraseology used by the LEP person, or the ability to explain either in English or the necessary language, the specialized term(s), concept(s), particularized vocabulary or phraseology.

- c) Understanding of and ability to follow confidentiality and impartiality rules to the same extent that the City employee for whom they are interpreting or to the extent that their position requires or both.
 - d) Understanding of and adherence to their role as interpreter without deviating into a role as counselor, legal advisor, or other role.
 - e) Awareness of regionalisms (dialects) used by the LEP persons for whom they are interpreting.
- 2) Translators (outside the use of internal bilingual employees). When selecting translators, the list of criteria applied to determine competency and professionalism for interpreters above shall be applied to the extent that those criteria are appropriate. If a staff member who speaks the necessary language is not available, the City shall obtain translation and interpretation services from a certified translation/interpretation service.

III. Staff Training to Be Provided

The City reviews its LEP Plan with staff. The frequency of staff encounters with LEP persons determines the level of review. All employees who are likely to have contact with LEP persons are informed of the City's LEP Plan, and on how to work effectively with in-person and telephone interpreters, and to understand the dynamics of interpretation among LEP providers and interpreters.

Staff having the greatest contact are the first to be trained to effectively implement the LEP Plan. Those staff having the least amount of contact with LEP persons, at a minimum, are trained to be fully aware of the Plan so that they may reinforce its importance and ensure implementation by other staff.

LEP training is part of the orientation for all new employees who work with LEP persons. On-going employees receive an orientation on the LEP Plan.

IV. Provision of Notice to LEP Persons

The City provides appropriate notice to LEP persons and language groups of the availability of free language services that ensure meaningful access to programs and services provided by the City. Notices in those appropriate languages informing LEP persons and groups shall be posted in common areas, offices, and anywhere that applications are taken. These notices shall explain how to receive language services.

V. LEP Plan Monitoring and Updating

The City monitors implementation of the LEP Plan on an ongoing basis, making revisions to policies and procedures as may be required periodically. The City also reviews (not less than annually) the overall effectiveness of its LEP Plan. This review considers information from the following sources and criteria as well as other factors as may be appropriate:

- 1) Changes in demographics including new language groups and changes in the proportion of existing language groups, types of services, and other needs.
- 2) Frequency of encounters with LEP persons. Whether existing language services are meeting needs of LEP persons.

- 3) Whether existing language services are meeting needs of LEP persons.
- 4) Availability of new resources including technology.
- 5) Whether identified sources for assistance are still available and viable.
- 6) How well staff understand and have implemented the LEP Plan.
- 7) Feedback from the community at large and from minority language groups and persons.

Based upon findings of the periodic review, the City shall revise the LEP Plan to ensure its effectiveness in meeting the access and participation needs of LEP groups and persons.

VI. Complaint Procedures and EO Monitoring

For regularly encountered LEP language groups, LEP persons are provided notice of their opportunity to file a discrimination complaint in accordance with federal regulations. For infrequently encountered LEP language groups, LEP persons shall be advised orally of the opportunity to file a discrimination complaint pursuant to the regulations.

Sweet Home Oregon Limited English Proficiency Population				
TOTAL POPULATION: 9,065				
Population 5 years and over: 8,137 (+/-125)				
	Estimate	Margin of Error	Percent	Percent Margin of Error
LANGUAGE SPOKEN AT HOME				
Population 5 years and over	8,137	+/-236	8137	(x)
English only	7,888	+/-269	96.9%	+/-1.4
Language other than English	249	+/-115	3.1%	+/-1.4
Speak English less than "very well"	40	+/-47	0.5%	+/-0.6
Spanish	151	+/-110	1.9%	+/-1.4
Speak English less than "very well"	14	+/-23	3.8%	+/-0.3
Other Indo-European languages	98	+/-62	0.2%	+/-0.8
Speak English less than "very well"	26	+/-41	1.2%	+/-0.5
Asian and Pacific Islander languages	0	+/-92	0.3%	+/-0.4
Speak English less than "very well"	0	+/-92	0.0%	+/-0.4
Other languages	0	+/-92	0.0%	+/-0.4
Speak English less than "very well"	0	+/-92	0.0%	+/-0.4

US Census: American Fact Finder. 2013 Total Population Estimate; 2007-2011 Census—Language Spoken at Home data