

RESOLUTION NO. 6402

A RESOLUTION ADOPTING THE LIMITED ENGLISH PROFICIENCY (LEP) PLAN

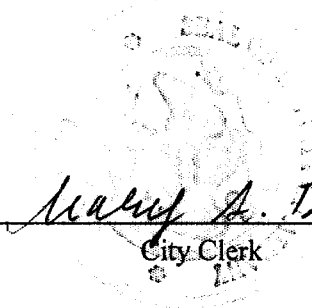
WHEREAS, in accordance with Title VI nondiscrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Limited English Proficiency Plan was drafted to define how the City of Albany will accommodate persons with limited English proficiency; and

WHEREAS, individuals who do not speak English well and who have a limited ability to read, write, speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service benefit or encounter.

NOW, THEREFORE, BE IT RESOLVED that the Albany City Council approves and adopts the Limited English Proficiency Plan for the City of Albany (see Attachment A).

DATED AND EFFECTIVE THIS 8TH DAY OF APRIL 2015.

ATTEST:


Mary A. Dibble
City Clerk

[Signature]
Mayor



Limited English Proficiency Plan

City of Albany, Oregon

Adopted: TBD

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Introduction

This *Limited English Proficiency Plan* has been prepared to address the City of Albany's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the City of Albany.

The City of Albany receives funds from the U.S. Department of Housing and Urban Development, under Title I of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. §5301 (1994) via the State of Oregon through its Oregon Infrastructure Finance Authority (IFA).

Elements of an Effective LEP Plan

The U.S. Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance.
2. Identifying ways in which language assistance will be provided.
3. Training staff.
4. Providing notice to LEP persons.
5. Monitoring and updating the LEP Plan.

These recommended elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Plan

The City of Albany follows four factors that apply to the various kinds of contacts that the public has to access language needs and decides what reasonable steps it should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.
4. The resources available to the City of Albany and the overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service; and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed.

The Four-Factor Analysis

This plan uses the four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers, and Distribution of LEP Persons

The Census Bureau has a range of four classifications of how well people speak English. The classifications are 'very well,' 'well,' 'not well,' and 'not at all.' Table 1 shows the number and percent of persons in regards to their English language skills for the City of Albany.

Table 1: Language spoken at home by ability to speak English (population age 5 and older)

2008-2012 American Community Survey

	Albany, Oregon	
	Estimate	Margin of Error
Total	46,340	+/-260
Speak only English	89.4%	+/-1.7
Speak a language other than English	10.6%	+/-1.7
Spanish or Spanish Creole	7.7%	+/-1.5
Other Indo-European languages	1.1%	+/-0.4
Asian and Pacific Island languages	1.4%	+/-0.5
Other languages	0.4%	+/-0.2
Speak only English	41,428	+/-1.7
Spanish or Spanish Creole:	3,569	+/-684
Speak English very well	1,720	+/-8.1
Speak English less than very well	1,849	+/-8.1
Other Indo-European languages:	508	+/-195
Speak English very well	460	+/-8.3
Speak English less than very well	48	+/-8.3
Asian and Pacific Island languages:	631	+/-244
Speak English very well	485	+/-10.7
Speak English less than very well	146	+/-10.7

Based on this information, there are 2,043 out of 46,340 (or 4.4 percent) who speak English less than “very well.”

Factor 2: Frequency of Contact with LEP Individuals

In November, 2014, the City conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions. We have offices accessible to the public, and, therefore, accessible to LEP individuals; and we have staff who work in the field and could encounter LEP individuals. Additionally, bimonthly City Council meetings are held which LEP individuals potentially could attend. Given the small concentration of LEP individuals in Albany, (see Table 1), the probability of our employees encountering an LEP individual is relatively low.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The City of Albany serves individuals throughout the community in a variety of ways including managing roads, water, sewer, fire, law enforcement, and other services to residents and individuals from outside of the city, such as visitors and those traversing the state. The services that the City provides are very important to an individual’s day-to-day life; denial of services to an LEP individual could have a significant detrimental effect.

Factor 4: The Resources Available to the City of Albany

The City reviewed available resources for providing LEP assistance. A local individual is available to translate written documents from English to Spanish as needed at an hourly rate within a reasonable time period. The cost associated with the necessary translation in order to comply with LEP requirements is expected to be minimal and will be allocated on an as-needed basis.

Safe Harbor Stipulation

Federal law provides a safe-harbor stipulation so that recipients can ensure with greater certainty that they comply with the obligation to provide written translations in languages other than English. Safe harbor means that, if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients who would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of this program, it is not necessary. Other ways of providing meaningful access, such as an effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligation under safe harbor includes providing written translation of vital documents for each eligible LEP language group eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This safe-harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed.

Given the low concentration of LEP individuals (as seen in Table 1), the City has deemed that written translations of vital documents should be made upon request.

Providing Notice to LEP Persons

The City of Albany, based on the four factors, will provide language service by notifying LEP persons of services available free of charge. Notifications to LEP persons include:

1. Posting notice of the LEP Plan and notification in languages LEP persons would understand that persons requiring language assistance or special accommodations will be provided interpretation or translation services free of charge with reasonable advance notice to the City.
2. City staff will be informally surveyed periodically on their experience concerning any contacts with LEP persons during the previous year to identify modifications to this plan to improve outreach and services to persons with limited English proficiency.

Options

Federal fund recipients have two main ways to provide language services: oral interpretation in person or via telephone interpretation service, and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.

The City defines an interpreter as a person who translates spoken language orally. A translator translates written language from one language into another.

Considering the low concentration of LEP individuals in Albany and the City's financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

The City will use oral interpretation options to ensure equal access to LEP individuals and to comply with LEP regulations.

Vital documents will be translated as needed, based on the four-factor analysis.

What will the City of Albany do?

- Provide interpreter services at public meetings with advance notice of at least seven (7) working days.
- Provide notice that interpretation services are available for public meetings by placing statements in meeting notices and other relevant publications.
- Provide the Census Bureau I-speak language identification cards to all employees who may potentially encounter LEP individuals.
- Receive complaints in legible writing and route to the Title VI coordinator.

When a City employee encounters an LEP individual, s/he will follow the procedure listed below.

OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken by the LEP individual.
2. Once the language is determined, provide information to the Title VI coordinator, who will contact an interpreter.
3. If the need for a vital document to be translated arises, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

IN WRITING

1. Once written communication has been received, it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator to determine what information or action is being requested.
3. The Title VI Coordinator will work with the appropriate resources to provide the requested service in a timely manner.

OVER THE PHONE

1. If someone calls a City office speaking a language other than English, staff will make every attempt to keep that caller on the line until an interpreter can be reached to, if possible, determine the caller's language.
2. Once the caller's language has been identified, staff will provide the requested assistance.

City Staff Training

City staff will be provided training on the requirements for providing meaningful access to services for LEP individuals.

LEP Plan Access

A copy of the LEP plan document can be requested at Albany City Hall during normal business hours; at both branches of the Albany Public Library; and on the City's website, www.cityofalbany.net. Any person or agency may also request a copy by contacting:

City Manager Wes Hare
City of Albany
P.O. Box 490
Albany, OR 97321
Phone: 541-917-7505

LANGUAGE IDENTIFICATION FLASHCARD

- | | |
|---|------------------------|
| <input type="checkbox"/> <p>ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.</p> | 1. Arabic |
| <input type="checkbox"/> <p>Խնդրում ենք նշում կատարել այս քառակուսում, եթե խոսում կամ կարդում եք հայերեն:</p> | 2. Armenian |
| <input type="checkbox"/> <p>যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।</p> | 3. Bengali |
| <input type="checkbox"/> <p>ឈ្មួចញ៉ាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។</p> | 4. Cambodian |
| <input type="checkbox"/> <p>Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.</p> | 5. Chamorro |
| <input type="checkbox"/> <p>如果你能读中文或讲中文，请选择此框。</p> | 6. Simplified Chinese |
| <input type="checkbox"/> <p>如果你能讀中文或講中文，請選擇此框。</p> | 7. Traditional Chinese |
| <input type="checkbox"/> <p>Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.</p> | 8. Croatian |
| <input type="checkbox"/> <p>Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.</p> | 9. Czech |
| <input type="checkbox"/> <p>Kruis dit vakje aan als u Nederlands kunt lezen of spreken.</p> | 10. Dutch |
| <input type="checkbox"/> <p>Mark this box if you read or speak English.</p> | 11. English |
| <input type="checkbox"/> <p>اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.</p> | 12. Farsi |

- Cocher ici si vous lisez ou parlez le français. 13. French
- Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. 14. German
- Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά. 15. Greek
- Make kazyé sa a si ou li oswa ou pale kreyòl ayisyen. 16. Haitian Creole
- अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ। 17. Hindi
- Kos lub voj no yog koj paub twm thiab hais lus Hmoob. 18. Hmong
- Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet. 19. Hungarian
- Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. 20. Ilocano
- Marchi questa casella se legge o parla italiano. 21. Italian
- 日本語を読んだり、話せる場合はここに印を付けてください。 22. Japanese
- 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. 23. Korean
- ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ. 24. Laotian
- Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. 25. Polish

- Assinale este quadrado se você lê ou fala português. 26. Portuguese
- Însemnați această căsuță dacă citiți sau vorbiți românește. 27. Romanian
- Пометьте этот квадратик, если вы читаете или говорите по-русски. 28. Russian
- Обележите овај квадратик уколико читате или говорите српски језик. 29. Serbian
- Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky. 30. Slovak
- Marque esta casilla si lee o habla español. 31. Spanish
- Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. 32. Tagalog
- ให้กาเครื่องหมายลงในช่องดำท่านอ่านหรือพูดภาษาไทย. 33. Thai
- Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga. 34. Tongan
- Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою. 35. Ukrainian
- اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔ 36. Urdu
- Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ. 37. Vietnamese
- באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש. 38. Yiddish