

COUNCIL ACTION FORM

**SUBJECT: CITY OF AMES LANGUAGE COMMUNICATIONS GUIDELINES
FOR LIMITED ENGLISH PROFICIENCY PERSONS**

BACKGROUND:

Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

The City of Ames is strongly committed to making its services and information about those services available to everyone, **regardless** of language barriers. This commitment stems from overall City values of being customer driven and providing exceptional customer service. As residents or visitors who live in, work in and visit our community, people with limited English proficiency (LEP) are entitled to fair and equal access to service.

The City of Ames and its departments are required by federal law to plan and provide meaningful access to services for those with limited English proficiency. Title VI of the Civil Rights Act of 1964 and related federal regulations, state law and municipal ordinances apply to all City departments that receive federal financial assistance.

As more City Departments have become recipients of federal dollars, the need to determine if the City should create a citywide Language Assistance Policy (LAP) became apparent. For the purposes of this LAP determination, LEP persons are citizens' households who are eligible to participate and/or benefit from the various federally funded programs administered by the various City Departments. Examples include Planning and Housing for CDBG Funds; Cy-Ride for federal transportation funds; Public Works for DOT Funds; Police for Homeland Security funds; Fleet and Facilities for Department of Energy funds; Water and Pollution Control for Environmental Protection Agency funds; and other departments that may receive federal funds in the future.

City staff has conducted a Four-Factor Analysis (FFA), which serves as the guide for determining which language assistance measures the City will undertake to guarantee access to its various federally funded programs. **The data used in the FFA is from the 2008-12 American Community Survey (ACS) Estimate. The ACS data revealed that 1.23 percent of the City's population do not speak English as their primary language and have a limited ability to read, write, speak or understand English. This percentage does not**

meet the threshold that would require the City to develop a Language Assistance Policy (LAP). However, City staff believes it is appropriate for the City to be proactive and responsive by creating Language Communication Guidelines for Limited English Proficiency (LEP) persons to access services and programs provided by the City of Ames.

City-wide Language Communication Guidelines will create consistency and will include Departments **regardless of their receipt of federal dollars**. The Policy gives specific direction to staff about how to make City services accessible to those who speak limited English. Limited English Proficiency (LEP) persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

Attached is a copy of the proposed **Language Communication Guidelines** (including the Four Factor Analysis) for City Council review and adoption.

ALTERNATIVES:

1. The City Council can adopt the City of Ames Language Communication Guidelines for Limited English Proficiency (LEP) persons as presented.
2. The City Council can choose not to adopt the City of Ames Language Communication Guidelines for Limited English Proficiency (LEP) persons as presented.

MANAGER'S RECOMMENDED ACTION:

These guidelines will be a working document for the City to utilize as appropriate in meeting the needs of federal program requirements and the needs of our citizens. The guidelines will require updating and monitoring of our LEP populations in the City of Ames. Once the Policy is approved, staff will begin training classes for representatives from each City Department and will work with departments receiving federal funds to insure that specific guidelines have been established.

At the time the City exceeds the population percentage threshold, a fully developed Language Assistance Plan will need to be created.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby adopting the City of Ames **Language Communication Guidelines** for Limited English Proficiency (LEP) persons to gain access to services, programs and other activities provided by the City.



City of Ames in Your Language



CITY OF
Ames[™]

**Language Communication Guidelines
to Ensure Equal Access to City Services
for People with Limited English Proficiency**



March 2014



LANGUAGE COMMUNICATION GUIDELINES

1-A. OVERVIEW

The City of Ames in utilizing federal funds will take affirmative steps to communicate with people who need services or information in a language other than English. Limited English Proficiency (LEP) persons are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this Policy, LEP persons are citizen's households who are eligible to participate and/or benefit from the various federally funded programs administer by the various City Departments (e.g. Planning & Housing (CDBG Funds); Cy-Ride (Transportation funds); Public Works (DOT Funds); Police (Homeland Security funds); Fleet and Facilities (Department of Energy funds) Water and Pollution Control (Environmental Protection Agency) and others that may receive funds in the future.

2-B. ASSESSING NEED FOR PROGRAM ACCESS:

Each City Department that receives federal funding will conduct a Four Factor Analysis (FAA) in determining the need for program access for persons of LEP based on the program and/or project being administered as follows:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program(s) administered through the above departments and others;
2. The frequency with which LEP persons come into contact with the program(s);
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to the program/recipient and costs.

The City has conducted a Four-Factor Analysis (FFA), which serves as the guide for determining which language assistance measures the City of Ames will undertake to guarantee access to its various federally funded programs. The data used in the FFA is from the 2008-12 American Community Survey (ACS) Estimate. The ACS data revealed that the **1.23 percent** of people in the City of Ames **do not** speak English as their primary language and who have a **limited** ability to read, write, speak or understand English. This percentage **does not** meet the threshold that would require the City to develop a specific Language Assistance Policy (LAP). However, the City being a proactive and a responsive government is creating **Language Communication Guidelines** for Limited English Proficiency (LEP) persons to access services and programs provided by the City of Ames.

3-C. The City of Ames' LANGUAGE COMMUNICATION GUIDELINES (LCG)

The City of Ames has established the following **Language Communication Guidelines** for Limited English Proficiency (LEP) persons to ensure compliance with the various Federal agencies regulations and Executive Order 13166 issued by President Clinton in 2000 along with subsequent guidance under Title VI of the Civil Rights Act of 1964. Under these requirement and guides,

the City of Ames must take reasonable steps to ensure meaningful access to their programs and activities by persons with Limited English Proficiency (LEP).

4-D. SAFE HARBORS

In accordance with the safe harbors for LEP persons, the cities must translate written documents for groups that are at least 5% of the eligible population, or 1,000 persons, whichever is less.

If there are fewer than 50 persons in a language group that reaches the 5% trigger above, cities are not required to translate the vital written materials, but should provide written notice in the primary language of the LEP group of the right to receive competent oral interpretation of those written materials, free of cost.

DOCUMENT TRANSLATION

- a. The City of Ames seeks to have available all translated documents that have been made available by the various federal agencies providing funding to the City.
- b. As necessary, per the results of the above analysis, the City of Ames may continue to offer documents in other languages as the analysis above reveals is necessary and/or upon a reasonable request from the Agency's customers or service providers serving our mutual customers.
- c. The City of Ames will evaluate the need for posting announcements in the most common languages encountered.

CURRENT RESOURCES OFFERED:

The City of Ames currently offers the following resources to ensure access to LEP persons:

1. Oral Interpretation Service –
The City of Ames offers the Language Line Interpretation Service. If there is a non-English speaking individual that comes into a city department, staff can show them the brochure for the Language Line Interpretation Service and have them select the language that they understand (the languages are written in both the native language and in English). Staff members can call the Language Interpretation Service and asks for the appropriate interpreter as pointed out by the customer. Staff members can utilize a speaker phone so both the staff member and the customer can be on the line at the same time. Flyers offering the Language Line Interpretation Service will be posted in the Administrative Offices.

Additionally, where best appropriate, staff employees will also utilize Google Translator Interpretation Service from their computers and/or as application on their cell phones.

2. Bureau Refugee Services – the City of Ames as needed, will work with the Bureau of Refugee Services.
3. The City of Ames has developed a list of all City employees that speak, write, or read a language other than English fluently. The City of Ames may contact employees on this list for

interpretation services as their schedule permits. A current list will be maintained in the in the Human Resources internal website.

4. The City of Ames will also allow LEP persons to use an interpreter of their own choosing (whether a professional interpreter, family member, or friend) in place of or as a supplement to the Language Line interpretation services offered by the City of Ames.
5. The City's web page has the ability to allow its information to be translated into different languages by selecting the language of choice.

STEPS TO ENSURE ACCESS TO LEP PERSONS/PROVIDING ONGOING NOTICE TO LEP PERSONS

1. The City will on an ongoing basis provide to its employees a copy of Thebigword (over the phone interpreting service) display posters and/or a table stand offering the Language Line Interpretation Service in their Administrative Offices.
2. The City will include the availability of the Language Line Interpretation Service in their announcements, informational packets and other media material when administering a project and/or program.
3. Additionally, where best appropriate, staff employees will also utilize Google Translator Interpretation Service from their computers and/or as application on their cell phones.
4. The City as needed will make outreach efforts for assistance with the Bureau of Refugee Services, Iowa State University and other organizations to provide assistance with LEP needs within our jurisdiction.

STAFF TRAINING

The City of Ames will conduct staff training periodically, either in a group setting or by written communication with staff. The following are the subjects will be reviewed during each training session:

1. Types of language translator services available;
2. How staff can obtain those services;
3. How to respond to Limited English Proficiency (LEP) callers;
4. How to respond to written communications from LEP persons; and
5. How to respond to LEP persons who have in-person contact with staff

MONITORING AND UPDATING THE LANGUAGE COMMUNICATION GUIDELINES

The City of Ames will monitor the effectiveness of its' Language Communication Guidelines Proficiency (LEP) Policy by reviewing information in the following areas on an bi-annual basis:

1. Reviewing the current available American Community Survey data to determine the LEP populations in the City of Ames jurisdiction and if threshold numbers have changed.

2. Have Departments monitor the frequency of encounters with LEP language groups that may come in contact through the administration of their projects and/or programs.
3. Continuing to conduct outreach to service providers to ensure awareness and access to the City of Ames' programs and services are known;
4. Reviewing and identifying available resources, including technological advances and associated costs imposed translation software the City of Ames is made aware of via e-mail notification, newsletters, web sites, etc.;
5. Reviewing whether existing services are meeting the needs of the LEP persons, by reviewing the annual use of the language line and any requests for translated materials made by customers and/or service providers;
6. Conducting annual staff training; and
7. Updating resources in the community that have been identified as sources for assistance to determine if they are still in operation and providing the same services to the community.



FOUR-FACTOR ANALYSIS and LANGUAGE ACCESS POLICY FOR LIMITED ENGLISH PROFICIENCY PERSONS

CITY OF AMES, IOWA

Purpose: In compliance with Executive Order 13166, Ames has developed the following Language Access Policy (LAP) for Limited English Proficiency (LEP) persons.

History: Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failures to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination. Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

City of Ames Four-Factor Analysis: The following Four-Factor Analysis will serve as the guide for determining which language assistance measures the City of Ames will undertake to provide LEP customer access to the services provided by the various Departments in the City of Ames.

1. Number or proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services).

The City of Ames utilized the data from The American Community Survey Data for 2008-2012- Age by Language Spoken at Home By Ability to Speak English for Populations 5 Years and Over (see table) to determine the populations that may need assistance with language skills to access and/or benefit from the various programs administered throughout the City using federal funding. However, all citizen participation activities are open to the general public.

Source: 2008-2012 American Community Survey – Story County, Iowa

General Characteristics of persons 5 years and older:

Total Population of persons 5 and older = 56,549

Population of persons 5 to 17 years = 5,297

Population of persons 18 to 64 years = 46,661
Population of persons 64 years and older = 4,591

Number and percent of Spanish-speaking Population = 1,211 or 2.0%

Number and percent of persons speaking other Indo-European languages = 1,298 or 2.3%

Number and percent of persons speaking Asian and Pacific Islander languages = 3,461 or 6.12%

Number and percent of persons speaking other languages = 261 or 0.4%

Characteristics of Persons 5 and Older Who Speak a Language other than English at Home:

Spanish-speakers: Speak English “very well” and “well” = 1,109; speak English “not well” or “not at all” = 102 persons or 0.18%

Speakers of other Indo-European languages: Speak English “very well” and “well” = 1,229; speak English “not well” or “not at all” = 69 persons or 0.12%

Speakers of Asian and Pacific Island languages: Speak English “very well” and “well” = 3,029; speak English “not well” or “not at all” = 449 persons or 0.79%

Speakers of other languages: Speak English “very well” and “well” = 257; speak English “not well” or “not at all” = 4 persons or 0.002%

Total persons who speak English “not well” or “not at all” = 624 persons or 1.23% of total population

*Age by language spoken at home by ability to speak English for population 5 years and over.
American Community Survey 2008-2012, City of Ames, Story County, Iowa

Other languages = Based on the above languages do not have sufficient information to determine the number of persons that speak a certain type of language. For example, other Indo European languages could include languages such as Indian, Hindu, and several other languages. Data is not available for each specific language; therefore, the City of Ames is unable to determine the percentage of number of persons.

2. The frequency with which the LEP persons come into contact with the program.

The City of Ames administers various projects that utilizing federal dollars, each Department receiving these funds will identify in their individuals programs the nature of the projects that residents are likely to have considerable direct contact with the project or program and its staff.

3. The nature and importance of programs, activities, or services provided by the Department.

Some of the projects administered with federal funding do provide direct assistance to beneficiaries related to housing, utilities, transit, infrastructure, emergency services and protection, etc.; therefore, the nature of the activity or service is of significant importance to all eligible residents.

Other services administered with federal funding do not provide direct assistance to individuals (e.g. public infrastructure, construction and maintenance, and similar type projects). As a result, LEP persons rarely come into contact with these City programs. However, all citizen participation activities are open to the general public.

4. The resources available and costs to the recipient.

Currently, the City of Ames web site can be utilized to translate information into various languages posted on this site. Additionally, the City offers the following services:

- a. Oral Interpretation Service – The City of Ames has contracted a Language Line Interpretation Service. If there is a non-English speaking individual that comes into the office, staff members can show them the brochure for the Language Line Interpretation Service and have them select the language that they understand (the languages are written in both the native language, and in English). The staff member can call the Language Interpretation Service and asks for the appropriate interpreter as pointed out by the customer. Staff can utilize a two line (head set) system or speaker phone so both the staff member and the customer can be on the line at the same time. A flyer indicating that the Language Line Interpretation Service will be provided to all City employees at their workstations. The flyer is also posted at customer contact areas in each Department.*
- b. In order to ensure that any limited English or non-English speaking resident receives equal access to services, the City of Ames will display in those Departments with service desk the "I Speak" posters to provide assistance.*
- c. The City of Ames has developed a list of all City employees that speak, write, or read a language other than English fluently. The City of Ames may contact employees on this list for interpretation services as their schedule permits. See attached list.*
- d. The City of Ames permits LEP persons to use an interpreter of their own choosing (whether a professional interpreter, family member, or friend) in place of or as a supplement to the Language Line Interpretation Service offered by the City of Ames.*

Additionally, many of the common forms used in the implementation of a City programs are available in multiple languages on the HUD, DOL, and other federal websites. Therefore, limited Language Access Policy (LAP) measures are reasonable given the resources available to City of Ames.

In conclusion, based on the data collected from *The American Community Survey Data for 2008-2012- Age by Language Spoken at Home By Ability to Speak English for Populations 5 Years and Over*, the populations in the City of Ames currently **do not meet** the 1,000 or 5% LEP persons threshold for any languages or language(s) identified, therefore the City is not required to a Language Access Plan (LAP) for its jurisdiction. However, the City of Ames will adopt a Language Communication Guidelines. The Four-Factor Analysis (FFA) will be kept in the City's Fair Housing and Equal Opportunity Plan and a copy of the FFA will also be provided to the City's Affirmative Action Officer.

Certification: Based on the above Four-Factor Analysis, the City of Ames is **not** required to develop a Language Access Plan (LAP).

However, the City of Ames will implement **Language Communication Guidelines** to provide reasonable attempts to accommodate Limited English Proficiency (LEP) persons to gain access to services, programs and other activities provided by the City of Ames.

Chief Elected Official

Ann H. Campbell, Mayor

Date

Attest: Diane Voss, City Clerk

Date

Age by Language Spoken at Home by Ability to Speak English for Population 5 Years and Over

City of Ames, Story County, Iowa
(2008-2012 American Community Survey Estimate)

	5 to 17	18-64	65 & Over	Total Population 5 and over	Percent of Total Population est. population
Total Population	5,297	46,667	4,591	56,549	
Speak Spanish	117	1,058	36	1,211	
Speak English "very well" and "well"	116	951	36	1,103	
Speak English "not well"	1	79	0	80	
Speak English "not at all"	0	22	0	22	
Sub-total speakers that speak English "not well" or "not at all"	1	101	0	102	0.18
Speak other Indo-European language	98	1,068	132	1,298	
Speak English "very well" and "well"	98	1,025	106	1,229	
Speak English "not well"	0	43	26	69	
Speak English "not at all"	0	0	0	0	
Sub-total speakers that speak English "not well" or "not at all"	0	43	26	69	0.12
Speak Asian/Pacific Island language	341	3,034	86	3,461	
Speak English "very well" and "well"	322	2,700	7	3,029	
Speak English "not well"	13	317	40	370	
Speak English "not at all"	23	17	39	79	
Sub-total speakers that speak English "not well" or "not at all"	36	334	79	449	.079
Speak other languages	47	205	9	261	
Speak English "very well" and "well"	47	201	9	257	
Speak English "not well"	0	4	0	4	
Speak English "not at all"	0	0	0	0	
Sub-total speakers that speak English "not well" or "not at all"	0	4	0	4	0.01
Grand Total of people 5 and over who speak English "not well" or "not at all"	37	482	105	624	1.23

List of Interpreters within the City of Ames to assist with non-English speakers or speech/hearing impaired:

<u>Language</u>	<u>Dept.</u>	<u>Contact info.</u>
Spanish		
Paul Sandoval	Fire	X 5108
Amber Rozeboom	Police	X 5133
Blake Marshall	Police	X 5133
Julie Huisman	HR	X5199
Nikki Masetro	Utility Customer Service	
French		
Dominic Roberge	PW	X 5278
Neal May	Elec. Eng.	X 5207
German		
Brian Phillips	CMO	X 5227
Mandarin Chinese		
Sue Xia	Finance-Accounting	X5212
Welsh		
Brian Phillips	CMO	X 5227