

RESOLUTION NO. 19-812-13

A RESOLUTION ADOPTING FOUR-FACTOR ANALYSIS AND LANGUAGE ACCESS PLAN FOR LIMITED ENGLISH PROFICIENCY PERSONS IN THE CITY OF JOHN DAY

WHEREAS, City of John Day (“City”) has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, in compliance with Executive Order 13166 and Title IV of the Civil Rights Act, the City has developed the enclosed Language Access Plan (LAP)/Four Factor Analysis for Limited English Proficiency (LEP) persons; and

WHEREAS, this Limited English Proficiency (LEP) Plan will ensure LEP persons living in the John Day area receive meaningful access to federally assisted programs and services;

NOW, THEREFORE, City of John Day resolves as follows:

1. Findings. The above-stated findings contained in this Resolution No. 19-812-13 (this “Resolution”) are hereby adopted.

2. Language Access Plan. As a result of the Four-Factor Analysis, City of John Day has identified language assistance methods, procedures, and resources available to be provided on an as-needed basis by City of John Day throughout the implementation of the CDBG program, as adopted in the enclosed *Four-Factor Analysis And Language Access Plan For Limited English Proficiency Persons In The City Of John Day*.

4. Miscellaneous. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. The provisions of this Resolution are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by order of the Council to cure editorial and/or clerical errors. This Resolution will be in full force and effect from and after its approval and adoption.

APPROVED AND ADOPTED by the City Council of City of John Day and signed by the mayor this 21st day of May 2019.

Ron Lundbom, Mayor

ATTEST:

Nicholas Green, City Manager

[Four-Factor Analysis And Language Access Plan For Limited English Proficiency Persons In The City Of
John Day – Enclosed]

**FOUR-FACTOR ANALYSIS AND
LANGUAGE ACCESS PLAN
FOR LIMITED ENGLISH PROFICIENCY PERSONS
IN THE CITY OF JOHN DAY**

**COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM**

City of John Day

**450 East Main
John Day, Oregon 97845**

May 2019

Contents

I.	Introduction	2
II.	Four Factor Analysis	2
III.	Language Assistance	5
IV.	Staff Training	6
V.	Translation of Documents	6
IV.	Monitoring	7
VII.	Dissemination of the LAP	7

I. Introduction

Purpose:

In compliance with Executive Order 13166 and Title IV of the Civil Rights Act, The City of John Day has developed the following Language Access Plan (LAP)/Four Factor Analysis for Limited English Proficiency (LEP) persons. This Limited English Proficiency (LEP) Plan to ensure that LEP persons living in the John Day area receive meaningful access to federally assisted programs and services.

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, 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.

Definition of LEP person: LEP persons are who, as a result of national origin, do not speak English as their primary language and who have a limited ability to speak, read, write, or understand. For purposes of Title VI and the LEP Guidance, persons may be entitled to language assistance with respect to a particular service, benefit, or encounter.

Methodology:

The methodology recommended by the United States Department of Housing and Urban Development (HUD) to properly prepare a Limited English Proficiency Plan is as follows:

- 1) Conduct a four-factor analysis;
- 2) Develop a Language Access Plan (LAP); and
- 3) Provide appropriate language assistance.

City of John Day, and its CDBG Consultant (Ducote Consulting LLC), researched and completed Items 1, 2, and 3 on March 26, 2019.

John Day's City Manager will maintain records related to language access and LEP persons that attempt to interact with the project or City Staff. The LEP plan will be reviewed in the first quarter of the year and will be updated if a substantial number of LEP persons come to reside in the City. The first scheduled update, and consultation of American Community Survey data, will be January 2020.

II. Four Factor Analysis

Recipients must first assess and evaluate four factors when determining how to best serve eligible limited English-speaking persons. These factors include the number or proportion of limited English speaking persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee; the frequency with which limited English speaking persons individuals come in contact with program; the nature and importance of the program,

activity, or service provided by the recipient; and the resources available and costs to the recipient.

Trigger	Service Recommended	Triggered in John Day?
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents	<i>No</i>
More than 5% of the eligible population or beneficiaries <i>and</i> more than 50 in number	Translated vital documents	<i>No</i>
More than 5% of the eligible population or beneficiaries <i>and</i> 50 or less in number	Translated written notice of right to receive free oral interpretation of documents.	<i>No</i>
5% or less of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required.	<i>No</i>

Factor 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).

City of John Day utilized American Community Survey data (2011-2015) Table B16002, B25010, & S1602 for the City of John Day which identified 4.7% LEP persons.

The City of John Day has 744 households and 26 Spanish-speaking limited English households. According to Table B25010, John Day's average household size is 2.23. Extrapolating, this means out of 1,669 persons, there are likely 58 LEP persons, or 3.4% of the total population. Table S1602 estimated 3.5% of households as LEP. Based on this data, City of John Day does not meet the 1,000 or 5% LEP person threshold for any languages or Language(s) identified.

The City Manager is bilingual in English and Spanish and is capable of translating documents and meetings for Spanish-speaking limited English persons, as needed. City of John Day will take advantage of centralized translations of government documents (i.e. HUD's many Spanish language versions of public notices and documents for CDBG).

City of John Day, 2011-2015 American Community Survey, Table B16002 - HOUSEHOLD LANGUAGE BY HOUSEHOLD LIMITED ENGLISH SPEAKING STATUS

		John Day city, Oregon	
		Estimate	Margin of Error
Total:		744	+/-91
English only		708	+/-92
Spanish:		31	+/-38
Limited English speaking household		26	+/-37
Not a limited English speaking household		5	+/-7
Other Indo-European languages:		0	+/-12
Limited English speaking household		0	+/-12
Not a limited English speaking household		0	+/-12
Asian and Pacific Island languages:		5	+/-8
Limited English speaking household		0	+/-12
Not a limited English speaking household		5	+/-8
Other languages:		0	+/-12
Limited English speaking household		0	+/-12
Not a limited English speaking household		0	+/-12

City of John Day, 2011-2015 American Community Survey, Table S1602 - LIMITED ENGLISH SPEAKING HOUSEHOLDS

Subject	John Day city, Oregon							
	Total		Percent		Limited English-speaking households		Percent limited English-speaking households	
	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error	Estimate	Margin of Error
All households	744	+/-91	(X)	(X)	26	+/-37	3.5%	+/-5.0
Households speaking --								
Spanish	31	+/-38	4.2%	+/-5.1	26	+/-37	83.9%	+/-33.1
Other Indo-European languages	0	+/-12	0.0%	+/-4.3	0	+/-12	-	**
Asian and Pacific Island languages	5	+/-8	0.7%	+/-1.0	0	+/-12	0.0%	+/-100.0
Other languages	0	+/-12	0.0%	+/-4.3	0	+/-12	-	**

City of John Day, 2011-2015 American Community Survey, Table B25010 – AVERAGE HOUSEHOLD SIZE OF OCCUPIED HOUSING UNITS BY TENURE

		John Day city, Oregon	
		Estimate	Margin of Error
Total:		2.23	+/-0.20
Owner occupied		2.31	+/-0.24
Renter occupied		2.12	+/-0.36

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

The City of John Day interviewed staff and reported no contact with Limited English Individuals within the previous five years. There were no requests for documentation translation made in the previous five years. City staff was interviewed and have encountered no LEP persons in their involvement in this project, or any City activities over the last five years.

The proposed project is an infrastructure project that will construct a wastewater treatment facility and disposal system and demolition of the old treatment facility. As a result, LEP persons rarely come into contact with the CDBG program. However, all citizen participation activities are open to the general public and many public meetings have been held.

Factor 3: The nature and importance of the program, activity, or service provided by the program.

The proposed project provides direct assistance to Low-and-Moderate Income households in the CDBG project area related to wastewater system improvements; therefore, the nature of the activity or service is of significant importance to the proposed project area(s) residents. The wastewater system has been the subject of many public meetings (City Councils and CDBG Hearing) over the last three years.

While this project is important to the long-term health of the ratepayers and stability of the public utility, CDBG projects require an application process and are generally not emergencies, though certain programs can fill urgent needs such as water and wastewater utility compliance. While CDBG program is important, delay of access to services would not be life threatening to limited English-speaking individuals. Affording the recipient a reasonable amount of time to secure an interpreter or have documents translated would not render a person ineligible for a program or cause a program to be inaccessible to a person struggling with English.

Factor 4: The resources available and costs to the recipient.

The City of John Day reviewed resources available in the case of needing to provide LEP assistance and believe their existing procedures will fulfill any translation requirements. HUD provides the I-Speak identification cards and many project documents in multiple languages. Free and paid translation services are also available in the case of interactions with LEP persons or the need for language assistance.

III. Language Assistance

A person who does not speak English as their primary language and who has a limited ability to read, write, speak or understand English may be a Limited English Proficient (LEP) person and may be entitled to language assistance with respect to City of John Day services. Language assistance can include interpretation, which means oral or spoken transfer of a message from one language into another language and/or translation, which means the written transfer of a message from one language into another language.

The City will take the following steps to identify an LEP person who needs language assistance:

- Post notice of the LEP/LAP Plan and language assistance resources available through the City.
- “I Speak” cards will be given to the City Staff to use in identifying language interpretation needed when interacting with an LEP person.
- City Staff and elected officials will be surveyed informally during the first quarter of the year to determine any increase in contact with LEP persons.

A. Language Assistance Measures

LEP persons are those who speak English “not well” or “not at all.” The City will attempt to offer the following measures to provide meaningful language access:

- City Staff will take reasonable steps to provide the opportunity for meaningful access to LEP clients who have difficulty communicating in English.
- The City has a number of resources available for document translation and attempts to proactively provide translated vital documents for City services and projects, including open source translation services (Google Translate) and a bilingual City Manager capable of translating public records and public meetings from English into Spanish.
- The following resources will be available to accommodate LEP persons:
 - Many of the common forms used in the implementation of a CDBG project are available in multiple languages on the HUD and DOL websites. Therefore, limited LAP measures are reasonable given the resources available to City of John Day.
 - Available resources include:
 - HUD documents printed in English and other languages: http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_op/promotingfh/LAP#Booklets
 - Language ID card (I speak card): <http://www.LAP.gov/ISpeakCards2004.pdf>
 - TeLAPhone Services: www.languageline.com
www.ctslanguagelink.com www.pacificinterpreters.com

IV. Staff Training

John Day’s City Manager will ensure that staff training takes place. At minimum, the following training will be provided to all staff, including Office workers and Public Works:

- Information on the Title VI Policy and LEP responsibilities.
- Description of language assistance services offered to the public.
- Use of the “I Speak” cards.
- Documentation of language assistance requests.
- How to handle a potential Title VI/LEP complaint.

All contractors or subcontractors performing work for City of John Day will be required to follow the Title VI/LEP guidelines.

V. Translation of Documents

City of John Day performed cost-benefit analysis of translating documents for potential LEP groups and will continue to translate vital documents and can provide oral translation at public hearings and City Council meetings.

- the City has determined that a formal outreach plan and proactive translations for documents are unnecessary at this time. Resources for identifying and providing language assistance have been identified through this plan and, if the need arises, the City has the tools to provide meaningful language assistance.
- If the City undertakes a Community Development Block Grant Project, the City will task the CDBG Grant Administrator to assist in development of the needed outreach plan development during the Final Design process of the Design/Construction project.

IV. Monitoring

Monitoring and Updating the LEP Plan

The City of John Day will monitor Table B16002 & S1602 of the American Community Survey's latest 5-year rolling data in the first quarter of each year. The City Manager will be responsible for maintaining any data collected from the date of adoption and ensuring the LEP Plan is updated and approved by the City Council, if necessary. If demographics in the City shift, the City will reevaluate available resources and language assistance procedures.

Updates can include the following:

- Number of LEP persons contacted annually (if any).
- How the City provided meaningful language assistance.
- Determine if past language assistance was successful and effective.
- Demographic update on the local LEP population.
- If demographics change, re-evaluate language assistance procedures and available City resources.
- Determine if the City of John Day is complying with the procedures and goals outlined in this LAP.
- Identify any LAP/LEP complaints concerning City failure to meet the needs of LEP persons.

VII. Dissemination of the LAP

- Post information on the City Hall bulletin board regarding the LEP Plan and inviting LEP persons to notify City Staff of any language assistance needs.