

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 4, 2013 AGENDA**

Subject:	Type:	Submitted By:
APPROVAL - LIMITED ENGLISH PROFICIENCY PLAN (LEP)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

SYNOPSIS

A resolution has been prepared to approve the City of La Vista Limited English Proficiency Plan (LEP) as recommended by the City of La Vista Civil Rights and ADA Compliance Team.

FISCAL IMPACT

The FY2012/13 General Fund Budget provides funding for the proposed project.

RECOMMENDATION

Approval

BACKGROUND

The City of La Vista receives federal financial assistance and is charged with the responsibility to provide meaningful access to City of La Vista programs by persons with Limited English Proficiency (LEP) pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulations.

Failure to meet all requirements for federal funding could lead to a project or projects being declared ineligible for federal funds, which could result in the City of La Vista being required to repay some or all of the federal funds expended for a project or projects.

The City of La Vista Civil Rights and ADA Compliance Team recommends approval of an LEP Plan showing the City's commitment to ensure meaningful access to all City of La Vista programs by persons with LEP.

Costs may be incurred if there is a request for translation which would require a translator.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE LA VISTA LIMITED ENGLISH PROFICIENCY (LEP) PLAN.

WHEREAS, it has been determined that a Limited English Proficiency (LEP) Plan is necessary; and

WHEREAS, in order to continue to obtain federal funds the City of La Vista has the responsibility to provide meaningful access to City of La Vista programs to persons with Limited English Proficiency; and

WHEREAS, the City of La Vista Civil Rights and ADA Compliance Team has created the LEP plan and recommends approval of this plan;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that the Limited English Proficiency (LEP) Plan be, and hereby is, approved.

PASSED AND APPROVED THIS 4TH DAY OF JUNE, 2013.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Limited English Proficiency Plan for

City of La Vista, Nebraska

June 4, 2013

I. Purpose and Authority

The purpose of this Limited English proficiency policy is to clarify the responsibilities of the City of La Vista Departments receiving federal financial assistance and to assist them in fulfilling their responsibilities to Limited English Proficient (LEP) persons, pursuant to Title VI of the Civil Rights Act of 1964 and implementing regulations. This policy was prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulations (prohibiting national origin discrimination by recipients of federal financial assistance). This plan also serves to show the City of La Vista's commitment to ensure meaningful access to all City of La Vista programs by persons with Limited English Proficiency (LEP).

II. General Policy Statement

It is the policy of the City of La Vista to provide timely meaningful access for LEP persons to all City of La Vista programs and activities. All personnel shall provide free language assistance services to LEP individuals whom they encounter or whenever an LEP person requests language services. All personnel will inform members of the public that language assistance services are available free of charge to LEP persons and that the City will provide these services to them.

III. Plan Summary

Definition of Limited English Proficiency (LEP) persons: LEP persons are individuals who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English.

The City of La Vista has developed this Limited English Proficiency Plan to help identify reasonable steps to ensure LEP persons meaningful access to City of La Vista programs. This plan details procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training of staff, how to notify LEP persons that assistance is available, and information for future plan updates.

To decide what reasonable steps City of La Vista Departments should take to ensure meaningful access to LEP persons, City of La Vista considers the following:

1. The number or proportion of LEP persons eligible to be served or likely encountered by the City of La Vista program, activity or service;
2. The frequency with which LEP individuals come in contact with the particular City of La Vista program, activity or service;
3. The nature and importance of the program, activity or service provided by the City of La Vista; and
4. The resources available to the City of La Vista and overall costs.

A brief description of the above considerations is provided in the following section.

IV. Four Factors

1. The number or proportion of LEP persons eligible to be served or likely encountered by the City of La Vista program, activity or service.

The City of La Vista and City of La Vista Departments will use various methods to identify LEP persons with whom they have contact. These may include:

Current and past experiences with LEP persons encountered by the Department's staff. The number and type of such encounters will be periodically analyzed to determine the breadth and scope of the language services required.

Most recent U.S. Census Bureau data. The City of La Vista and City of La Vista Departments shall analyze data from the most recent U.S. Census Bureau data regarding languages spoken in the City of La Vista as well as the data concerning those who self-identified that they spoke English less than "very well."

The City of La Vista has examined the U.S. Census Bureau's 2009 American Community Survey data for the City of La Vista, Nebraska, and was able to make the following approximations:

5.3% of the City of La Vista population age 5 and older speak a language other than English at home.

People speaking Spanish at home comprised the largest language group speaking a language other than English at home. 3.3% of the population age 5 and older speak Spanish at home. Of those, 1.6% reported they do not speak English very well.

0.6% of the population 5 and older speak Other Indo-European languages at home. Of those, 0.1% reported they do not speak English very well.

1.1% of the population 5 and older speak Asian or Pacific Islander languages at home. Of those, 0.7% reported they do not speak English very well.

2. The frequency with which LEP individuals come in contact with the particular City of La Vista program, activity or service.

In addition to research conducted to identify LEP persons in the City of La Vista, City of La Vista Departments shall also annually complete information regarding the frequency of contact with LEP persons. The more frequent the contact and /or the number of requests for languages other than English, the more likely language services for a specific language will be needed. Actions taken for a Department serving a LEP person one time or only occasionally will be different from Departments that serve LEP persons every day. City of La Vista Departments will assess the frequency at which staff have or could possibly have contact with LEP persons. This includes documenting phone inquiries and in person inquiries for LEP assistance or materials, requests for language interpreters or translated material, and may include surveying public meeting attendees.

3. The nature and importance of the program, activity or service provided by the City of La Vista.

The City of La Vista recognizes that within the range of programs and services it provides, the nature of some programs and services may be more important to LEP persons than others. It is the City of La Vista's intent to provide meaningful access to all participants and eligible persons. However, the availability of resources and the nature and importance of the particular program (including any time sensitivity concerning a LEP person's participation in a program or receipt of a service) may on occasion limit or delay the provision of language services in some instances and in some Departments.

4. The resources available to the City of La Vista and overall costs.

The City of La Vista Departments shall assess their available resources that could be used for providing LEP assistance. This shall include identifying what staff and volunteer language interpreters are readily available; how much a professional interpreter and translation service would cost; which documents should be translated; which organizations the Department could partner with for interpreter and translation services or outreach efforts; which financial resources could be used to provide assistance; and what level of staff training is needed.

After analyzing the four factors referenced above, the City of La Vista has developed the LEP Plan outlined in the following section for assisting LEP persons.

V. How to Identify An LEP Person Who Needs Language Assistance

The following tools and processes may be used by City of La Vista Departments to help identify persons who may need language assistance.

- If records are normally kept of past interactions with members of the public, the records may reflect a need of a referenced LEP person for language accommodation(s) or assistance.
- Census Bureau "I speak cards" may be made available at customer service counters in City of La Vista Departments to invite LEP persons to identify language needs to staff. Although staff may not be able to provide translation assistance at the initial contact with an LEP person, the cards are an excellent tool to identify language needs for future contacts.
- Notices may be posted in commonly encountered languages other than English to notify LEP persons of language assistance to encourage LEP persons to self-identify.

VI. Language Assistance Measures

When an interpreter is needed, in person or on the telephone, staff should first determine what language is required. City staff members may be able to assist with written communications from LEP persons. If City staff cannot so assist, private interpreter services can provide translation services for a fee.

Use of informal interpreters, such as family or friends of the LEP person seeking service, or other customers, is discouraged, with minor children generally prohibited from acting as interpreters. The use of informal interpreters shall be allowed at the insistence of the LEP person or in emergencies, but shall be documented and subject to approval of a supervisor.

No City staff member may suggest or require that an LEP person provide an interpreter in order to receive City services or participate in a City program or activity.

VII. Staff Training

All City staff will be provided with the LEP Plan and will be trained on procedures and services available. LEP Plan information will also be a part of the staff orientation process for new employees. Training topics may include the following:

- City of La Vista LEP policy and procedures;
- Understanding Title VI LEP responsibilities;
- Language assistance services the City of La Vista offers;
- Use of LEP language identification cards or “I speak cards;”
- Availability and use of language interpretation and translation services;
- Documentation of language assistance requests; and
- How to handle a complaint

VIII. Providing Notice of Available Language Services to LEP Persons

LEP persons will be informed of the availability of language services by one or more of the following methods:

- Notices that language assistance is available may be posted in public areas, such as intake areas, customer service areas and other entry points to City of La Vista Departments.
- Statements may be placed in outreach documents indicating that language services are available from the City of La Vista. The statements could be placed in announcements, brochures, booklets, fliers, notices, advertisements, agendas, or recruitment information. Statements should be translated into the non-English language(s) that are most commonly encountered.
- When preparing a general public meeting notice, City staff should include a clause in Spanish asking that persons needing Spanish language assistance make arrangements with the City Clerk at least two days prior to the public meeting.
- If a City of La Vista Department is presenting a topic that could be of potential importance to a LEP person, or if a City of La Vista Department is hosting a meeting or a workshop in a geographic location with a known concentration of LEP persons, the Department may have notices, fliers, advertisements, and agendas printed in alternative language(s) or provide notices on non-English language radio stations or media outlets about available language assistance services and how to obtain them.

IX. Monitoring and Updating the LEP Plan

The City of La Vista and City of La Vista Departments will reevaluate the LEP Plan on a regular basis. Consideration shall be given to changes in demographics, types of services, and other needs when determining the frequency of LEP Plan reevaluation. Each affected City Department is encouraged to maintain its own LEP Plan that is more specific to its operational needs and the users of its programs, activities and services.

Each reevaluation should examine all Plan components and assess the following:

- How many LEP persons were encountered and what languages other than English?
- Were the needs of LEP persons met?
- What is the current LEP population in the City of La Vista?
- Has there been a change in the types of languages encountered that might require a change or anticipation of additional or alternate language translation services?
- Is there still a need for continued language assistance for previously identified City of La Vista programs? Are there other programs that should be included?
- Has there been a change in the available resources, technology, staff, and/or financial costs of the City of La Vista or a specific City Department?
- Has the City of La Vista or a specific City of La Vista Department fulfilled the goals of the LEP Plan and has the LEP Plan been effective to serve users?
- Were complaints received? If so, were they adequately addressed?
- Are identified sources of assistance still available and viable?

X. Dissemination of the City of La Vista Limited English Proficiency Plan; Title VI Coordinator

The City of La Vista will post the LEP Plan (this document) on its website at cityoflavista.org. Copies of the LEP Plan will be provided to any person or agency requesting a copy. Any questions or comments regarding this LEP Plan should be directed to the City of La Vista's Title VI Coordinator (Pamela Buethe, City Clerk, Phone 402-331-4343) ("Title VI Coordinator").

XI. Complaints

Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin under any program or activity that receives federal financial assistance. As a recipient of federal financial assistance, the City of La Vista, Nebraska has in place the following complaint procedure:

1. Any person who believes that he or she, individually or as a member of any specific class, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and/or the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the City of La Vista. Complaints may be filed directly with the Title VI Coordinator. A complaint may also be filed by a representative on behalf of such a person. Any Title VI complaint received by the City that is not filed directly with the Title VI Coordinator will be referred to the Title VI Coordinator for review and action.
2. In order to have the Title VI complaint considered under this procedure, the complainant must file the complaint no later than 180 days after:
 - a) The date of the alleged act of discrimination; or
 - b) If there has been a continuing course of conduct, the last date on which that conduct occurred.

In either case, the Title VI Coordinator (or his/her designee) may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Title VI complaints must be submitted in writing and must be signed by the complainant and/or the complainant's representative. Complaints must set forth, as fully as possible, the facts and circumstances surrounding the claimed discrimination, including dates and contact information (if known) of any witnesses. If a person makes a verbal complaint of discrimination to an officer or an employee of the City of La Vista, the officer or employee shall notify the Title VI Coordinator, who will then contact or interview the complainant and assist the complainant in reducing the complaint to writing and obtain the complainant's signature on the written complaint. The complaint shall then be handled according to the City of La Vista's investigative procedures.
4. Within 10 days after the Title VI Coordinator receives a signed written complaint, the Title VI Coordinator will acknowledge receipt of the written complaint, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available.
5. Within 60 days after the Title VI Coordinator receives a signed written complaint, the Title VI Coordinator will conduct and conclude an investigation of the complaint and, based on the information gathered in the investigation, report his or her findings in writing to the City Administrator and provide a copy of the report to the Mayor and City Council. The Title VI Coordinator shall also include in his or her report any recommendation for any action he or she considers or deems to be appropriate under the circumstances. The complaint should be resolved by informal means whenever possible, and any attempts to resolve the complaint informally and the results of such attempts will be summarized in the Title VI Coordinator's report.