

RESOLUTION NO. 20161103-052

WHEREAS, Presidential Executive Order 13166, issued in 2000, requires federal agencies to ensure that recipients of federal assistance (including financial grants, equipment, training, and other forms of assistance) provide individuals with limited English proficiency (LEP) with meaningful access to their programs and activities and directed federal agencies to each draft guidance for local government entities to whom those agencies provide funds; and

WHEREAS, on February 17, 2011, Attorney General Eric Holder issued a “Memorandum to All Federal Agencies Regarding Executive Order 13166,” which stated: “Whether in an emergency or in the course of routine business matters, the success of government efforts to effectively communicate with members of the public depends on the widespread and nondiscriminatory availability of accurate, timely, and vital information”; and

WHEREAS, in May 2011, the Department of Justice (DOJ) published a document entitled “Language Access Assessment and Planning Tool for Federally Conducted and Federally Assisted Programs” to serve as a model for ensuring agencies and local entities are providing LEP individuals with meaningful access to programs and services, with steps including:

- Conducting a self-assessment that identifies language service needs, and evaluates the bilingual, translation, and interpretation resources already available to help LEP individuals access the City’s programs and services; and
- Implementing a plan to address the needs identified in the self-assessment, specifically by developing: directives that set standards and guidelines; an implementation plan to serve as a roadmap for making directives a reality; and

WHEREAS, on October 17, 2013, the City Council approved Resolution 20131017-038, directing the City Manager to develop a plan for a universal translation service protocol to serve LEP individuals; and

WHEREAS, on August 1, 2014, the Communications and Public Information Office implemented a “Translation and Interpretation Policy” with a citywide translation and interpretation protocol; and

WHEREAS, in June 2016, the Office of the City Auditor issued a “Language Access Audit” to the City Council regarding the City’s language access services; and

WHEREAS, the Auditor’s report noted that, although each federal agency drafts its own guidance for its recipients, all agencies require recipients to conduct a self-assessment regarding the following four factors: 1) the number or proportion LEP individuals eligible to be served or likely to be encountered by the program; 2) the frequency with which LEP individuals come in contact with the program; 3) the nature and importance of the program to people’s lives, and; 4) the resources available to the recipient and costs; and

WHEREAS, the Auditor’s report found 17 City departments receive federal assistance, but most had not assessed all four factors required to be part of a self-assessment; and

WHEREAS, the Auditor’s report also found:

- 85% of City departments do not collect data on the residents they serve, and without relevant information about resident needs, the City is unable to effectively assess current services and outreach efforts to identify gaps and areas for improvement;
- 75% of City departments do not have a language assistance coordinator or plan to ensure services are provided effectively, and that as a result of incomplete efforts and inconsistent oversight, the City is unable to ensure that language assistance services it provides are fully accessible and effectively delivered;
- The City does not have robust monitoring structures in place and cannot ensure that the language assistance services it provides are effectively meeting community needs; and

WHEREAS, the City of Austin is not unique in facing these challenges. Other local public agencies serve many of the same communities that the City serves, and a 2015 survey by the Community Advancement Network found many local public agencies perceived a need to improve their language access procedures and had an interest in collaborating with other local entities to achieve those improvements; and

WHEREAS, the Auditor's report recommended the City Manager create a stakeholder team to design a language access program that: addresses and aligns with the components identified in the language access framework; meets the needs of people in the Austin community who require language assistance services; ensures an efficient and effective allocation of resources; and complies with the requirements of Executive Order 13166 and other regulations, as applicable; and

WHEREAS, the Auditor's report recommended the City Manager designate a person or persons with authority to coordinate the timely implementation of the City's language access program consistent with the designed plan identified by the stakeholder team; monitor the program for compliance with applicable policies and regulations; and periodically update the program based on changing conditions, public input, and performance measurement and analysis; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to ensure all City departments comply with language access guidance issued by federal agencies from which they receive assistance, taking special consideration into whether City departments should use the sample self-assessment provided in the DOJ's "Language Access Assessment and Planning Tool" document, and report their results in writing.

BE IT FURTHER RESOLVED:

The City Manager is directed to create a stakeholder team to develop a "Language Access Implementation Plan," as described by the DOJ, which recommends deadlines and priorities, assignment of responsibility, and allocation of the resources necessary to come into or maintain compliance with language access requirements. Further, in developing the

plan, the stakeholder team should explore options for collaborating with other local public agencies to achieve efficiencies in the provision of language access services. The members of the stakeholder team should include, at minimum, representatives from the City Manager's Office, the Law Department, Human Resources Department management, the public safety departments, the quality of life commissions, and members of the public.

BE IT FURTHER RESOLVED:

The City Manager is directed to develop "Language Access Procedures," as described by the DOJ, for each City department that interacts with the public. The procedures should specify steps for staff to follow to provide language services, gather data, and deliver services to LEP individuals, with special consideration about how City departments can begin collecting LEP-relevant data from the residents they serve and to whether City departments should designate language assistance coordinators to ensure effective services are provided.

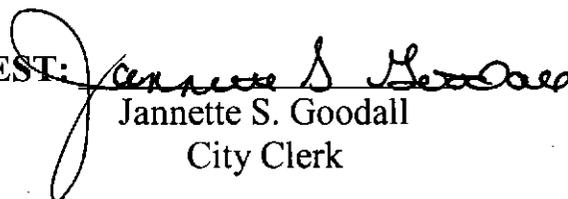
BE IT FURTHER RESOLVED:

The City Manager, in performing the directives in this resolution, is encouraged to prioritize departments that most frequently come into direct contact with the public, such as departments overseen by the Assistant City Managers for Public Safety and Community Services, the Municipal Court, Austin Energy, and the Austin Water Utility.

BE IT FURTHER RESOLVED:

The City Manager will provide the Council with progress reports, in intervals no greater than 90 days, until the tasks herein are completed.

ADOPTED: November 3, 2016

ATTEST: 
Jannette S. Goodall
City Clerk