

RESOLUTION No. 37516

Establish City's Language Access Policy and program and direct bureaus to implement the policy, standard operating procedures, tools, resources, and guidance adopted by the Office of Equity and Human Rights (Resolution)

WHEREAS, Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance; and

WHEREAS, the City of Portland's language access responsibilities fall under its obligation to ensure nondiscrimination on the basis of national origin per Title VI of the Civil Rights Act of 1964 and Executive Order 13166, which further expands on those protections for limited English proficiency (LEP) individuals; and

WHEREAS, Executive Order 13166, "Improving Access to Service for Persons with Limited English Proficiency" states federally funded agencies are required to take steps to remove barriers to ensure LEP individuals have meaningful access to federally funded programs and services and develop and implement a system to provide those services so LEP persons can have meaningful access to them; and

WHEREAS, the City of Portland is responsible for taking reasonable steps to provide equitable and meaningful access to its programs, services, activities, and communications to members of the public who have limited English proficiency and experience institutional language barriers; and

WHEREAS, the City of Portland and its bureaus are committed to upholding the rights of all its people, and especially those most impacted by discrimination on the basis of race, color, national origin and are committed to ensuring that all public plans, policies, programs, services and activities be designed, implemented, evaluated and delivered in a manner that advances equity, improves quality of life, and reduces disparities; and

WHEREAS, Limited English Proficiency (LEP) individuals are community members who often are multilingual and may be English language learners. An LEP individual may be able to communicate in English to a certain degree or in certain circumstances depending on the topic/vocabulary, but have the civil right, in accordance with Title VI, Civil Rights Act 1964 and Executive Order 13166, to request access to information, services, and programs in their preferred language, from the City, free of cost; and

WHEREAS, on October 2, 2019 Resolution No.37450 was adopted by City Council to declare support for a robust standard of Civil Rights Title VI and ADA Title II compliance throughout City Bureaus and Offices and direct the Office of Equity and Human Rights to lead coordination by setting Citywide policies and accountability measures; and

WHEREAS, City plans such as the Portland Plan, the 2035 Comprehensive Plan, and

Bureau Equity Plans outline a commitment to equitable decision-making, planning, program, service, and activity provision and refer to a framework for institutionalizing equity and providing meaningful access to the benefits of government to members of the public who experience institutional language barriers; and

WHEREAS, Council passed the Welcoming/Inclusive/Sanctuary City Resolution No. 37277 and other Resolutions stating inclusion and equity commitments to immigrant and refugee Portland communities, who include community members with a spectrum of English language proficiency, and committing to providing meaningful access to the benefits of city government in order to improve outcomes for those communities and upholding their civil rights; and

WHEREAS, according to most recent data from the Census, 19.4% (well over 117,000 people 5 yrs. and over) of Portland's population speaks a language other than English at home, and 8.1% (well over 49,000 people 5 yrs. and over) of the city's population speak English less than "very well"; and

WHEREAS, the Four Factor Analysis for Language Access Planning is a federally mandated analysis which requires federally funded entities, including the City of Portland, to analyze their existing programs and services serving limited English proficiency community members, and make adjustments according to the analysis for providing equitable service delivery and access to LEP communities; and

WHEREAS, the Factor 1 analysis is a federally mandated demographic assessment conducted to determine the languages spoken in the City of Portland service area and involves assessing the number or proportion of LEP (Limited English Proficiency) persons by language group eligible to be served by a program, service, or activity; and

WHEREAS, in order to provide equitable access to city government for multilingual and multicultural community members, the Factor 1 analysis and accompanying guidance serves as an important language access tool for City staff. Language access is a continuous quality improvement process and recognizes the ever-changing demographics of our community; and

WHEREAS, the COVID-19 pandemic has disproportionately affected communities that already experience institutional barriers and systemic oppression, and immigrant and refugee communities are among those groups most impacted. The Office of Equity and Human Right's Citywide Equity and Language Access Analyst has been providing vital equity and language access advisement at the leadership level in the Emergency Coordination Center's (ECC) communications and response activities which includes creating and providing implementation tools to responders such as the COVID-19 Language Access Guidance and Language Access Tracking Tool, and providing linguistically and culturally specific advisement on critical COVID-19 health and safety messaging campaigns produced in over 35 languages. The regional scope of the response made clear the importance of centering language equity and providing emergency assistance in the increasingly numerous languages spoken by community members in our region; and

WHEREAS, the COVID-19 Language Access Guidance states the City's obligations to Title VI of the Civil Rights Act's national origin non-discrimination protections, contains standards and best practices that are further delineated in corresponding Citywide standard operating procedures and are to be implemented in regular City operations. It provides City bureau and ECC staff with guidance on providing meaningful access to government for multicultural and multilingual community members and emphasizes the need for robust community engagement in order to increase trust building between those communities and city government; and

WHEREAS, the Office of Equity and Human Rights is committed to building capacity to implement citywide language access standards and processes and to establish a Language Access Program led by the bureau's Equity and Language Access Analyst, which fulfills commitments stated in the Portland Plan's 5 year action plan goal number 8 to "develop and implement a coordinated language and cultural interpretation strategy and program for the City of Portland and partner agencies"; and

NOW THEREFORE BE IT RESOLVED, it is the policy of the City of Portland to ensure meaningful access to the City's programs, services, activities, information and communications to all community members including individuals who are limited English proficient (LEP). The City of Portland is responsible for taking reasonable steps to provide equitable and meaningful access to its programs, services, activities, and communications. The City has an institutional responsibility under Title VI of the Civil Rights Act of 1964 and Executive Order 13166, to ensure limited English proficiency (LEP) community members are protected from national origin discrimination. Furthermore, it is the City's institutional responsibility to provide language access services free of charge to LEP community members, thus creating equitable access to city government; and

BE IT FURTHER RESOLVED, the Council establishes the Citywide Language Access Program led by the Office of Equity and Human Rights and its Equity and Language Access Analyst, to provide City bureaus with language access standard operating procedures, resources, tools, guidance, and advisement in order to provide equitable access to city government for multilingual and multicultural community members who experience institutional language barriers; and

BE IT FURTHER RESOLVED, the Council directs City bureaus to implement the language access policy, procedures, standards, best practices, tools, and resources established by the Office of Equity and Human Rights; and

BE IT FURTHER RESOLVED, the Council directs the Office of Equity and Human Rights to establish overall City tracking and accountability measures for Civil Rights compliance per Resolution 37450, including tracking data points for demonstrating language access and national origin non-discrimination compliance; and

BE IT FURTHER RESOLVED, City bureaus must track language access requests, both

proactive bureau-initiated and public-initiated, to demonstrate compliance with Title VI and to inform bureau budgeting related to language access; and the data collected will be used as the foundation for the assessments required in the bureau-level Four Factor Analysis for Language Access Planning, which will begin within the next 2 years; and

BE IT FURTHER RESOLVED, City bureaus must track and monitor, assess, report, and evaluate bureau programs, services, activities, and communications to remove institutional barriers and take reasonable steps to provide meaningful access to multicultural and multilingual communities who experience institutional language barriers; and

BE IT FURTHER RESOLVED, the Citywide Equity and Language Access Analyst will assess institutional language barriers by providing a language access analysis, advising and guiding each City bureau in developing their individual language access plans, and providing training and implementation strategies and guidance for alignment with the civil rights compliance standards established by the Office of Equity and Human Rights; and

BE IT FURTHER RESOLVED, that the Office of Equity and Human Rights will create Administrative Rules in 2021 to implement this Resolution; and

BE IT FURTHER RESOLVED, this Resolution is binding City policy.

Adopted by the Council: November 12, 2020


Commissioner Amanda Fritz
Prepared by: Tatiana Elejalde
Date Prepared: October 30, 2020

Mary Hull Caballero
Auditor of the City of Portland
By *Keelan McClymont*
Deputy

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Agenda No.
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INTRODUCED BY Commissioner/Auditor: Commissioner Fritz	CLERK USE: DATE FILED <u>November 3, 2020</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance & Administration – Wheeler	By: <u><i>Keelan McClymont</i></u> Deputy
Position 1/Utilities - Fritz <small>Tim Crail on behalf of Commissioner Fritz</small>	
Position 2/Works - Ryan	
Position 3/Affairs - Hardesty	
Position 4/Safety - Eudaly	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Office of Equity Bureau Head: 	
Prepared by: Fatiana Elejalde Date Prepared: 11/2/2020	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date November 12, 2020	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> 45 min Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Ryan	2. Ryan	✓	
3. Hardesty	3. Hardesty	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	