

BEFORE THE INDEPENDENCE CITY COUNCIL
FOR THE STATE OF OREGON, COUNTY OF POLK

A Resolution Adopting the 2015)
Limited English Proficiency Plan)

RESOLUTION NO. 15-1419

WHEREAS, in accordance with Title VI nondiscrimination laws in regard to providing appropriate access to services and activities provided by federal agencies and recipients of federal assistance, the Limited English Proficiency Plan was drafted to define how the City of Independence will accommodate persons with limited English proficiency; and

WHEREAS, individuals who do not speak English well and who have a limited ability to read, write, speak or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service or encounter, NOW THEREFORE,

The Independence City Council hereby resolves:

1. The 2015 Limited English Proficiency Plan, attached as Exhibit A, is hereby adopted;
2. The City of Independence Oregon Language Access Plan, adopted administratively in June 2013, is hereby repealed in its entirety; and
3. This Resolution will be effective immediately upon passage by the Council and Approval by the Mayor.

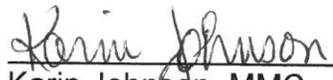
PASSED by the City Council: *September 8, 2015*

SIGNED by the Mayor: *September 8, 2015*



JOHN McARDLE, MAYOR

ATTEST:



Karin Johnson, MMC
City Recorder

City of Independence Oregon Limited English Proficiency Plan

Introduction

Limited English Proficiency Plan

The *Limited English Proficiency Plan* has been prepared to address the City of Independence, Oregon's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq, and its implementing regulations, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166, titled *Improving Access to Services for Persons with Limited English Proficiency*, indicates that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds, including the City of Independence, Oregon.

The City of Independence receives funds from the U.S. Department of Housing and Urban Development, under Title I of the Housing and Community Development Act of 1974, as amended, 42 USC §5301 (1994) via the State of Oregon through its Oregon Infrastructure Finance Authority (IFA).

Independence, Oregon

The City of Independence Oregon is situated in Polk County, Oregon with an approximate population of 8,700. The city encompasses a multitude of services, officers and departments, including the Mayor and City Council, a City Manager, Community Development, Economic Development, Police, Public Works, a Library and a Museum.

Elements of an Effective Limited English Proficiency Plan

The U.S. Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing a Limited English Proficiency Plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the Limited English Proficiency Plan

Four-Factor Analysis

Recipients are required to take reasonable steps to ensure meaningful access to LEP persons through the four-factor analysis. This "reasonableness" standard is intended to be flexible and fact-dependent. It is also intended to balance the need to ensure meaningful access by LEP persons to critical services while not imposing undue financial burdens on small businesses, small local governments or small non-profit organizations.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service of the recipient or grantee.
2. The frequency with which LEP persons come into contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.
4. The resources available to the City of Independence and the overall cost.

As the City of Independence encompasses a variety of services, application of the Four-Factor analysis varies depending on the specific service. A general analysis of the factors includes:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity or service of the recipient or grantee.

The population of Independence is predominantly English speaking, with the largest minority language being Spanish¹, and includes a variety of other Indo-European, Asian and Pacific Islander, and other languages. English the primary language of approximately 66% of the population, with 32.6% speaking Spanish as their primary language. Of the Spanish speaking population, less than half, or 13.4%, of the Independence population speaks English less than 'very well'². The remaining primary languages spoken are interspersed among the remaining 118 individuals in the Independence population, with none of the individual language groups rising above 50 LEP speakers.

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

It can be expected that LEP persons will come into contact with City programs, services or facilities on a very regular basis and staff serving as point of entry contacts to programs and services are given instructions on how to identify LEP clients using Language Identification Cards (Attachment #1), how to utilize interpretation services, and/or staff contacts to access translation services.

3. The nature and importance of the program, activity, or service provided by the recipient to the LEP community.

With a large population that either does not speak English or speaks English less than 'very well', access and the availability of city services, programs and facilities to LEP persons must be provided as contained in this policy.

¹<http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

²<http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>

4. The resources available to the City of Independence and the overall cost.

The City has in-house staff identified for oral translation (see attachment #2 for statement of qualifications). Additionally, the City has a Community Liaison position who is responsible for promoting civic engagement through community outreach of the Latino community.

Independence will use, when there is difficulty determining this language spoken, Language Identification Cards created by the US Census Bureau at <http://www.lep.gov/resources/ISpeakCards2004.pdf>. Furthermore, Independence shall post notices in English and Spanish explaining that LEP services are available.

Safe Harbor

Housing and Urban Development, in its final guidance for providing program access to LEP individuals, has detailed a 'Safe Harbor' where providing a certain level of translated materials for a LEP population of a specified size will "be considered strong evidence of compliance with the recipient's written translation obligations." The City of Independence has determined that, in regards to its LEP language populations, the Spanish LEP population is above both 5% and 1,000 individuals, and thus translated vital documents are required. Independence shall translate all vital documents and have them available in both English and Spanish. Other than English and Spanish, the City of Independence that the remaining LEP populations for each spoken language are below 5% and 50 persons. According to the 'Safe Harbor' Guidelines, any language population that falls below 50 individuals and 5% of the service population is not required to receive any written translations. As the remaining LEP populations fall below this level, the City of Independence is not required to provide any translated documents under 'Safe Harbor' guidelines to non-Spanish LEP individuals.

Vital Documents

A vital document is one that contains information critical for obtaining or maintaining the services or benefits that are supported by Federal funds, or that are required by law. Such documents may include, but are not limited to, permits, applications, consent forms, notices of participant rights and responsibilities, disciplinary notices, letters or notices that require a response from the participant or beneficiary, legal notices and notices advising LEP persons of the availability of free language services.

Certain vital documents have been identified by staff and were translated into Spanish by outside agencies and staff. The city will continue to monitor the need for translation of any additional vital documents.

Staff Obtainment of Language Services

Staff needing Spanish translation services for Spanish speaking LEP individuals will contact Gizell Camero, Shawn Irvine, or the Community Liaison, all of whom are Spanish speakers, to provide oral translation. A copy of their qualifications is contained in Attachment #2. The Police Department and the Library also have bilingual employees that staff can rely on for oral translation for Spanish-speaking LEP individuals. The Municipal Court utilizes a certified translator, who is present at all court dates.

LEP individuals

Procedure for LEP callers

LEP individuals who call the city of Independence will be transferred to LanguageLine Solutions, a telephonic interpretation service that the city of Independence has contracted to utilize its interpretation services. An overview of LanguageLine Solutions is described in Attachment #3.

Procedure for Written Communication with LEP Individuals

Written communication in Spanish will be handled by Gizell Camero, Shawn Irvine or the Community Liaison. Non-Spanish written communication not in English will be referred to LanguageLine Solutions for translation.

Procedure for In-Person Communication with LEP Individuals

Employees of the City of Independence who encounter a Spanish speaking LEP individual will contact Gizell Camero, Shawn Irvine, or the Community Liaison who will inform the LEP individual that they can provide free interpretation services. The LEP individual can decline the interpretation assistance if he or she wishes to utilize another individual for interpretation, but the individual will still be offered the translation service.

For non-Spanish speaking LEP individuals, the City of Independence will utilize LanguageLine Solutions for oral interpretation.

Training Staff

All Independence staff acting as point-of entry contacts will be given instruction on how to identify LEP clients using Language Identification Cards and other established methods, how to utilize interpretation services, how to access the Independence Bilingual Staff. Training will be overseen by Karin Johnson and will be repeated and revised as necessary.

Monitoring and Updating the LEP Plan

Karin Johnson will monitor and update the LEP Plan as needed. The LEP Plan will be reviewed once a year to identify any changes that need to be made or if the City of Independence encounters difficulty interacting with LEP individuals.

2004
Census
Test

United States
Census
2010

LANGUAGE IDENTIFICATION FLASHCARD

- | | | |
|--------------------------|--|------------------------|
| <input type="checkbox"/> | ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية. | 1. Arabic |
| <input type="checkbox"/> | Խոսողո՞ւմ ե՞սք նշո՞ւմ կատարե՞ք այս քառակուսում,
եթե խոսո՞ւմ կամ կարո՞ւմ եք հայերեն: | 2. Armenian |
| <input type="checkbox"/> | যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন। | 3. Bengali |
| <input type="checkbox"/> | ឈ្មួមបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។ | 4. Cambodian |
| <input type="checkbox"/> | Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro. | 5. Chamorro |
| <input type="checkbox"/> | 如果你能读中文或讲中文，请选择此框。 | 6. Simplified Chinese |
| <input type="checkbox"/> | 如果你能讀中文或講中文，請選擇此框。 | 7. Traditional Chinese |
| <input type="checkbox"/> | Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik. | 8. Croatian |
| <input type="checkbox"/> | Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky. | 9. Czech |
| <input type="checkbox"/> | Kruis dit vakje aan als u Nederlands kunt lezen of spreken. | 10. Dutch |
| <input type="checkbox"/> | Mark this box if you read or speak English. | 11. English |
| <input type="checkbox"/> | اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بنید. | 12. Farsi |

- Cocher ici si vous lisez ou parlez le français. 13. French
- Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen. 14. German
- Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά. 15. Greek
- Make kazyè sa a si ou li oswa ou pale kreyòl ayisyen. 16. Haitian Creole
- अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ। 17. Hindi
- Kos lub voj no yog koj paub twm thiab hais lus Hmoob. 18. Hmong
- Jelölje meg ezt a kockát, ha megérta vagy beszéli a magyar nyelvet. 19. Hungarian
- Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano. 20. Ilocano
- Marchi questa casella se legge o parla italiano. 21. Italian
- 日本語を讀んだり、話せる場合はここに印を付けてください。 22. Japanese
- 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오. 23. Korean
- ໃຫ້ໝາຍໃສ່ຂໍ້ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ. 24. Laotian
- Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. 25. Polish

- Assinale este quadrado se você lê ou fala português. 26. Portuguese
- Însemnați această căsuță dacă citiți sau vorbiți românește. 27. Romanian
- Поставьте этот квадратик, если вы читаете или говорите по-русски. 28. Russian
- Обележите овај квадратички уколико читате или говорите српски језик. 29. Serbian
- Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky. 30. Slovak
- Marque esta casilla si lee o habla español. 31. Spanish
- Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. 32. Tagalog
- ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย. 33. Thai
- Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga. 34. Tongan
- Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою. 35. Ukrainian
- اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔ 36. Urdu
- Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ. 37. Vietnamese
- באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש. 38. Yiddish



City of Independence, Oregon

To Whom It May Concern:

From second grade through high school, Shawn Irvine was educated in a dual-language Spanish immersion program where half the day was taught in Spanish and half in English. Coursework included world history, cultures, Latin American literature and other global topics. At graduation, Mr. Irvine was fluent in Spanish, having placed in the top ten of the National Spanish Exam for non-native speakers four years in a row.

After college, Mr. Irvine spent almost four years in Paraguay, South America doing municipal development work with the Peace Corps. As part of his work, Mr. Irvine became familiar with the operations and terminology of city, state and federal governments, and he left Paraguay with an Advanced-High designation on the American Council on the Teaching of Foreign Languages' oral proficiency interview.

Through his work with the City of Independence, Mr. Irvine has maintained his Spanish fluency, working with individuals and community groups to coordinate volunteer efforts and further city interests. Mr. Irvine can also read and write fluently in Spanish.

Shawn Irvine
Economic Development Director
City of Independence
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City of Independence, Oregon

To Whom It May Concern:

I was raised in a bilingual household, and Spanish was the first language. I attended English-speaking school and am a local resident. I am able to help Spanish speaking customers with their questions and concerns that come into City Hall.

Gizell Camero

Accountant 1

City of Independence

555 S. Main St.

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503-838-1212

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City of Independence, Oregon

To Whom It May Concern:

I was raised in a Spanish speaking household where my sisters were bilingual and both my parents were non-English, Spanish speakers. Spanish was our first language. In high school I was able to receive recognition for fluency in Spanish as foreign language credits and feel comfortable reading and writing in Spanish.

Having grown up in the Independence area around other bilingual households, I developed a keen understanding of the common vernacular used by the Spanish speaking community of Independence and am fully able to communicate with Spanish speaking individuals.

Kevin Alejandre | Community Liaison
City of Independence
555 S. Main Street
Independence, Oregon
Phone: 503-838-1212

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