

City of Bend
City Manager Administrative Policy



CITY OF BEND

LANGUAGE ACCESS POLICY

Policy No. ADM 2024-2

Bend Code Chapter 1.30.005 provides for 'City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.' All regulations, policies and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and Council ordinances.

The following policy conforms to the above stated standards.

Authorized by City Manager:

DocuSigned by:

A handwritten signature in blue ink that reads "Eric King".

Eric King, City Manager

Dated: 4/26/2024

Reviewed by Legal Counsel:

DocuSigned by:

A handwritten signature in blue ink that reads "Mary Winters".

Mary Winters, City Attorney

Dated: 4/26/2024

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I. PURPOSE

The purpose of this Policy is to guide the City as it takes reasonable steps to provide meaningful language access to City services, programs, and activities. Priority will be given to translation and interpretation resources for emergency and core services that have the most significant impact and contact with individuals with limited English proficiency (LEP). Please see Section V for more information on departments' responsibilities.

For individuals with LEP, language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other vital information. These individuals may be entitled to language assistance for programs and services that receive assistance from the federal government.

Providing adequate language assistance services to people with LEP furthers the goal of making Bend a more equitable, inclusive, diverse, and accessible City. The City recognizes that individuals with LEP and non-English speaking community members encounter barriers to accessing City services and programs, understanding and exercising rights, and complying with civic responsibilities.

This Policy establishes guidelines, consistent with **Title VI of the Civil Rights Act of 1964**, **Executive Order 13166**, and the **DOJ Guidance**, for City employees to follow when providing services to or interacting with individuals with LEP. It applies to all City programs, but has special emphasis for those programs, services, or activities that are federally assisted, public-facing, or public-serving.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. (Title VI) provides that "no person in the United States shall, on the ground of ... national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." **Executive Order 13166** requires federal agencies to establish guidelines to help recipients of federal funds fulfill their Title VI obligations to people with LEP (due to their national origin).

Under Department of Justice (DOJ) regulations implementing Title VI and Executive Order 13166, recipients of federal financial assistance have a responsibility to provide meaningful access to their programs and activities for persons with LEP.¹

¹ See 28 CFR 42.104(b)(2). See also Section 1557; Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 68 Fed. Reg. 47311, 47320 (Aug. 8, 2003) (the "DOJ Guidance").

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II. DEFINITIONS

As defined by the **DOJ Guidance**, individuals with LEP are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

“Meaningful access” means language assistance that results in accurate, timely, and effective communication at no cost to the individual with limited English proficiency. For individuals needing language assistance, “meaningful access” denotes access that is not significantly restricted, delayed or inferior as compared to programs or activities provided to English proficient individuals.² It is important to note that “meaningful access” is determined by considering and balancing multiple factors, including those from the four-factor analysis outlined in the DOJ Guidance. See Section IV for more on this analysis.

III. APPLICABILITY

The City receives financial assistance from federal agencies including the Departments of Housing and Urban Development (HUD), Justice, and Transportation, and from state agencies that are themselves recipients of federal financial assistance (e.g. the Oregon Department of Transportation, Oregon Department of Housing and Community Services, and Oregon Health Authority). As such, and by law, the City has an obligation to take reasonable steps to provide meaningful language access to City services, programs, and activities.

IV. LANGUAGE ACCESS PLAN

In support of this Policy, the City will develop a Language Access Plan. This plan will be created pursuant to this Policy and after a Citywide language access needs assessment is completed. This assessment is based on the four-factor analysis outlined in the DOJ Guidance. The four-factor analysis balances the following elements:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or by the recipient of federal funds (the City);
2. The frequency with which LEP individuals come in contact with the program or service;
3. The nature and importance of the program, activity or service provided by the program to people’s lives; and
4. The resources available to the City, and their costs.

² **Department of Justice Language Access Plan, Appendix A.**

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The needs assessment and the language access plan will help the City prioritize and direct its language access resources to the areas where the most language access services are needed.

V. RESPONSIBILITIES

Beyond emergency and core services, departments will take meaningful steps toward the goal that people with LEP are able to communicate with City staff and understand their rights, the language services that are available to them, and how best to access those services as they seek information and access to City programs, activities and resources.

While this may look different from department to department, the goal is to take meaningful steps toward language access and avoid creating an undue burden on City resources or delaying important rights, benefits, or services to an individual with LEP. However, this goal must be balanced with other budget and programmatic priorities and constraints, consistent with the DOJ Guidance.

Providing meaningful language access will require dedication of some additional resources balanced against the priorities revealed in the four-factor analysis. Additional plans or steps may need to be developed by departments to meet conditions of specific federal funding or other requirements.

The overall responsibility for providing meaningful access to services to individuals with LEP rests primarily with each City department.

To develop a more consistent and comprehensive approach, the Equity and Inclusion Director, in consultation with the Equity Management Analyst and Communications and Engagement Director, will oversee implementation of this Policy and will designate a Language Access Plan Coordinator as a resource for City staff to contact with questions and issues related to the implementation and oversight of the Language Access Plan. The Language Access Plan Coordinator responsibilities will be housed in the Equity Department.

VI. MONITORING THE LANGUAGE ACCESS POLICY

This Policy should be reviewed as needed based on community and staff feedback, anticipated on a biennial basis. The City will conduct an evaluation to collect data and make adjustments to determine the overall effectiveness of language access services and the Language Access Plan, review the progress of stated goals, and identify new goals or strategies for better serving individuals with limited English proficiency.

The needs assessment(s) should be updated as populations and LEP needs change, and as new data become available. It is anticipated this review should occur every three years, or as needed.