

**ORDINANCE NO. 2016-6-13C**

**ORDINANCE ADOPTING THE LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

WHEREAS, in accordance with Title VI non-discrimination 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 Clarksburg 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, benefit, or encounter;


BE IT ORDAINED by the Mayor and City Council of the City of Clarksburg that the Limited English Proficiency Plan for the City of Clarksburg, attached hereto and incorporated herein by reference, be adopted.

**PASSED** on First Reading June 13, 2016


**PASSED** on Second Reading June 20, 2016

  
\_\_\_\_\_  
Jamie Peterson, Mayor

ATTEST:

  
\_\_\_\_\_  
Leigh Grice, City Recorder

AS TO FORM:

  
\_\_\_\_\_  
Michael U. King, City Attorney

# Policy and Procedure for Providing Meaningful Communication with Persons with Limited English Proficiency

City of Clarksburg will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. The policy of the City of Clarksburg is to ensure meaningful communication with LEP persons. The policy also provides for communication of information contained in vital documents, including but not limited to, ordinances, resolutions, notices, policies, and billings, etc. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and LEP persons and their families will be informed of the availability of such assistance free of charge.

Language assistance will be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or technology and telephonic interpretation services. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.

City of Clarksburg will conduct a regular review of the language access needs of our citizens, as well as update and monitor the implementation of this policy and these procedures, as necessary.

## **PROCEDURES:**

### **1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE**

City of Clarksburg will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or "I speak cards," available online at [www.lep.gov](http://www.lep.gov)) or posters to determine the language. In addition, when records are kept of past interactions with LEP persons or family members, the language used to communicate with the LEP person will be included as part of the record.

### **2. OBTAINING A QUALIFIED INTERPRETER**

The City Recorder or her designee, 731-986-5547, is responsible for:

- (a) Maintaining an accurate and current list showing the name, language, phone number and hours of availability of bilingual staff;
- (b) Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- (c) Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language. The City will maintain a list of outside interpreters at the City Hall.

Gary Evans has agreed to provide qualified interpreter services. The agency's (or agencies') telephone number(s) is/are 901-299-4814, and the hours of availability are 8:00 a.m. to 5:00 p.m.

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented by the City. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

### **3. PROVIDING WRITTEN TRANSLATIONS**

(a) When translation of vital documents is needed, each unit in the City of Clarksburg will submit documents for translation into frequently-encountered languages to the City Recorder or her designee. Original documents being submitted for translation will be in final, approved form with updated and accurate information.

(b) The City will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

(c) City of Clarksburg will set benchmarks for translation of vital documents into additional languages over time.

### **4. PROVIDING NOTICE TO LEP PERSONS**

City of Clarksburg will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and provided in intake areas and other points of entry at the City Hall and Police Department. Notification will also be provided through one or more of the following: outreach documents, telephone voice mail menus, local newspapers, radio and television stations, and/or community-based organizations.

### **5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION**

On an ongoing basis, City of Clarksburg will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, City of Clarksburg will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from citizens, other LEP persons, and community organizations, etc.