

CITY OF HARTFORD



LIMITED ENGLISH PROFICIENCY PLAN

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April 23, 2012

**CITY OF HARTFORD
COUNTY OF VAN BUREN
STATE OF MICHIGAN**

A RESOLUTION ADOPTING LIMITED ENGLISH PROFICIENCY (LEP) PLAN

RESOLUTION # 2012 - 005

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 Hartford will accommodate persons with Limited English Proficiency; and

WHEREAS, individuals who do not speak English well and who have 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 particular type of service, benefit, or encounter; and

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of Hartford approve and adopt the Limited English Proficiency Plan for the City of Hartford.

Motion by: Frank Dockter

Supported by: Dennis Goss

Yeas: Frank Dockter; Rick Hall; Dennis Goss; Leo Latus; John Miller and Ted Johnson

Nays: None

Absent: Rodney Austin

RESOLUTION DECLARED ADOPTED:

DATE: APRIL 23, 2012

RoxAnn Rodney- Isbrecht, City Clerk

I hereby certify that the foregoing is a true copy of the resolution adopted by the City Commission of the City of Hartford, County of Van Buren, State of Michigan, at a regular meeting held on April 23, 2012

RoxAnn Rodney- Isbrecht, City Clerk

Introduction

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language. This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and 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. These individuals are referred to as being limited English in their ability to speak, read, write, or understand English, hence the designation, “LEP”, or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s program and activities.

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, **recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.** Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives assistance. **Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.**

The City of Hartford receives funds from the US Department of Transportation via the Federal Highway Administration. The US Department of Transportation published Policy Guidance Concerning Recipients’ responsibilities to Limited English Proficient Persons in the December 14th, 2005 Federal Register. The Guidance implies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administration, airport operators, metropolitan planning organizations, and regional, state and local transit operators, among many others. Coverage extends to a recipient’s entire program or activity, i: e to all parts of a recipient’s operations. This is true even if only one part of the recipients receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation-not just the particular highway program or project-are covered by the DOT guidance.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or 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. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines **four factors** recipients should apply to various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

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 individuals come in 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 Hartford and the overall cost.

The greater the number or proportion of Eligible LEP persons; the greater the frequency with which they have contact with a program, activity, or service ‘ and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT’s guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with a larger budget. The DOT guidance one (1) modeled after the Department of Justice’s guidance and requires recipients and sub recipients to take steps to ensure meaningful access of their programs and activities to LEP persons. More information for recipients and sub recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of Hartford services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The proportion, Numbers and Distribution of LEP Persons

The Census Bureau has arranged of four classifications of how well people speak English. The classifications are “very well’ “not well’ and “not at all’. For our planning purposes, we are considering people that speak English “less than very well” as Limited English Proficient persons.

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The Census 2010 Data for the City of Hartford shows a small amount of population that would speak English ‘less than very well’.

Speak English less than "very well" | 0 | +/-109 | 0.0% | +/-1.1

Factor 2: Frequency of Contact with LEP Individuals

The majority of the work we do once we leave the garage, is performed on the roadway with the use of large trucks and heavy equipment. Very infrequently do the operators have direct contact with the public? The office staff handles service requests regarding road issues and processes permits for work in the Right of way. Regular City Commission meetings are held every 3rd and 4th Monday of each month and public hearings are held when needed, which would bring interested persons to the City of Hartford.

Factor 3: The Nature & Importance of the Program, Activity, or Service to LEP

The City of Hartford main function is to maintain the road network throughout the City of Hartford. This network is incredibly sound and new roadways will not be added, thus requiring acquisition of land is not an issue. Our services are straight forward and garnered by the weather and wear and tear on the roads by motorists and out of the way of face to face contact. Occasionally, the road surface of a roadway is changed, trees are cut or ditches are dug to improve the conditions for the motoring public and Public Hearings are held. Denial or delay of access to services or information provided by the City of Hartford would not have life-threatening implication on a LEP individual. It is believed that denial or delay of access to services or information provided by the City of Hartford would not have serious implications on a LEP individual, especially compared to the services, such as health, emergency transportation, water, sewer, fire protection, police protection and other emergency services.

Factor 4: The Resources Available to the City of Hartford and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states: *Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.* While the City of Hartford does serve very few LEP persons and has very limited resources, it has decided to include a LEP section in its Title VI Plan.

Safe Harbor Stipulation

Federal law provides a” Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “safe harbor “ means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written- translation obligations under Title VI. The failure to provide written translations under the

circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances. Strong evidence of compliance with the recipient's written- translation obligations under "safe harbor" includes providing written translations of documents for each eligible LEP language group eligible to be served or likely to be affected or encountered. Translation of other documents, if needed can be provided orally. This "safe harbor" provision applies to translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. Given the small number of LEP language group members, the City of Hartford budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City of Hartford to proceed with oral interpretation options for compliance with LEP regulations.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage when free language assistance is available with advance notice.
2. Stating in outreach documents that language services are available from the agency.
3. Working with community-based organization and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

The City of Hartford will provide statements in public information and public notices that persons requiring language assistance or special accommodations will be provided, with reasonable advance notice to the City of Hartford.

Options

Federal fund recipients have two (2) main ways to provide language services: Oral interpretation either in person or via telephone interpretation services and written translation. The current correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. The City of Hartford is defining as interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and a translator as a person

who transfers the meaning of a written text from one language into another. The person who translates orally is not a translator, but an interpreter. Considering the relatively small scale of the City of Hartford, the small number of LEP individuals in the services area, and limited financial resources, it necessary to limit language aid to the most basic and cost-effective services.

Proposed Actions

What actions will the City of Hartford take? With advance notice of seven calendar days, the City of Hartford will provide interpreter services at public meetings. Interpreter to include foreign language, and hearing impaired. The City of Hartford will utilize the Translators Resources List as provided by MDOT for translation services and verbal interpretation. Placement of statements in notices and publications that interpreter services are available for these meetings, with seven days advance notice. Publications of the federal complaint form available at public meetings.

The City of Hartford Staff Training.

The City of Hartford staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

LEP Plan Access

The City of Hartford will post the LEP Plan on the bulletin board in the main office and make the Plan available on the website www.cityofhartfordmi.org. Any person or agency may also request a copy by contacting: The City Clerk at cityclerk@cityofhartfordmi.org.