

1 [Providing members of the public with access to language services.]

2

3 **Ordinance amending the San Francisco Administrative Code by adding new Sections**

4 **91.1, 91.8, 91.11, 91.14, 91.18; amending Sections 91.2, 91.3, 91.4, 91.6;**

5 **amending Section 91.8 and renumbering Section 91.8 as 91.9; amending Section 91.9**

6 **and renumbering Section 91.9 as 91.10; amending Section 91.11 and renumbering**

7 **Section 91.11 as 91.13; amending Section 91.12 and renumbering Section 91.12 as**

8 **91.15; amending Section 91.14 and renumbering Section 91.14 as 91.17; renumbering**

9 **Sections 91.10 as 91.12 and 91.13 as 91.16 to rename the Equal Access Ordinance to**

10 **Language Access Ordinance and add findings; to develop language services protocols**

11 **in crisis situations, to amend the contents required in departmental Annual Compliance**

12 **Plans; to create reporting requirements, to create and outline the Office of Civic**

13 **Engagement and Immigrant Affairs' responsibilities; to clarify the Ordinance intent to**

14 **promote the general welfare of the public; to require all City departments to comply**

15 **with the minimal requirements set forth in this Ordinance; to expand the number of City**

16 **departments that must comply with the Ordinance in its entirety; to require all City**

17 **departments to inform Limited English Speaking Persons of their rights under the**

18 **Ordinance; to require all City Boards, City Commissions, and City Departments to**

19 **translate meeting minutes; and to amend the compliant procedures.**

20 Note: Additions are single-underline italics Times New Roman;

21 deletions are ~~strikethrough italics Times New Roman~~.

22 Board amendment additions are double underlined.

23 Board amendment deletions are ~~strikethrough-normal~~.

24 Be it ordained by the People of the City and County of San Francisco:

25 Section 1. The San Francisco Administrative Code is hereby amended by adding a
new Section 91.1, to read as follows:

1 SECTION 91.1 PURPOSE AND FINDINGS.

2 (a) Title. This eChapter shall be known as the "Language Access Ordinance." ~~Equal~~
3 ~~Access to Services Ordinance.~~"

4 (b) Findings.

5 (1) The Board of Supervisors finds that San Francisco provides an array of services that can be
6 made accessible to persons who are not proficient in the English language. The City of San Francisco
7 is committed to improving the accessibility of these services and providing equal access to them.

8 (2) The Board finds that despite a long history of commitment to language access as embodied
9 in federal, state and local law, beginning with the landmark Civil Rights Act of 1964, there is a still a
10 significant gap in the provision of governmental services to limited-English language speakers.

11 (3) In 1973, the California State Legislature adopted the Dymally-Alatorre Bilingual Services
12 Act, which required state and local agencies to provide language services to non-English speaking
13 people who comprise 5% or more the total state population and to hire a sufficient number of bilingual
14 staff.

15 (4) In 1999, the California State Auditor concluded that 80% of state agencies were not in
16 compliance with the Dymally-Alatorre Act, and many of the audited agencies were not aware of their
17 responsibility to translate materials for non-English speakers.

18 (5) In 2001, in response to these findings, the San Francisco Board of Supervisors enacted the
19 Equal Access to Services Ordinance, which required major departments to provide language
20 translation services to limited-English proficiency individuals who comprise 5% or more the total city
21 population.

22 (6) Eight years later, the Board finds that differential access to City services still exists due to
23 significant gaps in language services, lack of protocols for departments to procure language services,
24 low budgetary prioritization by departments for language services.

1 (7) The Board finds that the lack of language services seriously affects San Francisco's ability
2 to serve all of its residents. A 2006 survey by the United States Census Bureau found that 45% of San
3 Franciscans are foreign-born and City residents speak more than 28 different languages. Among the
4 24% of the total population who self-identify as limited-English speakers, 50% are Chinese speakers,
5 23% are Spanish speakers, 5% are Russian speakers and 4% speak Tagalog.

6
7 Section 2. The San Francisco Administrative Code is hereby amended by amending
8 Section 91.2, to read as follows:

9 **SECTION 91.2. DEFINITIONS.**

10 As used in this Chapter, the following capitalized terms shall have the following
11 meanings:

12 (a) "Annual Compliance Plan" is set forth in Section 91.10 of this Chapter.

13 (b) "Bilingual Employee" shall mean a City employee who is proficient in the English
14 language and *in one or more non-English* language *other than English*.

15 (c) "City" shall mean the City and County of San Francisco.

16 (d) "Commission" shall mean the Immigrant Rights Commission.

17 (e) "Concentrated Number of Limited English Speaking Persons" shall mean either 5
18 percent of the population of the District in which a Covered Department Facility is located or 5
19 percent of those persons who use the services provided by the Covered Department Facility.

20 The *Planning Department Office of Civic Engagement and Immigrant Affairs* shall determine
21 annually whether 5 percent or more of the population of any District in which a Covered
22 Department Facility is located are *L*imited English *s*peaking *p*ersons who speak a shared
23 language other than English. The *Planning Department Office of Civic Engagement and Immigrant*
24 *Affairs* shall make this determination by referring to the best available data from the United

1 States Census Bureau or ~~another~~ reliable source and shall certify its determination to all City
2 Departments and the Commission no later than December 1 of each year. Each Department
3 shall determine annually whether 5 percent or more of those persons who use the
4 Department's services at a Covered Department Facility are ~~limited~~ English ~~speaking~~
5 ~~persons~~ who speak a shared language other than English using either of the following
6 methods specified in Section 91.2(~~jk~~) of this ~~Chapter~~ ~~Article~~.

7 (fe) "Covered Department Facility" shall mean any Department building, office, or
8 location that provides direct services to the public and serves as the workplace for 5 or more
9 full-time City employees.

10 (gf) "Department(s)" shall mean both Tier 1 Departments and Tier 2 Departments.

11 (hg) "Districts" shall refer to the 11 geographical districts by which the people of the
12 City elect the members of the City's Board of Supervisors. If the City should abandon the
13 district election system, the Commission shall have the authority to draw 11 district boundaries
14 for the purposes of this ~~Chapter~~ ~~Article~~ that are approximately equal in population.

15 (ih) "Limited English Speaking Person" shall mean an individual who does not speak
16 English well or is otherwise unable to communicate effectively in English because English is
17 not the individual's primary language.

18 (ji) "Public Contact Position" shall mean a position, ~~in which~~ a primary job responsibility
19 ~~of which~~, consists of meeting, contacting, and dealing with the public in the performance of the
20 duties of that position.

21 (kf) "Substantial Number of Limited English Speaking Persons" shall mean either
22 10,000 City residents, or 5 percent of those persons who use the Department's services. The
23 ~~Office of Civic Engagement and Immigrant Affairs~~ ~~Planning Department~~ shall determine annually
24 whether at least 10,000 limited English speaking City residents speak a shared language
25

1 other than English. The ~~Office of Civic Engagement and Immigrant Affairs Planning Department~~
2 shall make this determination by referring to the best available data from the United States
3 Census Bureau or ~~another~~ reliable source and shall certify its determination to Departments
4 and the Commission no later than December 1 of each year. Each Department shall
5 determine annually whether 5 percent or more of those ~~L~~limited English ~~s~~Speaking ~~p~~Persons
6 who use the Department's services citywide speak a shared language other than English.
7 Departments shall make this determination using one either of the following methods:

8 (1) Conducting an annual survey of all contacts with the public made by the
9 Department during a period of at least two weeks, at a time of year in which the Department's
10 public contacts are to the extent possible typical or representative of its contacts during the
11 rest of the year, but before developing its ~~a~~Annual ~~e~~Compliance ~~p~~Plan required by Section
12 ~~91.9-91.10~~ of this ~~Chapter~~Article; or

13 (2) Analyzing information collected during the Department's intake process. The
14 information gathered using either method shall also be broken down by Covered Department
15 Facility to determine whether 5 percent or more of those persons who use the Department's
16 services at a Covered Department Facility are ~~L~~limited English ~~s~~Speaking ~~p~~Persons who
17 speak a shared language other than English for purposes of Section 91.2(~~ed~~) of this ~~Chapter~~;
18 ~~or Article. Departments may not use any other method unless approved prior to its use by the~~
19 ~~Commission.~~

20 (3) Analyzing and calculating the total annual number of requests for telephonic language
21 translation services categorized by language that Limited English Speaking Persons make to the
22 Department garnered from monthly bills generated by telephonic translation services vendors
23 contracted by Department.

1 (~~lk~~) "Tier 1 Departments" shall mean the following City departments: Adult Probation
2 Department, Department of Elections, Department of Human Services, ~~Department of Parking~~
3 ~~and Traffic~~, Department of Public Health, ~~Department of Public Transportation~~, District Attorney's
4 Office, ~~Department of Emergency Management Communications Department~~, Fire Department,
5 ~~Human Services Agency~~, Juvenile Probation Department, ~~Municipal Transportation Agency~~, Police
6 Department, Public Defender's Office, ~~Department of Aging and Adult Services~~, ~~Residential Rent~~
7 Stabilization and Arbitration Board, ~~and Sheriff's Office~~. Beginning July 1, 2010, the following
8 departments shall be added to the list of Tier 1 Departments: San Francisco International Airport,
9 Office of the Assessor Recorder, City Hall Building Management, Department of Building Inspection,
10 Department of the Environment, San Francisco Public Library, Mayor's Office of Economic and
11 Workforce Development, Planning Department, Department of Public Works, Public Utilities
12 Commission, Recreation and Park Department, Office of the Treasurer and Tax Collector, and the San
13 Francisco Zoo.

14 (~~mt~~) "Tier 2 Departments" shall mean all City departments not specified as Tier 1
15 Departments that furnish information or provide services directly to the public, ~~and consist of at~~
16 ~~least 30 full-time City employees.~~

17
18 Section 3. The San Francisco Administrative Code is hereby amended by amending
19 Section 91.3, to read as follows:

20 **SECTION 91.3. ~~EQUAL~~ ACCESS TO LANGUAGE SERVICES.**

21 (a) Utilizing sufficient Bilingual Employees in Public Contact Positions, Tier 1
22 Departments shall provide information and services to the public in each language spoken by
23 a Substantial Number of Limited English Speaking Persons or to the public served by a
24 Covered Department Facility in each language spoken by a Concentrated Number of Limited
25

1 English Speaking Persons. Tier 1 Departments comply with their obligations under this
2 Section if they provide the same level of service to Limited English Speaking Persons as they
3 provide English speakers.

4 (b) Tier 1 Departments need only implement the hiring requirements in ~~this the~~
5 Language Access Ordinance by filling public contact positions made vacant by retirement or
6 normal attrition. Nothing herein shall be construed to authorize the dismissal of any City
7 employee in order to carry out ~~this the~~ Language Access Ordinance.

8 (c) All Departments shall inform Limited English Speaking Persons who seek services, in their
9 native tongue, of their right to request translation services from all City departments.

10 (e) ~~This Article shall be interpreted and applied so as to be consistent with Title VII of the Civil~~
11 ~~Rights Act of 1964, California's Fair Employment and Housing Act, and Article X of the San Francisco~~
12 ~~Charter and so as not to impede or impair the City's obligations to comply with any court order or~~
13 ~~consent decree.~~

14
15 Section 4. The San Francisco Administrative Code is hereby amended by amending
16 Section 91.4, to read as follows:

17 **SECTION 91.4. TRANSLATION OF MATERIALS.**

18 (a) Tier 1 Departments shall translate the following written materials that provide vital
19 information to the public about the Department's services or programs into the language(s)
20 spoken by a Substantial Number of Limited English Speaking Persons: applications or forms
21 to participate in a Department's program or activity or to receive its benefits or services;
22 written notices of rights to, determination of eligibility of, award of, denial of, loss of, or
23 decreases in benefits or services, including the right to appeal any Department's decision;
24 written tests that do not assess English language competency, but test competency for a
25

1 particular license or skill for which knowledge of written English is not required; notices
2 advising ~~L~~limited English ~~proficient~~ Speaking ~~p~~Persons of free language assistance; materials
3 explaining a Department's services or programs; complaint forms; or any other written
4 documents that have the potential for important consequences for an individual seeking
5 services from or participating in a program of a city department.

6 (b) Tier 2 Departments shall translate all publicly-posted documents that provide
7 information (1) regarding Department services or programs, or (2) affecting a person's rights
8 to, determination of eligibility of, award of, denial of, loss of, or decreases in benefits or
9 services into the language(s) spoken by a Substantial Number of Limited English Speaking
10 Persons.

11 (c) Departments required to translate materials under the provisions of this Section
12 shall post notices in the public areas of their facilities in the relevant language(s) indicating
13 that written materials in the language(s) and staff who speak the language(s) are available.
14 The notices shall be posted prominently and shall be readily visible to the public.

15 (d) Departments required to translate materials under the provisions of this Section
16 shall ensure that their translations are accurate and appropriate for the target audience.
17 Translations should match literacy levels of the target audience.

18 (e) Each Department shall designate a staff member with responsibility for ensuring
19 that all translations of the Department's written materials meet the accuracy and
20 appropriateness standard set in Subsection (d) of this Section. Departments are encouraged
21 to have their staff check the quality of written translations, but where a Department lacks
22 biliterate personnel, the responsible staff member shall obtain quality checks from external
23 translators. Departments are also encouraged to solicit feedback on the accuracy and
24
25

1 appropriateness of translations from bilingual staff at community groups whose clients receive
2 services from the Department.

3 (f) The newly added Tier 1 Departments as set forth in Section 91.2(l) Departments shall
4 comply with the requirements of this Section by January 31, 2011. within one year of the
5 enactment of this Article.

6
7 Section 5. The San Francisco Administrative Code is hereby amended by amending
8 Section 91.6, to read as follows:

9 **SECTION 91.6. PUBLIC MEETINGS AND HEARINGS.**

10 (a) City Boards, City Commissions and City Departments shall not automatically be
11 required to translate meeting notices, agendas, or minutes.

12 (b) ~~Oral interpretation of any public meeting or hearing held by any~~ City Boards, City
13 Commissions ~~or~~ and City Departments shall ~~be~~ provided oral interpretation of any public meeting
14 or hearing if requested at least 48 hours in advance of the meeting or hearing in question.

15 (c) City Boards, City Commissions and City Departments shall translate meeting minutes if: (1)
16 requested; (2) after the legislative body adopts the meeting minutes; and (3) within a reasonable time
17 period thereafter.

18
19 Section 6. The San Francisco Administrative Code is hereby amended by adding a
20 new Section 91.8, to read as follows:

21 **SECTION 91.8 CRISIS SITUATIONS.**

22 All Tier 1 Departments involved in health related emergencies, refugee relief, disaster-related
23 activities all other crisis situations shall work with the Office of Civic Engagement and Immigrant
24 Affairs to include language service protocols in the Department's Annual Compliance Plan.

1
2 Section 7. The San Francisco Administrative Code is hereby amended by amending
3 Section 91.8 and renumbering current Section 91.8 as 91.9, to read as follows:

4 **SECTION ~~91.8.~~ 91.9 COMPLAINT PROCEDURE.**

5 (a) Departments shall allow persons to make complaints alleging violation of this
6 Chapter Article to the Department in each language spoken by a Substantial Number of
7 Limited English Speaking Persons. The eComplaints may be made by telephone or by
8 completing a complaint form.

9 (b) Departments shall document actions taken to resolve each complaint and maintain
10 copies of complaints and documentation of their resolution for a period of not less than 5
11 years. A copy of each complaint shall be forwarded to the Commission and the Office of Civic
12 Engagement and Immigrant Affairs within 30 days of its receipt.

13
14 Section 8. The San Francisco Administrative Code is hereby amended by amending
15 Section 91.9 and renumbering current Section 91.9 as 91.10, to read as follows:

16 **SECTION ~~91.10~~91.9. ANNUAL COMPLIANCE PLANS.**

17 ~~(a) Each Department shall draft and file with the Commission an annual compliance plan.~~
18 ~~Each Department shall file its first plan within 90 days of the enactment of this Article to assess what~~
19 ~~actions the Department needs to take to come into compliance. Thereafter, each Department shall file a~~
20 ~~plan by February 1 of each year.~~

21 ~~(b) Each Tier 1 Department shall draft an Annual Compliance pPlan filed by a Department~~
22 ~~shall containing all of the following information:~~

1 (a1) The number and percentage of ~~L~~limited English ~~s~~Speaking ~~p~~Persons who actually
2 use the Tier 1 Department's services citywide, listed by language other than English, using
3 either method in Section 91.2(kj) of this Chapter Article;

4 (b2) The number and percentage of limited English speaking residents of each District
5 in which a Covered Department Facility is located and persons who use the services provided
6 by a Covered Department Facility, listed by language other than English, using either method
7 in Section 91.2(kj) of this Chapter Article;

8 (c) A demographic profile of the Tier 1 Department's clients;

9 (d3) The number of Public Contact Positions in the Tier 1 Department;

10 (e4) The number of Bilingual Employees in Public Contact Positions, their titles,
11 certifications of bilingual capacity, office locations, the language(s) other than English that the
12 persons speak;

13 (f) The name and contact information of the Tier 1 Department's language access liaison;

14 (g5) A description of any use of telephone-based interpretation services, including the
15 number of times such services were used and the language(s) for which they were used;

16 (h6) A narrative assessment of the procedures used to facilitate communication with
17 Limited English Speaking Persons, which shall include an assessment of the adequacy of the
18 procedures;

19 (i) Ongoing employee development and training strategy to maintain well trained bilingual
20 employees and general staff. Employee development and training strategy should include a description
21 of quality control protocols for bilingual employees; and description of language service protocols for
22 Limited English Speaking individuals in crisis situations as outlined in Section 91.8;

23 (j7) A numerical assessment of the additional Bilingual Employees in Public Contact
24 Positions needed to meet the requirements of Section 91.3 of this Chapter Article;

1 (k8) If assessments indicate a need for additional Bilingual Employees in Public
2 Contact Positions to meet the requirements of Section 91.3 of this Chapter Article, a
3 description of the Tier 1 Department's plan for filling the positions, including the number of
4 estimated vacancies in Public Contact Positions;

5 (l9) The name, title, and language(s) other than English spoken (if any) by the staff
6 member designated with responsibility for ensuring the accuracy and appropriateness of
7 translations for each language in which services must be provided under this Chapter Article;

8 (m10) A list of the Tier 1 Department's written materials required to be translated under
9 this Chapter Article, the language(s) into which they have been translated, and the persons
10 who have reviewed the translated material for accuracy and appropriateness;

11 (n11) A description of the Tier 1 Department's procedures for accepting and resolving
12 complaints of an alleged violation of this Chapter consistent with Section 91.9 Article;

13 (o12) A copy of the written policies on providing services to Limited English Speaking
14 Persons;

15 (p13) A list of goals for the upcoming year and, for all Annual Compliance pPlans except
16 the first, an assessment of the Tier 1 Department's success at meeting last year's goals; *and*

17 (q14) Annual budget allocation and strategy, including the total annual expenditure for
18 services that are related to language access:

19 (1) Compensatory pay for bilingual employees who perform bilingual services, excluding
20 regular annual salary expenditures;

21 (2) Telephonic translation services provided by City vendors;

22 (3) Document translation services provided by City vendors;

23 (4) On-site language interpretation services provided by City vendors;

1 (5) The total projected budget to support progressive implementation of the Department's
2 language service plan;

3 (r) Summarize changes between the Department's previous Annual Compliance Plan submittal
4 and the current submittal, including but not limited to: (1) an explanation of strategies and procedures
5 that have improved the department's language services from the previous year; and (2) an explanation
6 of strategies and procedures that did not improve the department's language services and proposed
7 solutions to achieve the overall goal of this Language Access Ordinance; and

8 (s) Any other information requested by the Commission necessary for the
9 implementation of this Chapter. Article.

10
11 Section 9. The San Francisco Administrative Code is hereby amended by adding a
12 new Section 91.11, to read as follows:

13 SECTION 91.11 COMPLIANCE PLANS SUBMITTALS AND EMERGING LANGUAGE
14 POPULATIONS.

15 (a) Compliance Plans Submittals. The Director of each Tier 1 Department shall approve and
16 annually file electronic copies of the Annual Compliance Plan by December 31st with the Mayor's
17 Office, the Commission, and the Office of Civic Engagement and Immigrant Affairs.

18 (b) Inclusion of Emerging Language Populations in a written report to the Board. By March
19 1st of each year, the Office of Civic Engagement and Immigrant Affairs shall compile and summarize in
20 a written report to the Clerk of the Board of Supervisors all departmental Annual Compliance Plans.
21 In the written report to the Clerk of the Board, the Office of Civic Engagement and Immigrant Affairs
22 may recommend appropriate changes to all departmental Annual Compliance Plans in order to meet
23 the needs of emerging language populations. Emerging language populations is defined as at least 2.5

1 percent of the population who use the Department's services or 5,000 City residents who speak a
2 shared language other than English.

3 (c) By June 30th of each year, the Office of Civic Engagement and Immigrant Affairs may
4 request a joint public hearing with the Board of Supervisors and the Commission to assess the
5 adequacy of the City's ability to provide the public with access to language services.

6 (d) The Office of Civic Engagement of Immigrant Affairs shall keep a log of all complaints
7 submitted and report quarterly to the Commission.

8
9 Section 10. The San Francisco Administrative Code is hereby amended by
10 renumbering Section 91.10 as Section 91.12, to read as follows:

11 **SECTION ~~91.12~~ 91.10 RECRUITMENT.**

12 It shall be the policy of the City to publicize job openings for Departments' Public
13 Contact Positions as widely as possible including, but not limited to, in ethnic and non-English
14 language media.

15
16 Section 11. The San Francisco Administrative Code is hereby amended by amending
17 Section 91.11 and renumbering Section 91.11 as Section 91.13, to read as follows:

18 **SECTION ~~91.13~~ 91.11 COMMISSION RESPONSIBILITIES.**

19 The Commission shall be responsible for monitoring and facilitating compliance with
20 this Chapter Article. Its duties shall include: conducting outreach to Limited English Speaking
21 Persons about their rights under this Chapter Article; ~~establishing and implementing a procedure to~~
22 ~~accept and investigate complaints alleging a violation of this Article~~; reviewing complaints about
23 alleged violations of this Chapter Article forwarded from Departments; working with
24 Departments to resolve complaints; maintaining copies of complaints and their resolution for
25

1 not less than 8 years, organized by department; coordinating a language bank for
2 Departments that choose to have translation done outside the Department and need
3 assistance in obtaining translators; and reviewing Annual eCompliance pPlans.

4
5 Section 12. The San Francisco Administrative Code is hereby amended by adding a
6 new Section 91.14, to read as follows:

7 SECTION 91.14 OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS'

8 RESPONSIBILITIES.

9 Subject to the budgetary and fiscal provisions of the Charter, the City may adequately fund the
10 Office of Civic Engagement and Immigrant Affairs to provide a centralized infrastructure for the City's
11 language services. The Office of Civic Engagement responsibilities include the following:

12 (a) Provide technical assistance for language services for all Departments;

13 (b) Coordinate language services across Departments, including but not limited to maintaining
14 a directory of qualified language service providers for the City, maintaining an inventory of translation
15 equipment, providing assistance to Departments, Board of Supervisors, and the Mayor's Office in
16 identifying bilingual staff;

17 (c) Compiling and maintaining a central repository for all Departments translated documents;

18 (d) Providing Departments with model Annual Compliance Plans; and

19 (e) Reviewing complaints of alleged violations with quarterly reports to the Commission .

20
21 Section 13. The San Francisco Administrative Code is hereby amended by amending
22 Section 91.12 and renumbering Section 91.12 as Section 91.15, to read as follows:

23 SECTION ~~91.15~~ ~~91.12~~ RULES AND REGULATIONS.

1 In order to effectuate the terms of this *Chapter Article*, the Commission may adopt rules
2 and regulations consistent with this *Chapter Article*.

3
4 Section 14. The San Francisco Administrative Code is hereby amended by
5 renumbering Section 91.13 as 91.16, to read as follows:

6 **SECTION ~~91.13~~ 91.16 ENFORCEMENT.**

7 If after an investigation and attempt to resolve an incidence of Department non-
8 compliance, the Commission is unable to resolve the matter, it shall transmit a written finding
9 of non-compliance, specifying the nature of the non-compliance, to the Department, the
10 Department of Human Resources, the Mayor, and the Board of Supervisors.

11
12 Section 15. The San Francisco Administrative Code is hereby amended by amending
13 Section 91.14 and renumbering Section 91.14 as 91.17, to read as follows:

14 **SECTION ~~91.17~~ 91.14 SEVERABILITY.**

15 If any of the provisions of this *Chapter Article* or the application thereof to any person or
16 circumstance is held invalid, the remainder of this *Chapter Article*, including the application of
17 such part or provisions to persons or circumstances other than those to which it is held invalid,
18 shall not be affected thereby and shall continue in full force and effect. To this end, the
19 provisions of this *Chapter Article* are severable.

20
21 Section 16. The San Francisco Administrative Code is hereby amended by adding a
22 new Section 91.18, to read as follows:

23 **SECTION 91.18 DISCLAIMERS.**


1 (a) By providing the public with equal access to language services, the City and County of San
2 Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it
3 imposing on its officers and employees, an obligation for breach of which it is liable in money damages
4 to any person who claims that such breach proximately caused injury.

5 (b) The obligations set forth in the Language Access Ordinance are directory and the failure of
6 the City to comply shall not provide a basis to invalidate any City action.

7 (c) The Language Access Ordinance shall be interpreted and applied so as to be consistent with
8 Title VI and VII of the Civil Rights Act of 1964, California's Fair Employment and Housing Act, and
9 Article X of the San Francisco Charter and so as not to impede or impair the City's obligations to
10 comply with any court order or consent decree.

11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13
14 By:


15 Alicia Cabrera
16 Deputy City Attorney
17
18
19
20
21
22
23
24
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 090461

Date Passed:

Ordinance amending the San Francisco Administrative Code by adding new Sections 91.1, 91.8, 91.11, 91.14, 91.18; amending Sections 91.2, 91.3, 91.4, 91.6; amending Section 91.8 and renumbering Section 91.8 as 91.9; amending Section 91.9 and renumbering Section 91.9 as 91.10; amending Section 91.11 and renumbering Section 91.11 as 91.13; amending Section 91.12 and renumbering Section 91.12 as 91.15; amending Section 91.14 and renumbering Section 91.14 as 91.17; renumbering Sections 91.10 as 91.12 and 91.13 as 91.16 to rename the Equal Access Ordinance to Language Access Ordinance and add findings; to develop language services protocols in crisis situations, to amend the contents required in departmental Annual Compliance Plans; to create reporting requirements, to create and outline the Office of Civic Engagement and Immigrant Affairs' responsibilities; to clarify the Ordinance intent to promote the general welfare of the public; to require all City departments to comply with the minimal requirements set forth in this Ordinance; to expand the number of City departments that must comply with the Ordinance in its entirety; to require all City departments to inform Limited English Speaking Persons of their rights under the Ordinance; to require all City Boards, City Commissions, and City Departments to translate meeting minutes; and to amend the compliant procedures.

August 11, 2009 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

August 18, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

File No. 090461

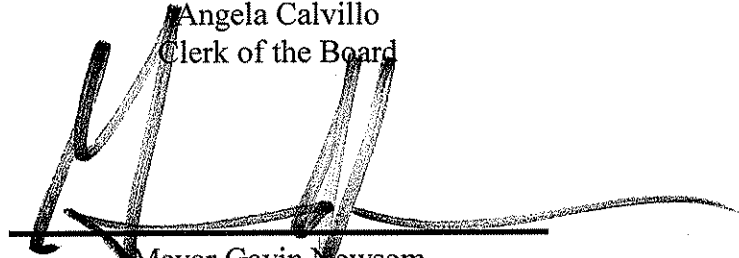
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on August 18, 2009
by the Board of Supervisors of the City and
County of San Francisco.



Angela Calvillo
Clerk of the Board

8.28.09

Date Approved



Mayor Gavin Newsom