

File No. 230868

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date May 6, 2024

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
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- Form 126 - Ethics Commission
- Award Letter
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- Form 700
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OTHER (Use back side if additional space is needed)

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Completed by: Victor Young

Date May 2, 2024

Completed by: _____

Date _____

1 [Administrative, Campaign and Governmental Conduct Codes - Language Access Ordinance]

2

3 **Ordinance amending the Administrative Code to amend the Language Access**
4 **Ordinance to clarify Departments' responsibilities to provide language access services**
5 **to members of the public, and to clarify the role of the Office of Civic Engagement and**
6 **Immigrant Affairs in administering the Language Access Ordinance; to require**
7 **language access service be provided in Chinese, Spanish, Filipino, and any other**
8 **language for which the requisite number of person qualifies as a Substantial Number of**
9 **Limited English Proficient Persons; to amend the formula for determining when a**
10 **language becomes eligible for language access services; to require Departments to**
11 **translate signage; to require Departments to translate digital content provided on**
12 **digital platforms; to clarify that crisis situations also includes but is not limited to**
13 **pandemics, emergency response, and public safety incidents that impact and effect the**
14 **community; to rename the Annual Compliance Plan to Annual Compliance Report; to**
15 **impose requirements for the Language Access Ordinance Summary Report; to require**
16 **Departments to inform members of the public of their right to file a complaint, and of a**
17 **process for providing feedback on the Department's Language Access Services; to**
18 **require Office of Civic Engagement and Immigrant Affairs to create a know-your-rights**
19 **brochure; to require Departments' posting notice of the availability of Language**
20 **Access Services and a know-your-rights brochure; to require Departments to budget**
21 **and plan for delivery of Language Access Services; to require Office of Civic**
22 **Engagement and Immigrant Affairs to prepare an investigation summary report of each**
23 **investigation that will include findings and recommendation to address the issues**
24 **raised, and to create and maintain a website for the posting of investigation summary**

25

1 reports; and to delete the financial disclosure requirement for Immigrant Rights
2 Commission members.

3 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
4 **Additions to Codes** are in *single-underline italics Times New Roman font*.
5 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
6 **Board amendment additions** are in double-underlined Arial font.
7 **Board amendment deletions** are in ~~strikethrough Arial font~~.
8 **Asterisks (* * * *)** indicate the omission of unchanged Code
9 subsections or parts of tables.

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

10 Section 1. Chapter 91 of the Administrative Code is hereby amended by revising
11 Sections 91.1, 91.2, 91.4, 91.5, 91.7, 91.8, 91.9, 91.10, 91.11, 91.12, 91.13, 91.14, 91.15,
12 91.16, 91.17, and 91.18, to read as follows:

13 **SEC. 91.1. PURPOSE AND FINDINGS.**

- 14 (a) Title. This Chapter 91 shall be known as the "Language Access Ordinance."
- 15 (b) Findings.

16 (1) The City and County of San Francisco ("the City") seeks to ensure a safe,
17 inclusive, and equitable environment where every person, regardless of immigration status or language
18 spoken can readily access information about City services and programs.

19 (2) ~~The Board of Supervisors finds that~~ San Francisco provides an array of services
20 and information that can be made accessible to persons who are not proficient in the English
21 language, or for whom English is not their primary language. The City of San Francisco is
22 committed to providing equal access to information about City services and programs ~~improving the~~
23 ~~accessibility of these services~~ by providing language access services, including language interpretation
24 and written translations. ~~and providing equal access to them.~~

1 (32) ~~The Board finds that~~ Despite a long history of commitment to language
2 access as embodied in federal, state, and local law, beginning with the landmark Civil Rights
3 Act of 1964, there is still a significant gap in providing the provision of governmental services
4 and programs to Limited English Proficient (“LEP”) ~~p~~Persons ~~limited-English language speakers~~.

5 (43) In 1973, the ~~California State~~ Legislature adopted the Dymally-Alatorre
6 Bilingual Services Act, which required certain state and local agencies to provide language
7 services to ~~non-English speaking~~ LEP Persons ~~people~~ who comprise 5% or more of the total state
8 population and to hire a sufficient number of bilingual staff.

9 (54) In 1999, the California State Auditor concluded that ~~80% of some~~ state
10 agencies were not in compliance with the Dymally-Alatorre Act; therefore, not providing
11 equitable services to people who require bilingual assistance. ~~and many of the audited agencies were~~
12 ~~not aware of their responsibility to translate materials for non-English speakers.~~

13 (65) In 2001, in response to these findings, the ~~San Francisco Board of~~
14 ~~Supervisors~~ City enacted the Equal Access to Services Ordinance, Ordinance No. 126-01, which
15 required major departments to provide ~~language translation services~~ language access services to
16 ~~limited-English~~ LEP Persons ~~proficiency individuals~~ who comprise 5% or more of the total city
17 population.

18 (76) In 2009, in Ordinance No. 202-09, the~~The Board~~ City enacted a number of
19 significant changes to the ~~Ordinance, in 2009 and renamed~~ renaming it the Language Access
20 Ordinance, and assigning roles and responsibilities for implementation and compliance to the Office
21 of Civic Engagement and Immigrant Affairs (“OCEIA”) and the Immigrant Rights Commission. Since
22 amendment of the Language Access Ordinance ~~was amended~~ in 2009, City ~~D~~departments have
23 made significant progress in providing language access services ~~improved access to services.~~ ~~The~~
24 ~~Board finds, however, that~~ However, as of 2023, significant gaps remain in language access
25 consistency, quality, budgeting, and implementation across ~~d~~Departments.

1 (8) The COVID-19 pandemic and health emergency highlighted the barriers to language
2 access services and inequities for many LEP Persons. The pandemic made it clear that City
3 departments must prioritize language access services during health-related emergencies, disaster-
4 related activities, and all other public safety crisis situations. A community-focused approach to
5 language access services ensures that residents can receive information about City programs and
6 services, including public service announcements, to effectively communicate with City agencies,
7 policymakers, and elected officials.

8 (9) Since the Covid-19 pandemic, the City's use of digital services, web-based content,
9 and on-line mediums for providing information about City programs and services has increased. To
10 meet the needs of City residents, the City's language access services must also expand to those media
11 to make them accessible to LEP Persons.

12 (10) Despite the City's progress in providing language access services, ~~The Board~~
13 finds that as of 2023 there are still gaps in language ~~services~~ ~~access~~ ~~can seriously~~ affecting San
14 Francisco's ~~the City's~~ ability to serve all of its residents; ~~and provide timely access to information to~~
15 enable full participation in City services and programs.

16 (11) The United States Census Bureau's ~~2008-2012~~ 2017-2021 American
17 Community Survey ("ACS") reveals that ~~36~~34.1% of San Franciscans are foreign-born and

18 45.242.7% over the age of five ~~can~~ speak a language other than English at home. More than
19 ~~12127~~ languages are spoken in the San Francisco Bay Area, with at least ~~28~~109 different
20 languages spoken in the City ~~alone~~.

21 (12) Historically, the City has offered language access services in ~~three~~ languages
22 currently have at least 10,000 or more Limited English Persons ~~LEP Persons~~: Chinese, Spanish
23 and ~~Filipino Tagalog~~. ~~Among~~ According to the 2017-2021 ACS, ~~the~~ ~~21~~18.8% of the total City
24 population who self-identify as ~~LEP Persons~~ ~~limited English speakers~~, ~~57~~56.7% are Chinese
25 speakers, ~~23.7~~20.5% are Spanish speakers, ~~65~~% are ~~Tagalog~~ ~~Filipino~~ speakers, ~~4.1~~% are

1 Vietnamese speakers, and 3.35% are Russian speakers. ~~5% are Russian speakers, and 3.8% are~~
2 ~~Vietnamese speakers.~~

3 (13) While the City remains a national leader in language access, much remains to be
4 done to continue fighting for full inclusion of our LEP community. The City must continue to make
5 every effort to ensure City departments comply with the Language Access Ordinance and removes
6 barriers to participation in City processes by increasing bilingual staffing levels and language services
7 budgets; improving accessibility through continued digital and telephonic language services; and
8 increasing language services planning and coordination for public health crises, disasters, and
9 emergencies.

10
11 **SEC. 91.2. DEFINITIONS.**

12 As used in this Chapter 91, the following capitalized terms shall have the following
13 meanings:

14 "Advisory Body" shall mean a body other than a City Board or City Commission that
15 is created by ordinance for the purpose of providing policy advice to the Board of Supervisors,
16 the Mayor, or City Departments.

17 "Annual Compliance ~~Plan~~Report" is set forth in Section 91.11 of this Chapter.

18 "Bilingual Employee" shall mean a City employee who is fluent in both English and a
19 second language and who is able to conduct the department's business in both languages. A
20 bilingual employee shall include a City employee who (i) is in a classification that provides
21 information or direct services to the public requiring language proficiency in English and a
22 second language; or (ii) is either a certified interpreter or translator by the Department of
23 Human Resources or accredited training or academic institution; or (iii) receives premium pay
24 and regularly ~~and continuously~~ uses the second language in ~~his or her~~their city employment; or
25

1 (iv) is self-designated as competent in a second language for purposes of sporadic translation
2 services.

3 "City" shall mean the City and County of San Francisco.

4 "City Boards" shall mean all boards listed in Campaign and Governmental Conduct
5 Code Section 3.1-103(a)(1), as amended from time to time.

6 "City Commissions" shall mean all commissions listed in Campaign and
7 Governmental Conduct Code Section 3.1-103(a)(1), as amended from time to time.

8 "Commission" shall mean the Immigrant Rights Commission.

9 ~~—"Concentrated Number of Limited English Speaking Persons" shall mean either 5% of the
10 population of the District in which a Covered Department Facility is located or 5% of those persons
11 who use the services provided by the Covered Department Facility. The Office of Civic Engagement
12 and Immigrant Affairs ("OCEIA") shall determine annually whether 5% or more of the population of
13 any District in which a Covered Department Facility is located are Limited English Speaking Persons
14 who speak a shared language other than English. OCEIA shall make this determination by referring to
15 the best available data from the United States Census Bureau or other reliable source and shall certify
16 its determination to all City Departments and the Commission no later than January 31st of each year.
17 Each Department shall determine annually whether 5% or more of those persons who use the
18 Department's services at a Covered Department Facility are Limited English Speaking Persons who
19 speak a shared language other than English and report that determination in the Department's Annual
20 Compliance Plan. Departments shall make this determination using one of the following methods:~~

21 ~~—(1) Conducting an annual survey of all contacts with the public made by the Department
22 during a period of at least two weeks, at a time of year in which the Department's public contacts are to
23 the extent possible typical or representative of its contacts during the rest of the year, but before
24 developing its Annual Compliance Plan required by Section 91.11 of this Chapter; or~~

1 — ~~(2) Analyzing information collected during the Department's intake process for all clients,~~
2 ~~including walk-ins and scheduled appointments. The information gathered using either method shall~~
3 ~~also be broken down by Covered Department Facility to determine whether 5% or more of those~~
4 ~~persons who use the Department's services at a Covered Department Facility are Limited English~~
5 ~~Speaking Persons who speak a shared language other than English; or~~

6 — ~~(3) Analyzing and calculating the total annual number of requests for telephonic language~~
7 ~~translation services categorized by language that Limited English Speaking Persons make to the~~
8 ~~Department based on the Department's telephonic translation services monthly bills, official telephone~~
9 ~~logs, or any other reasonable method used for data collection.~~

10 ~~"Covered Department Facility" shall mean any Department building, office, or location that~~
11 ~~provides direct services to the public and serves as the workplace for 5 or more full-time City~~
12 ~~employees.~~

13 "Department" shall mean any City Department, agency, or office with a service or
14 program that provides information or services directly to the public, or interacts with the public.

15 "Department's Service or Program" shall mean anything a City Department ~~or office~~
16 provides that involves direct services to the public as part of ongoing operations and those
17 direct services administered by the Department, ~~agency, or office~~ for program beneficiaries and
18 participants. Activities include, but are not limited to, information provided to or communication
19 with the public, spaces or department facilities used by the public, and programs that provide
20 ~~d~~Direct ~~s~~Services to the ~~p~~Public.

21 "Direct Services to the Public" shall mean any service that requires City employees to
22 provide responses to inquiries about official documents, licenses, financial matters, and
23 benefits that are related to the public's health, safety, and general welfare.

24 "Districts" shall refer to the 11 geographical districts by which the people of the City
25 elect the members of the ~~C~~ity's Board of Supervisors.

1 "Emerging Language Population" shall mean any new or smaller language population
2 that is at least 2.5% of persons who share a primary language other than English, or for whom there
3 are identified language access needs. ~~but less than 5% of the population who use a Department's~~
4 ~~services, or at least 5,000 but less than 10,000 City residents, who speak a shared language other than~~
5 ~~English.~~

6 "First Responders" shall mean all City Departments that respond to crisis situations as set
7 forth in Section 91.9.

8 "Interpretation" means a live service that communicates information from one language into
9 another language that is provided in the moment through oral or gestured means. The live service may
10 be provided either through simultaneous or consecutive interpretation of the original speech.

11 "Language Access Services" shall mean translation and interpretation of oral or spoken
12 information ~~services~~ that is accessible and enables communication with persons for whom English is
13 not their primary language or for persons who have a greater capacity for speaking or writing a
14 language other than English. This may also include, interpretation of communications provided
15 through oral, video, remote, or telephonic mediums. ~~for both verbal and written communication.~~

16 "LEP Person" shall mean Limited English Proficient Person.

17 "Limited English Proficient Speaking Person" shall mean an individual who does not
18 speak, read, understand, or communicate English ~~well~~ or is otherwise unable to communicate
19 effectively in English because English is not the individual's primary language.

20 "OCEIA" shall mean the Office of Civic Engagement &and Immigrant Affairs or any
21 successor agency.

22 "Public Contact or Public Information Position" shall mean a position, a primary job
23 responsibility of which consists of meeting, contacting, and dealing with the public in the
24 performance of the duties of that position.

1 “Required languages” shall mean Language Access Services in Chinese, Spanish, Filipino,
2 and any other language for which the requisite number of persons qualifies as a Substantial Number of
3 Limited English Proficient Persons.

4 "Substantial Number of Limited English ~~Proficient-Speaking~~ Persons" shall mean
5 10,000 ~~City residents with limited English proficiency LEP Limited English Speaking City residents,~~
6 who speak a shared language other than English. The City will provide Language Access
7 Services to a Substantial Number of Limited English Proficient Persons. OCEIA shall determine
8 annually whether at least 10,000 ~~Limited English speaking LEP Persons City residents~~ speak a
9 shared language other than English in order that their shared language will render them eligible
10 for Language Access Services in that language. OCEIA shall make this determination by referring
11 to the best available data from the United States Census Bureau or other reliable source and
12 shall certify its determination to Departments and the Commission no later than January 31~~st~~
13 of each year or an annual date as determined by OCEIA. Prior to certifying any new language as
14 set forth in this ~~subsection~~ definition, OCEIA shall comply with the provisions in ~~Chapter~~ Section
15 91.16(~~de~~).

16 “Translation” means any written communication of information from one language into
17 another language.

18 19 **SEC. 91.4. UTILIZATION OF BILINGUAL EMPLOYEES.**

20 (a) Utilizing sufficient Bilingual Employees in public contact or public information
21 positions, Departments shall provide information and services to the public in ~~each~~ the required
22 languages, languages spoken by a Substantial Number of Limited English ~~Speaking~~ Proficient
23 Persons, or to the public served by ~~a Covered Department Facility~~ their respective Department in
24 each language spoken by ~~a Concentrated Number of Limited English Speaking~~ LEP Persons.
25

1 Departments comply with their obligations under this Section 91.4 if they provide the same
2 level of service to ~~Limited English Speaking~~ LEP Persons as they provide English speakers.

3 (b) Departments may consider hiring Bilingual Employees for public contact or public
4 information positions made available through retirement or normal attrition. Departments may
5 also consider recruiting culturally and linguistically qualified bilingual employees to provide language
6 services for both translation and interpretation. Nothing herein shall be construed to authorize
7 the dismissal of any City employee in order to carry out the Language Access Ordinance.

8 ~~(c) Prior to July 1, 2016, this Section 91.4 shall not apply to Departments that are required~~
9 ~~under Section 91.12(a) to submit their initial Compliance Plans on October 1, 2016. Thereafter, this~~
10 ~~Section shall apply to all City Departments.~~

11 **SEC. 91.5. TRANSLATION OF MATERIALS, ~~AND~~ SIGNAGE, AND DIGITAL**
12 **CONTENT.**

13 (a) ~~Except as provided in subsection 91.5(g),~~ **Translation of Materials.** Departments
14 shall translate the following written materials that provide vital information to the public about
15 the Department's services or programs into the require languages or language~~s~~(s) spoken by a
16 Substantial Number of ~~Limited English Speaking~~ LEP Persons: applications or forms to
17 participate in a Department's program or activity or to receive its benefits or services; written
18 notices of rights to, determination of eligibility for, award of, denial of, loss of, or decreases in
19 benefits or services, including the right to appeal any Department's decision; written tests that
20 do not assess English language competency, but test competency for a particular license or
21 skill for which knowledge of written English is not required; notices advising ~~Limited English~~
22 ~~Speaking~~ LEP Persons of free language assistance; materials, including publicly-posted
23 documents, explaining a Department's services or programs; complaint forms; any other
24 written documents related to direct services to the public that could impact the community or
25 an individual seeking services from or participating in a program of a Department.

1 ~~Notwithstanding the requirements of this subsection 91.5(a), translation of public hearing notices,~~
2 ~~agendas, and minutes shall be governed by Section 91.7 of this Chapter.~~

3 (b) **Signage.** Departments that post signage that provides information to the public
4 ~~with respect to the~~ that relates to the Department's Service or Program shall ~~make good faith efforts~~
5 ~~to~~ translate those materials in the required languages or languages as prescribed by a
6 Substantial Number of ~~Limited English Speaking~~ LEP Persons.

7 (1) Departments shall prioritize the translation of written materials by giving highest
8 priority to materials and information that affects benefits, eligibility, public safety, health, and
9 critical services.

10 (2) Departments shall post translated notices in the public areas of their facilities in
11 the relevant language(s) indicating that Language Access Services ~~written materials in the~~
12 ~~language(s) and staff who speak the language(s)~~ are available.

13 (3) Departments shall translate all signage posted in their facilities that is intended to assist
14 members of the public utilizing the Department's services or programs. Departments shall also
15 translate all signage posted in public spaces that is meant to inform the community about a service or
16 program or a benefit or change that impacts the community. The translated notices shall be posted
17 prominently and shall be readily visible to the public. Departments shall also provide translated
18 written materials, in a conspicuous location, providing information about the OCEIA complaint
19 process described in Section 91.10.

20 (c) **Digital Content.** Departments shall translate digital content that meets the parameters of
21 subsection 91.5(a) that they provide on digital platforms such as web sites, social media platforms,
22 third-party digital content providers, or various on-line mediums. Departments shall also translate all
23 public service announcements or information that raises awareness about an issue of public interest or
24 affects the community that they publish on websites, social media platforms, third-party digital content
25 providers, or various on-line mediums.

1 (de) Departments shall take a community-focused approach to ensure ~~that their~~ all
2 translations are accurate and appropriate for the target audience. Translations should match
3 literacy levels of the target audience.

4 (ef) Each Department shall designate a staff member responsible for ensuring that
5 all translations of the Department's written materials meet the accuracy and appropriateness
6 standard set in subsection (de) of this Section 91.5. Departments are encouraged to have
7 their staff check the quality of written translations, but where a Department lacks biliterate
8 personnel, the responsible staff member shall obtain quality checks from external translators.
9 Departments may contact OCEIA for assistance in locating a qualified translator or translation
10 equipment. Departments are also encouraged to solicit feedback on the accuracy and
11 appropriateness of translations from bilingual staff ~~at~~of community groups whose clients
12 receive services from the Department.

13 (g) ~~Prior to July 1, 2016, subsection 91.5(a) shall not apply to Departments that are~~
14 ~~required under Section 91.12(a) to submit their initial Compliance Plans on October 1, 2016.~~
15 ~~Thereafter, Section 91.5(a) shall apply to all City Departments. But prior to July 1, 2016, any~~
16 ~~Department not subject to subsection 91.5(a) shall translate into the language(s) spoken by a~~
17 ~~Substantial Number of Limited English Speaking Persons all publicly posted documents that provide~~
18 ~~information (1) regarding the Department's services or programs, or (2) affecting a person's rights to,~~
19 ~~determination of eligibility of, award of, denial of, loss of, or decreases in benefits or services.~~

20 **SEC. 91.7. PUBLIC MEETINGS AND HEARINGS.**

21 (a) Notwithstanding the requirements of any other provisions of Chapter 91, City Boards,
22 City Commissions, advisory bodies, and Departments shall translate meeting notices,
23 agendas, and minutes upon written request. When a City Board, City Commission, and
24 advisory body receives a written request for translated meeting minutes, the body shall
25

1 translate the meeting minutes only after the body adopts them and within a reasonable time
2 thereafter.

3 (b) City Boards, City Commissions, advisory bodies, and Departments shall provide
4 Language Access Services ~~oral interpretation or translation services~~ in the language the member of
5 the public requests at any public meeting or hearing, if requested at least 48 hours in advance
6 of the meeting or hearing.

7 **SEC. 91.8. RECORDED TELEPHONIC MESSAGES.**

8 All Departments with recorded telephonic messages about the Department's
9 operation or services shall maintain such messages in each language spoken by a
10 Substantial Number of ~~Limited English Speaking~~ LEP Persons, or where applicable, a
11 Concentrated Number of ~~Limited English Speaking~~ LEP Persons. Such Departments are
12 encouraged to include in the telephonic messages information about business hours, office
13 location(s), services offered and the means of accessing such services, and the availability of
14 Language Access Services ~~language assistance~~. The requirements of this Section 91.8 shall apply
15 only to recordings prepared by a Department to provide general information to the public
16 about the Department's operations and services, and shall not apply to voicemail recordings
17 on City employees' telephone lines.

18 **SEC. 91.9. CRISIS SITUATIONS.**

19 (a) All Departments involved in health-related emergencies, refugee relief, disaster-
20 related activities, and all other crisis situations, including but not limited to pandemics, emergency
21 response, and public safety incidents that impact and effect the community, shall work with OCEIA to
22 include Language Access Services ~~language service~~ protocols in the Department's Annual
23 Compliance ~~Report~~ Plan. During ~~these events, crisis, emergency, and public safety situations~~, all
24 Departments involved shall prioritize Language Access Services and to the extent feasible
25 ensure bilingual staff are present and available to assist ~~Limited English Speaking~~ LEP Persons

1 with critical needs. If ~~the crisis, emergency or public safety~~ these situations require the posting of
2 warning signs, the Department shall translate those signs in the required languages.

3 (b) Subject to the budgetary and fiscal provisions of the Charter, OCEIA shall develop
4 strategies for Departments to use in deploying rapid response Language Access Services to advise First
5 Responders serving the public in crisis situations as listed in Section 91.9(a). OCEIA shall collaborate
6 with Departments to ensure a community-focused approach is incorporated in the operation of rapid
7 response Language Access Services.

8 **SEC. 91.10. COMPLAINT PROCEDURE.**

9 (a) Complaint Process. OCEIA shall be responsible for accepting, investigating, and
10 resolving complaints from persons alleging violations of this Chapter 91. A person alleging
11 that a Department violated a provision of this Chapter may submit a complaint to OCEIA by
12 either: (1) completing and submitting a complaint form; ~~or~~ (2) calling OCEIA and speaking with
13 an employee who will document the complaint; or (3) designating another person or entity to
14 lodge the complaint on their behalf. Within ~~five~~ five days of receiving the complaint, OCEIA shall
15 notify the Department and commence an investigation. OCEIA shall resolve all complaints
16 within 30 days of their receipt unless OCEIA finds good cause to extend the time for resolving
17 the complaint. OCEIA shall prepare a summary report of its investigation that will include findings
18 and recommendations to address the issues raised in the complaint, including ~~make a record of the~~
19 resolution of the complaint and what action, if any, was undertaken by the Department in
20 response to the complaint to ensure the Department's compliance with this Chapter 91 and
21 whether a Department cooperated or failed to cooperate with OCEIA's investigation.

22 (b) Department and City Board, City Commission, and Advisory Body's Complaint
23 Procedure. If a Department, a City Board, a City Commission, or an Advisory Body receives a
24 complaint from an individual, it shall immediately forward a copy of the complaint to OCEIA. In
25

1 addition, ~~#City Boards, City Commissions, and Advisory Bodies,~~ shall cooperate in good faith with
2 OCEIA in resolving the complaint within the applicable time frame.

3 (c) Annual Tracking of Complaints and Summary Reports. Annually, OCEIA shall track
4 the number of complaints received ~~each year~~ and summary reports in progress and completed.
5 OCEIA shall ~~and~~ maintain copies of all complaints and summary reports ~~documentation of their~~
6 ~~resolution~~ for a period of not less than ~~5~~ five years.

7 (d) Quarterly Reports. On a quarterly basis, OCEIA shall submit a written report to
8 the Board of Supervisors and the Commission containing the following information: (1) the
9 number of complaints filed during that quarter, including an analysis of individual cases with
10 departmental trends; (2) the number of complaints filed for the year-to-date; (3) a comparison
11 of those numbers with the filings for the previous year; ~~and~~ (4) a brief description of the nature
12 of each complaint filed, including the Department named in the complaint, and (5) OCEIA's
13 summary report of its investigation with findings and recommendations. ~~violation alleged, the proposed~~
14 ~~intervention, whether the complaint was resolved or remains open, and what, if any, measures were~~
15 ~~implemented by the Department in response to the complaint.~~

16 **SEC. 91.11. ANNUAL COMPLIANCE REPORTPLAN.**

17 Using information collected during the preceding fiscal year beginning July 1 and
18 ending June 30, each Department shall draft an Annual Compliance ReportPlan including the
19 following information:

- 20 (a) A description of the Department's language access policy;
- 21 (b) The language services offered by the Department;
- 22 (c) The number and percentage of people who are Limited English Speaking LEP
23 Persons who use the Department's services Citywide; ~~listed by language other than English,~~
24 ~~using a method described in the definition of Concentrated Number of Limited English Speaking~~

1 ~~Persons in Section 91.2 of this Chapter. Departments must include a description of the methodology or~~
2 ~~data collection system used to make this determination;~~

3 (d) A roster of bilingual employees, their titles, office locations, the language(s) other
4 than English that they ~~persons~~ speak; excluding those bilingual employees who are self-
5 designated as competent in a second language other than English;

6 (e) The name and contact information of the Department's language access
7 coordinator;

8 (f) A description of any use of telephone-based interpretation services, including the
9 number of times telephone-based interpretation services were used, the language(s) for which
10 they were used, and the number of times bilingual employees provided in-person
11 interpretation services;

12 (g) An explanatory assessment of the procedures used to facilitate communication
13 with ~~Limited English Speaking~~ LEP Persons, which shall include, but is not limited to, an
14 evaluation of the following (1) the content of recorded telephonic messages provided to the
15 public and the language of the message; (2) telephone requests for translation or
16 interpretation services; (3) in-person requests for translation or interpretation services; and (4)
17 public notices of the availability of translation or interpretation services upon request;

18 (h) Ongoing employee development and training strategy to maintain well trained
19 bilingual employees and general staff. Employee development and training strategy should
20 include a description of quality control protocols for bilingual employees; and a description of
21 language service protocols for ~~Limited English Speaking~~ LEP Persons in crisis situations as
22 outlined in Section 91.9;

23 (i) If the Department determines that additional bilingual employees are needed to
24 meet the requirements of Section 91.4 ~~of this Chapter~~, the Department must provide a
25 description of its plan for meeting those requirements;

1 (j) The name, title, and language(s) other than English spoken, if any, by the staff
2 member designated with responsibility for ensuring the accuracy and appropriateness of
3 Language Access Services translations for each language in which services must be provided
4 under this Chapter 91;

5 (k) A list of the Department's written materials that have been translated under this
6 Chapter 91, the language(s) into which they have been translated, and the persons who have
7 reviewed the translated material for accuracy and appropriateness;

8 (l) The Department's written policies on providing services to Limited English
9 Speaking LEP Persons;

10 (m) A list of goals for the upcoming year and, for all Annual Compliance Reports
11 Plans except the first, an assessment of the Department's success at meeting last year's
12 goals;

13 (n) Annual expenditures from the previous fiscal year for services that are related to
14 language access, including:

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

17 (2) Telephonic interpretation services provided by City vendors;

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

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

20 (5) The total projected Department's budget for Language Access Services and
21 projected budget to support progressive implementation of the Department's Annual Compliance
22 Report language service plan;

23 (o) A summary of changes between the Department's previous Annual Compliance
24 Report Plan submittal and the current submittal, including but not limited to: (1) an explanation
25 of strategies and procedures that have improved the Department's language services Language

1 Access Services from the previous year; and (2) an explanation of strategies and procedures
2 that did not improve the Department's language services and proposed solutions to achieve
3 the overall goal of this Language Access Ordinance; and

4 (p) Any other information OCEIA deems appropriate for the implementation of this
5 Chapter 91.

6 **SEC. 91.12. ANNUAL COMPLIANCE REPORTS PLANS SUBMITTALS, LANGUAGE**
7 **ACCESS ORDINANCE SUMMARY REPORT, AND RECOMMENDATIONS FOR**
8 **EMERGING LANGUAGE POPULATIONS.**

9 (a) Annual Compliance Reports Plans Submittals. All Departments shall submit their
10 Annual Compliance Report on October 1 of each year to OCEIA. All of the following entities shall
11 submit their 2014-2015 Annual Compliance Plan on October 1, 2015, and thereafter October 1st of
12 each year: Adult Probation Department, City Hall Building Management, Department of Building
13 Inspection, Department of Elections, Department of the Environment, Department of Emergency
14 Management, Department of Human Services, Department of Public Health, Department of Public
15 Works, District Attorney's Office, Fire Department, Human Services Agency, Juvenile Probation
16 Department, Mayor's Office of Economic and Workforce Development, Municipal Transportation
17 Agency, Office of the Assessor Recorder, Office of the Treasurer and Tax Collector, Planning
18 Department, Police Department, Public Defender's Office, Public Utilities Commission, Recreation
19 and Park Department, Residential Rent Stabilization and Arbitration Board, San Francisco
20 International Airport, San Francisco Public Library, San Francisco Zoo, and Sheriff's Office. All other
21 Departments shall file their initial Compliance Plan on October 1, 2016, and thereafter October 1st of
22 each year. The Director of each Department or his or her designee shall approve and submit an Annual
23 Compliance Plan that includes the required data and budget information with OCEIA.

24 (b) Language Access Ordinance Summary Report. ~~Beginning on~~ On February 1 of each
25 year 1, 2016, and annually thereafter, OCEIA shall submit to the Mayor, Commission and the Clerk

1 of the Board of Supervisors, and the Commission a Language Access Ordinance Summary
2 Report which compiles and summarizes all departmental Annual Compliance ReportsPlans.
3 OCEIA shall also include in the Language Access Ordinance Summary Report a current
4 determination of: (1) the total number of Limited English Speaking LEP Persons in the City; (2)
5 the number of Limited English Speaking LEP Persons in the City delineated according to
6 language spoken; and (3) the number of Limited English Speaking LEP Persons for each District
7 delineated according to language spoken; ~~(4) the number of complaints received; (5) the number~~
8 ~~of complaints investigated; and (6) the number of investigative summary reports. The Language Access~~
9 ~~Ordinance Summary Report shall be translated in the required languages.~~

10 (c) OCEIA may include in the Language Access Ordinance Summary Report
11 recommended changes to all departmental Annual Compliance Reports, including changes to
12 language access policies Plans in order to meet the needs of Emerging Language Populations.

13 (d) By June 30 of each year, OCEIA may request a joint public hearing with the
14 Board of Supervisors and the Commission to assess the adequacy of the City's ability to
15 provide the public with access to Language Access Serviceslanguage services.

16 ~~(e) By October 1, 2015, each Department required under subsection 91.12(a) to file an~~
17 ~~initial Compliance Plan on October 1, 2016 shall provide a written update to OCEIA regarding the~~
18 ~~Department's plans to ensure future compliance with Section 91.4 and Section 91.5(a) of this Chapter.~~
19 ~~The written update shall be in a format prescribed by OCEIA and shall include any information~~
20 ~~requested by OCEIA regarding the Department's plans.~~

21 **SEC. 91.13. RECRUITMENT.**

22 It shall be the policy of the City to publicize job openings for Departments' Public
23 Contact Positions in an inclusive and appropriate manner as widely as possible including, but not
24 limited to, in ethnic, ~~and~~ non-English language media, and in multiple languages.

25 **SEC. 91.14. DEPARTMENT RESPONSIBILITIES.**

1 In addition to the duties and responsibilities provided elsewhere in this Chapter 91,
2 Departments shall:

3 (a) Provide Language Access Services in the required languages or languages spoken by a
4 Substantial Number of LEP Persons that provides vital information to the public about the
5 Department's services or programs;

6 (b) Inform ~~Limited English Speaking~~ LEP Persons who seek services, in their native
7 tongue, of their right to request Language Access Services and their right to file a complaint
8 translation services;

9 (cb) Create a process where all persons may provide feedback on the Department's
10 Language Access Services;

11 (d) Prominently post in main entrance or reception areas the availability of Language
12 Access Services and OCEIA's know-your-rights brochure translated in the required languages;

13 (e) Create and maintain a language access policy and review it annually;

14 (fe) Designate a language access coordinator who is responsible for managing the
15 Department's Language Access Services; ~~and~~

16 (gd) Use a community-focused approach to language access services to ensure that residents
17 receive information about City programs and services, including public service announcements;

18 (h) Upon request, translate the investigative summary report;

19 (i) Budget and plan for the Department's delivery of Language Access Services; and

20 (j) Use good faith efforts to comply with the provisions of this Chapter 91.

21 Departments shall prioritize Language Access Services. ~~and comply with the provisions of this~~
22 ~~Chapter 91 that are readily achievable.~~ Over time, Departments shall fully comply with the
23 provisions of this Chapter 91.

24 **SEC. 91.15. COMMISSION RESPONSIBILITIES.**

1 The Commission is responsible for evaluating the requirements set forth in this Chapter
2 91. The Commission's duties shall include: (a) reviewing all OCEIA reports; (b) reviewing
3 complaints and OCEIA's resolution of them; (c) recommending policy changes, including
4 revisions to this Chapter or to the Rules and Regulations adopted under Section 91.1716 of
5 this Chapter; (d) identifying new trends that may present new challenges for language access;
6 (e) identifying new practices that further the objectives of this Chapter; and (f) conducting
7 public hearings related to items (a) through (e).

8 **SEC. 91.16. OFFICE OF CIVIC ENGAGEMENT AND IMMIGRANT AFFAIRS'**
9 **RESPONSIBILITIES.**

10 Subject to the budgetary and fiscal provisions of the Charter, OCEIA may provide
11 *technical assistance to support the Departments' Language Access Services, and investigate, a*
12 *centralized infrastructure for the City's language services and* monitor, and facilitate Departmental
13 compliance with this Chapter 91. OCEIA may:

14 (a) Provide technical assistance for *Language Access Services language services* for all
15 Departments, including *but not limited to, yearly trainings for department staff, consultations as*
16 *needed, and language access tools and resources;*

17 (b) Coordinate *Language Access Services* across Departments, including but not
18 limited to maintaining a directory of qualified language service providers for Departments to
19 utilize and carry out their responsibilities under this Chapter 91, maintaining Language Access
20 Services, translations, and interpretations contracts for all Departments, maintaining an
21 inventory of *language services translation* equipment, and providing assistance to Departments,
22 the Board of Supervisors, and the Mayor's Office in identifying bilingual staff;

23 ~~—(c) Compile and maintain a central repository for all Departments' translated documents;~~

24 (c~~d~~) Provide Departments with model Annual Compliance *Reports and language*
25 *access policiesPlans;*

1 (*de*) If OCEIA determines that at least 10,000 City residents who are *Limited English*
2 *Speaking LEP* Persons share a language other than English and makes its determination
3 pursuant to Section 91.2, it shall notify all affected Departments and post that determination
4 on its website for 120 days prior to certifying the new language. During that time period,
5 OCEIA may conduct a study to confirm that at least 10,000 City residents who are *Limited*
6 *English Speaking LEP* Persons share a language other than English. If OCEIA conducts such a
7 study, the 120 days shall commence the day the study is published. The certification of a new
8 language as a language spoken by a Substantial Number of *Limited English Speaking LEP*
9 Persons shall take effect after the conclusion of the process described in this subsection(*de*).

10 (*ef*) Maintain a complaint form on OCEIA's website in all certified languages spoken
11 by a Substantial Number of *Limited English Speaking LEP* Persons; *and*

12 (*fg*) Create a know-your-rights brochure for Language Access Services;

13 (*g*) Create and maintain a website for the posting of OCEIA's investigative summary
14 reports; and

15 (*h*) Investigate potential violations of this Chapter.

16 **SEC. 91.17. RULES AND REGULATIONS.**

17 In order to effectuate the terms of this Chapter, OCEIA the Commission may adopt
18 rules and regulations consistent with this Chapter.

19 **SEC. 91.18. ENFORCEMENT.**

20 OCEIA shall be responsible for enforcement of this Chapter 91. OCEIA may
21 investigate potential violations of this Chapter. OCEIA may attempt to resolve noncompliance
22 with this Chapter by any Department through informal processes, including mediation and
23 conference and conciliation. OCEIA shall prepare a summary report of each investigation that will
24 include findings and recommendations to address the issues raised in the complaint, including what
25 action, if any, was undertaken by the Department in response to the complaint to ensure the

1 Department's compliance with this Chapter 91 and whether a Department failed to cooperate with
2 OCEIA's investigation. ~~If after an investigation and attempt to resolve an incidence of Department~~
3 ~~non-compliance, OCEIA the Commission is unable to resolve the matter, it~~ OCEIA shall transmit its
4 investigative summary report a written finding of non-compliance, specifying the nature of the non-
5 ~~compliance and the recommended corrective measures,~~ to the Department, the Department of
6 Human Resources, the Commission, the Mayor, and the Board of Supervisors.

7 Section 2. Article III, Chapter 1 of the Campaign and Governmental Conduct Code is
8 hereby amended by revising Section 3.1-251, to read as follows:

9 **SEC. 3.1-251. GENERAL SERVICES AGENCY – CITY ADMINISTRATOR.**

10 (a) **Disclosure Category 2.** Persons in this category shall disclose all investments
11 and business positions in business entities and income from any source which provides, or
12 contracts with the City and County of San Francisco and its Purchasing Department to
13 provide, or has provided within the last two years, commodities or services to the City and
14 County of San Francisco.

15 (b) **Disclosure Category 3.** Persons in this category shall disclose all investments
16 and business positions in business entities and income from any source which provides, or
17 contracts with the City and County of San Francisco to provide, or has provided within the last
18 two years, commodities or services to either the Division of the Purchasing Department to
19 which the person is assigned or the Department (other than the Purchasing Department) to
20 which the person is assigned.

21 (c) **Disclosure Category 4.** Persons in this disclosure category shall disclose all
22 investments and business positions in any business entity, as well as income or gifts received
23 from any business entity, which does business subject to Delegated Departmental Purchasing
24 (Prop Q) with the City Administrator's Office, or has done business subject to Prop Q
25 (Proposition Q, November 1993) with the City Administrator's Office within the reporting

1 period covered by the disclosure statement, or where the Person foresees the need to be a
2 Prop Q Purchasing Initiator or Approver for the City Administrator’s Office in the future and is
3 unable to be recused from a Prop Q purchasing transaction that would create a disclosure
4 event.

5 **Designated Positions** **Disclosure Categories**

6 * * * *

7 **Civic Engagement and Immigrant Affairs**

8 Executive Director 1

9 ~~Member, Immigrant Rights Commission 1~~

10 ~~Senior Administrative Analyst 1~~

11 * * * *

12
13 Section 2. Effective Date. This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
16 of Supervisors overrides the Mayor’s veto of the ordinance.

17
18 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
22 additions, and Board amendment deletions in accordance with the “Note” that appears under
23 the official title of the ordinance.

LEGISLATIVE DIGEST

[Administrative, Campaign and Governmental Conduct Codes - Language Access Ordinance]

Ordinance amending the Administrative Code to amend the Language Access Ordinance to clarify Departments' responsibilities to provide language access services to members of the public, and to clarify the role of the Office of Civic Engagement and Immigrant Affairs in administering the Language Access Ordinance; to require language access service be provided in Chinese, Spanish, Filipino, and any other language for which the requisite number of person qualifies as a Substantial Number of Limited English Proficient Persons; to amend the formula for determining when a language becomes eligible for language access services; to require Departments to translate signage; to require Departments to translate digital content provided on digital platforms; to clarify that crisis situations also includes but is not limited to pandemics, emergency response, and public safety incidents that impact and effect the community; to rename the Annual Compliance Plan to Annual Compliance Report; to impose requirements for the Language Access Ordinance Summary Report; to require Departments to inform members of the public of their right to file a complaint, and of a process for providing feedback on the Department's Language Access Services; to require Office of Civic Engagement and Immigrant Affairs to create a know-your-rights brochure; to require Departments' posting notice of the availability of Language Access Services and a know-your-rights brochure; to require Departments to budget and plan for delivery of Language Access Services; to require Office of Civic Engagement and Immigrant Affairs to prepare an investigation summary report of each investigation that will include findings and recommendation to address the issues raised, and to create and maintain a website for the posting of investigation summary reports; and to delete the financial disclosure requirement for Immigrant Rights Commission members.

Existing Law

Currently, all City departments that provides information or services to the public or interacts with the public are required to provide language access services. All City departments are required to translate certain written materials. All City Boards, Commissions, advisory bodies, and Departments are required to provide language access services at public meetings and hearings. All Departments are required to submit an annual compliance plan

Amendments to Current Law

If these amendments pass, this legislation would:

1. Update the findings;

2. Clarify Departments' responsibilities to provide language access services to members of the public, and to clarify the role of the Office of Civic Engagement and Immigrant Affairs in administering the Language Access Ordinance;
3. Require language access service be provided in Chinese, Spanish, Filipino, and any other language for which the requisite number of person qualifies as a Substantial Number of Limited English Proficient Persons;
4. Amend the formula for determining when a language becomes eligible for language access services;
5. Require Departments to translate signage;
6. Require Departments to translate digital content provided on digital platforms;
7. Rename the Annual Compliance Plan to Annual Compliance Report;
8. Impose requirements for the Language Access Ordinance Summary Report;
9. Require Departments to inform members of the public of their right to file a complaint, and of a process for providing feedback on the Department's Language Access Services;
10. Require Office of Civic Engagement and Immigrant Affairs to create a know-your-rights brochure;
11. Clarify that crisis situation also includes pandemics, emergency response, and public safety incidents that impact and effect the community;
12. Require Departments' posting notice of the availability of Language Access Services and a know-your-rights brochure;
13. Require Departments to budget and plan for delivery of Language Access Services;
14. Require Office of Civic Engagement and Immigrant Affairs to prepare an investigation summary report of each investigation that will include findings and recommendation to address the issues raised, and to create and maintain a website for the posting of investigation summary reports; and
15. Delete the financial disclosure requirement for Immigrant Rights Commission members.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Jorge Rivas, Executive Director, Office of Civic Engagement and Immigrant Affairs

FROM: Victor Young, Assistant Clerk

A handwritten signature in black ink that reads "Victor Young".

DATE: August 3, 2023

SUBJECT: LEGISLATION INTRODUCED

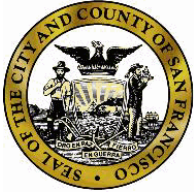
The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 230868

Ordinance amending the Administrative Code to amend the Language Access Ordinance to clarify Departments' responsibilities to provide language access services to members of the public, and to clarify the role of the Office of Civic Engagement and Immigrant Affairs in administering the Language Access Ordinance; to require language access service be provided in Chinese, Spanish, Filipino, and any other language for which the requisite number of person qualifies as a Substantial Number of Limited English Proficient Persons; to amend the formula for determining when a language becomes eligible for language access services; to require Departments to translate signage; to require Departments to translate digital content provided on digital platforms; to clarify that crisis situations also includes but is not limited to pandemics, emergency response, and public safety incidents that impact and effect the community; to rename the Annual Compliance Plan to Annual Compliance Report; to impose requirements for the Language Access Ordinance Summary Report; to require Departments to inform members of the public of their right to file a complaint, and of a process for providing feedback on the Department's Language Access Services; to require Office of Civic Engagement and Immigrant Affairs to create a know-your-rights brochure; to require Departments' posting notice of the availability of Language Access Services and a know-your-rights brochure; to require Departments to budget and plan for delivery of Language Access Services; to require Office of Civic Engagement and Immigrant Affairs to prepare an investigation summary report of each investigation that will include findings and recommendation to address the issues raised, and to create and maintain a website for the posting of investigation summary reports;

and to delete the financial disclosure requirement for Immigrant Rights Commission members.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.



City and County of San Francisco

Master Report

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

File Number: 230868	File Type: Ordinance	Status: 30 Day Rule
Enacted:	Effective:	
Version: 1	In Control: Rules Committee	
File Name: Administrative, Campaign and Governmental Conduct Codes - Language Access Ordinance	Date Introduced: 07/25/2023	
Requester:	Cost:	Final Action:
Comment:	Title: Ordinance amending the Administrative Code to amend the Language Access Ordinance to clarify Departments' responsibilities to provide language access services to members of the public, and to clarify the role of the Office of Civic Engagement and Immigrant Affairs in administering the Language Access Ordinance; to require language access service be provided in Chinese, Spanish, Filipino, and any other language for which the requisite number of person qualifies as a Substantial Number of Limited English Proficient Persons; to amend the formula for determining when a language becomes eligible for language access services; to require Departments to translate signage; to require Departments to translate digital content provided on digital platforms; to clarify that crisis situations also includes but is not limited to pandemics, emergency response, and public safety incidents that impact and effect the community; to rename the Annual Compliance Plan to Annual Compliance Report; to impose requirements for the Language Access Ordinance Summary Report; to require Departments to inform members of the public of their right to file a complaint, and of a process for providing feedback on the Department's Language Access Services; to require Office of Civic Engagement and Immigrant Affairs to create a know-your-rights brochure; to require Departments' posting notice of the availability of Language Access Services and a know-your-rights brochure; to require Departments to budget and plan for delivery of Language Access Services; to require Office of Civic Engagement and Immigrant Affairs to prepare an investigation summary report of each investigation that will include findings and recommendation to address the issues raised, and to create and maintain a website for the posting of investigation summary reports; and to delete the financial disclosure requirement for Immigrant Rights Commission members.	

Sponsor: Walton

History of Legislative File 230868

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	07/25/2023	ASSIGNED UNDER 30 DAY RULE	Rules Committee	08/24/2023	