

1 [Endorsing the 2011 and 2012 Annual Language Access Ordinance Compliance Reports]

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3 **Resolution endorsing “Language Matters: Language Access Ordinance Annual**
4 **Compliance Summary Report, July 2011” and “Language Access Ordinance Annual**
5 **Compliance Summary Report, March 2012,” issued by the Office of Civic Engagement**
6 **and Immigrant Affairs.**

7
8 WHEREAS, Language Access is a civil right affirmed at every level of government,
9 including the Civil Rights Act of 1964 and the 1974 U.S. Supreme Court ruling on Lau v.
10 Nichols; and

11 WHEREAS, Language access is an essential key to full and meaningful participation in
12 a democracy for many immigrant and newcomer communities; and

13 WHEREAS, San Francisco is one of the most culturally rich and linguistically diverse
14 cities in the nation with over a third of the population immigrant and nearly half speaking a
15 language other than English at home; and

16 WHEREAS, The San Francisco Board of Supervisors views the City’s language
17 diversity as a competitive advantage in a global economy; and

18 WHEREAS, The San Francisco Board of Supervisors enacted the Equal Access to
19 Services Ordinance in 2001 and amended it in 2009 as the Language Access Ordinance
20 (LAO); and

21 WHEREAS, The LAO is one of the strongest language access laws in the nation,
22 demonstrating San Francisco’s ongoing commitment to equal and full access to services and
23 timely information; and

1 WHEREAS, The Immigrant Rights Commission has been an early champion of
2 language rights and equal access to city services for all residents, including residents who are
3 non or Limited-English speaking; and

4 WHEREAS, The Office of Civic Engagement & Immigrant Affairs (OCEIA) is charged
5 with monitoring compliance and ensuring that the LAO is implemented with the highest level
6 of integrity; and

7 WHEREAS; As required by the LAO, OCEIA has analyzed the language access
8 progress by City departments and prepared annual summary reports in 2011 and 2012
9 entitled "Language Matters: Language Access Ordinance Annual Compliance Summary
10 Report, July 2011" and "Language Access Ordinance Annual Compliance Summary Report,
11 March 2012;" and

12 WHEREAS, The reports include community input, provide fact-based findings, and
13 make concrete recommendations on strengthening LAO efficacy and better serving Limited
14 English Proficient (LEP) residents; and

15 WHEREAS, Both reports find that Tier 1 departments (Adult Probation Department,
16 Department of Elections, Department of Human Services, Department of Public
17 Health, District Attorney's Office, Department of Emergency Management, Fire Department,
18 Human Services Agency, Juvenile Probation Department, Municipal Transportation Agency,
19 Police Department, Public Defender's Office, Residential Rent Stabilization and Arbitration
20 Board, Sheriff's Office, San Francisco International Airport, Office of the Assessor Recorder,
21 City Hall Building Management, Department of Building Inspection, Department of the
22 Environment, San Francisco Public Library, Mayor's Office of Economic and Workforce
23 Development, Planning Department, Department of Public Works, Public Utilities
24 Commission, Recreation and Park Department, Office of the Treasurer and Tax Collector,
25

1 and the San Francisco Zoo) are generally making good faith efforts to comply with the LAO
2 but continue to face significant challenges to full compliance; and

3 WHEREAS, Both reports find that common obstacles include budgetary limitations, the
4 lack of priority placed on language access given other demands, the lack of dedicated LAO
5 compliance personnel to ensure quality control, absence of written protocols for serving LEP
6 clients, limited LEP client data collection, insufficient expectations and standards for bilingual
7 staff, inadequate complaint procedures, and few or no translated documents; and

8 WHEREAS, Both reports find that while the percentage of reported LEP client
9 interactions in Cantonese increased from 47 to 49 percent between FY09-10 and FY10-11,
10 the reported bilingual public contact staff that speak Cantonese only increased from 27 to 28
11 percent; and

12 WHEREAS, The 2011 report finds that 58 percent of departments reported that they
13 offer training for bilingual staff, while others rely on significantly varied training mechanisms;
14 and

15 WHEREAS, The 2012 report finds that the mandatory citywide trainings that were
16 developed by OCEIA had a 96% attendance rate by departments; and

17 WHEREAS, Both reports find that while numerous departments have processes and
18 protocols to ensure accurate and appropriate translations during emergency situations, those
19 mechanisms vary significantly among departments, and 13 of 26 Tier 1 departments reported
20 having no written protocols for serving LEP clients in emergency situations in FY10-11, down
21 from 62 percent in FY09-10; and

22 WHEREAS, Both reports find that departments did not forward any LAO violations to
23 OCEIA in FY09-10 and forwarded only one of 18 reported complaints to OCEIA in FY10-11
24 as required by the LAO, and 50 percent of departments did not publicly post procedures for
25

1 accepting and resolving complaints of alleged violations of the LAO in FY10-11, down from 62
2 percent in FY09-10; and

3 WHEREAS, Both reports find that there is a lack of consistency in how departments
4 collect and report LAO data, and a decrease in reported client LEP interactions in FY09-10 is
5 likely due to changes in departments' methodologies for tracking client interactions, staff
6 turnover, and lack of training, rather than lower demand or fewer LEP clients; and

7 WHEREAS, While both reports focus on Tier 1 Department compliance many Tier 2
8 departments do not comply with the basic requirements of the LAO because they are
9 unaware of its applications, lack training, or lack capacity due to small department size; and

10 WHEREAS, On July 11, 2011, the San Francisco Immigrant Rights Commission voted
11 unanimously to adopt the findings in the 2011 language access compliance report, and on
12 March 1, 2012 the San Francisco Immigrant Rights Commission has reviewed compliance
13 data and will be voting at its next regularly scheduled meeting of April 16, 2012 to adopt the
14 findings in the 2012 language access compliance report; now, therefore, be it

15 RESOLVED, That the San Francisco Board of Supervisors recognizes and endorses
16 the findings in "Language Matters: Language Access Ordinance Annual Compliance
17 Summary Report, July 2011" and "Language Access Ordinance Annual Compliance
18 Summary Report, March 2012;" and, be it

19 FURTHER RESOLVED, That the San Francisco Board of Supervisors is concerned
20 with the reports' findings, remains committed to improving and increasing the City's capacity
21 to meet the needs of language diverse residents, and encourages all City agencies to provide
22 information to the public to increase their language access efforts.



City and County of San Francisco
Tails
Resolution

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

File Number: 120368

Date Passed: June 05, 2012

Resolution endorsing "Language Matters: Language Access Ordinance Annual Compliance Summary Report, July 2011" and "Language Access Ordinance Annual Compliance Summary Report, March 2012," issued by the Office of Civic Engagement and Immigrant Affairs.

May 24, 2012 Government Audit and Oversight Committee - RECOMMENDED..

June 05, 2012 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 120368

I hereby certify that the foregoing Resolution was ADOPTED on 6/5/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

UN SIGNED

Mayor

6/15/12

Date Approved

Date: June 15, 2012

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Angela Calvillo
Clerk of the Board

File No.
120368