



CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS

Edwin M. Lee, Mayor
Naomi Kelly, City Administrator

Adrienne Pon, Executive Director

September 5, 2014

Presiding Judge Cynthia Ming-mei Lee
Department 206
400 McAllister Street
San Francisco, CA 94102-4514

Re: 2013-14 Civil Grand Jury Report: *Survey of San Francisco Commission Websites*

Dear Judge Lee,

This letter responds to the 2013-14 Civil Grand Jury Report on the survey of San Francisco commission websites and its findings regarding notices that inform citizens of their rights, and the process, for requesting disability accommodations and/or language support. The Office of Civic Engagement & Immigrant Affairs (OCEIA) oversees citywide compliance with the San Francisco Language Access Ordinance (LAO) as authorized in San Francisco Administrative Code, Chapter 91: Language Access. The Mayor’s Office on Disability (MOD) oversees ADA related disability accommodations will be responding to these issues in a separate letter.

In accordance with the Civil Grand Jury’s report and authority, OCEIA is providing the following responses to Finding 1 and Recommendation 1b as it relates to language access.

CIVIL GRAND JURY’S FINDING	OCEIA’S REPOSENSE
<p>A statement that informs the process of requesting accommodation for physical disability and/or language support is not easily found on many commission websites.</p>	<p>Partial Agreement: Disability accommodations are under the purview of MOD and MOD has responded separately to this issue. Language Access laws in San Francisco were enacted by the Board of Supervisors in 2001, first as the Equal Access to Services Ordinance and amended in 2009 as the Language Access Ordinance (LAO). OCEIA has been overseeing LAO compliance since 2009 and has been training city departments annually on requirements and responsibilities.</p> <p>All city departments that provide information or</p>

	<p>services to the public are covered under the LAO. In addition, 26 named Tier 1 Departments must meet additional requirements and file annual compliance plans with OCEIA.</p> <p>The LAO does not specifically address requirements for website information. Departments are required to post notices in a public place informing Limited English Speaking Persons who seek services, in their native tongue, of their right to request translation services from all City departments.</p> <p>Section 91.6 of the LAO (Public Meetings and Hearings) requires City Boards, Commissions and Departments to provide oral interpretation of any public meeting or hearing if requested at least 48 hours in advance of the meeting or hearing. Meeting minutes shall be translated if: 1) requested; 2) after the legislative body adopts the meeting minutes; and 3) within a reasonable time period thereafter. The LAO states that City Boards, Commissions and Departments shall <u>not</u> automatically translate meeting notices, agendas or minutes. There is no reference in the LAO to any requirement for website information for City Boards, Commissions and Departments.</p>
<p>1 b. When commission websites are developed to include language support that support should be provided in the same languages used in the voter's guide.</p>	<p>Will Not be Implemented at this time.</p> <p>The LAO specifies which languages are required for language support by authorizing OCEIA to annually determine whether at least 10,000 Limited English Speaking residents speak a shared language other than English. This sets a threshold that three languages meet at this time: Chinese (both Cantonese and Mandarin), Spanish and Filipino (Tagalog). Departments covered under the LAO must provide services in these required languages. This information is validated each year using the best available data from the United States Census Bureau and/or other reliable sources. Departments may use a determination of five percent of Limited English Speaking Persons who use the Department's services Citywide to provide support in languages other than the three currently required.</p> <p>There are a number of issues with website based</p>

	information and translating this information accurately in language: 1) The LAO does not require ALL information to be translated (only vital information is required) and does not reference website information at all; 2) not all members of the public have access to the internet or are able to read/understand/access or navigate information in written form; and 3) current and common usage of online translation tools are inaccurate, particularly for character-based languages such as Chinese. OCEIA has been working with City departments to develop better online tools and approaches even those this is not required by the LAO or ADA and issued a number of guidances on language access.
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Thank you for the Civil Grand Jury’s attention to language access issues which we consider critical to full and meaningful civic participation. Please feel free to contact my office if you have any questions or need additional information.

Always,



Adrienne Pon
Executive Director

cc: Civil Grand Jury
Board of Supervisors