

1 [Administrative Code - Language Access Ordinance]

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3 **Ordinance amending the Administrative Code to add the Ethics Commission to the list**
4 **of City departments required to provide enhanced language access services.**

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6 NOTE: Additions are *single-underline italics Times New Roman*;
7 deletions are ~~*strike-through italics Times New Roman*~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strike-through normal~~.

9

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

11 Section 1. The Administrative Code is hereby amended by amending Section 91.2 to
12 read as follows:

13 **SEC. 91.2. DEFINITIONS.**

14 As used in this Chapter, the following capitalized terms shall have the following
15 meanings:

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

17 (b) "Bilingual Employee" shall mean a City employee who is proficient in the
18 English language and in one or more non-English language.

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

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

21 (e) "Concentrated Number of Limited English Speaking Persons" shall mean
22 either 5 percent of the population of the District in which a Covered Department Facility is
23 located or 5 percent of those persons who use the services provided by the Covered
24 Department Facility. The Office of Civic Engagement and Immigrant Affairs shall determine
25 annually whether 5 percent or more of the population of any District in which a Covered

1 Department Facility is located are Limited English Speaking Persons who speak a shared
2 language other than English. The Office of Civic Engagement and Immigrant Affairs shall
3 make this determination by referring to the best available data from the United States Census
4 Bureau or other reliable source and shall certify its determination to all City Departments and
5 the Commission no later than December 1 of each year. Each Department shall determine
6 annually whether 5 percent or more of those persons who use the Department's services at a
7 Covered Department Facility are Limited English Speaking Persons who speak a shared
8 language other than English using either of the following methods specified in Section 91.2(k)
9 of this Chapter.

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

13 (g) "Department(s)" shall mean both Tier 1 Departments and Tier 2 Departments.

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

18 (i) "Limited English Speaking Person" shall mean an individual who does not
19 speak English well or is otherwise unable to communicate effectively in English because
20 English is not the individual's primary language.

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

24 (k) "Substantial Number of Limited English Speaking Persons" shall mean either
25 10,000 City residents, or 5 percent of those persons who use the Department's services. The

1 Office of Civic Engagement and Immigrant Affairs shall determine annually whether at least
2 10,000 limited English speaking City residents speak a shared language other than English.
3 The Office of Civic Engagement and Immigrant Affairs shall make this determination by
4 referring to the best available data from the United States Census Bureau or other reliable
5 source and shall certify its determination to Departments and the Commission no later than
6 December 1 of each year. Each Department shall determine annually whether 5 percent or
7 more of those Limited English Speaking Persons who use the Department's services Citywide
8 speak a shared language other than English. Departments shall make this determination
9 using one of the following methods:

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

15 (2) Analyzing information collected during the Department's intake process.
16 The information gathered using either method shall also be broken down by Covered
17 Department Facility to determine whether 5 percent or more of those persons who use the
18 Department's services at a Covered Department Facility are Limited English Speaking
19 Persons who speak a shared language other than English for purposes of Section 91.2(e) of
20 this Chapter; or

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

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

13 (m) "Tier 2 Departments" shall mean all City departments not specified as Tier 1
14 Departments that furnish information or provide services directly to the public.

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16 Section 2. Effective and Operative Dates. This ordinance shall become effective 30
17 days from the date of passage and shall become operative on January 1, 2014.

18 Section 3. In enacting this Ordinance, the Board intends to amend only those words,
19 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams,
20 or any other constituent part of the Administrative Code that are explicitly shown in this
21 legislation as additions, deletions, Board amendment additions, and Board amendment
22 deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By: _____
Mollie Lee
Deputy City Attorney

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