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


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

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

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

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

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

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

Supervisor Chiu, Mar. Campos
BOARD OF SUPERVISORS
WHEREAS, The Immigrant Rights Commission has been an early champion of language rights and equal access to city services for all residents, including residents who are non or Limited-English speaking; and

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

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

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

WHEREAS, Both reports find that Tier 1 departments (Adult Probation Department, Department of Elections, Department of Human Services, Department of Public Health, District Attorney's Office, Department of Emergency Management, Fire Department, Human Services Agency, Juvenile Probation Department, Municipal Transportation Agency, Police Department, Public Defender's Office, Residential Rent Stabilization and Arbitration Board, Sheriff's Office, San Francisco International Airport, Office of the Assessor Recorder, City Hall Building Management, Department of Building Inspection, Department of the Environment, San Francisco Public Library, Mayor's Office of Economic and Workforce Development, Planning Department, Department of Public Works, Public Utilities Commission, Recreation and Park Department, Office of the Treasurer and Tax Collector,
and the San Francisco Zoo) are generally making good faith efforts to comply with the LAO but continue to face significant challenges to full compliance; and

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

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

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

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

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

WHEREAS, Both reports find that departments did not forward any LAO violations to OCEIA in FY09-10 and forwarded only one of 18 reported complaints to OCEIA in FY10-11 as required by the LAO, and 50 percent of departments did not publicly post procedures for
accepting and resolving complaints of alleged violations of the LAO in FY10-11, down from 62
percent in FY09-10; and

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

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

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

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

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

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

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

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