

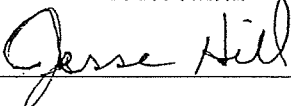

**Limited English Proficiency
Language Access Plan (LAP)
For
City of Trinity**



February 13, 2017

Policy

City of Trinity is committed to providing meaningful access to its programs and services to persons who, as a result of their national origin, are limited in English proficiency. It is our policy to ensure no person is subjected to prohibited discrimination based on national origin in any program receiving Federal financial assistance from USDA Rural Development (RD).

<p>SIGN HERE</p> <p></p> <p>Signature of the Mayor</p>	<p>DATE</p> <p><u>2-13-17</u></p>
<p>SIGN HERE</p> <p></p> <p>Signature of City Manager</p>	<p>DATE</p> <p><u>2-13-17</u></p>

Purpose

This Language Access Plan (LAP) sets forth the policy and procedures for ensuring that persons with Limited English Proficiency (LEP) have meaningful access to our programs and activities receiving Federal financial assistance from the US Department of Agriculture/Rural Development (USDA/RD). This LAP applies to all programs and activities of recipient's receiving Federal financial assistance from the USDA Rural Development.

Authorities

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, and its implementing regulations provide that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that receives Federal financial assistance. The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), interpreted Title VI regulations promulgated by the former US Department of Health, Education, and Welfare to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national origin discrimination.

Executive order 13166, "Improving Access to Services for Persons with Limited English Proficiency," reprinted as 65 FR 50121 (August 16, 2000), directs each Federal agency to examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services. The Executive Order states that recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. Federal agencies were instructed to publish guidance for their respective recipients in order to

assist them with their obligations to LEP persons under Title VI. The Executive Order recommended uniform guidance to recipients on the preparation of a plan to improve access to its federally assisted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the US Department of Justice's Policy Guidance Document entitled, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (DOJ LEP Guidance"), reprinted at 67 FR 41455 (June 18, 2002). The DOJ LEP Guidance was drafted and organized to function as a model for similar guidance by other Federal agencies.

Consistent with the DOJ LEP Guidance, USDA published its Final "Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Persons with Limited English Proficiency" on November 28, 2014. The Guidance does not create new obligations for recipients, but provides guidance to recipients in meeting their existing LEP obligations. It clarifies the responsibilities of recipients and will assist them with fulfilling their responsibilities to LEP persons under Title VI and its regulations.

7 CFR Part 15 Subpart A effectuates the provisions of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Act") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving Federal financial assistance from the US Department of Agriculture or any Agency thereof.

7 CFR Part 1901 Subpart E which contains policies and procedure for implementing the regulations of US Department of Agriculture issued pursuant to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11264, and the Equal Credit Opportunity Act of 1974, as they relate to Rural Development. Nothing herein shall be interpreted to prohibit preference to American Indians on Indian Reservations.

Definitions/Key Terms

- (1) Federally Assisted Programs and Activities. Programs and activities of an entity that receives Federal financial assistance.
- (2) Interpretation. The process by which the spoken word is used when transferring meaning between languages.
- (3) Limited English Proficient (LEP) Persons. Persons who do not speak English as their primary language and have a limited ability to read, speak, write, or understand English are limited English proficient, or LEP.
- (4) Qualified Interpreter. An individual who is competent to provide interpretation services at a level of fluency, comprehension, impartiality and confidentiality appropriate to the specific nature, type, and purpose of the information at issue.

- (5) Recipient. Any State, political subdivision of any State, or instrumentality of any State or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any State, to whom Federal financial assistance is extended, directly or through another recipient, including any successor, assign, or transferee thereof, but such term does not include any ultimate beneficiary.
- (6) Translation. The process of transferring ideas expressed in writing from one language to another language.
- (7) Vital Document. Paper or electronic written material that contains information that is critical for accessing a program or activity, or is required by law, such as consent forms, applications, and notices of rights.

City of Trinity Program/Mission

City of Trinity Sanitary Sewer and Stormwater programs: this will include any areas within the Corporate Limits of the City of Trinity dealing with sanitary sewer and storm water infrastructure additions or improvements.

Part 1: LEP Individuals Who Need Language Assistance

City of Trinity conducted an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters. Our assessment identified the following language groups in our service area are: Spanish, French, and Laotian.

Recipients should include the U.S. Census language demographic information and data used during their assessment as well as language demographics obtained from:

1. *Information gathered from community organizations that serve LEP persons.*
2. *Information gathered from face-to-face meetings with LEP persons or from surveys of LEP persons.*
3. *Information gathered from interviews with agency staff that typically come in contact with LEP persons.*
4. *Information kept by the recipient on past interactions with members of the public who are LEP.*

B16001: LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER - Universe: Population 5 years and over

2011-2015 American Community Survey 5-Year Estimates

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Data and Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

	Trinity city, North Carolina	
	Estimate	%
Total:	6,225	
Speak only English	5,761	92.55%
Spanish or Spanish Creole:	410	6.59%
Speak English "very well"	291	4.67%
Speak English less than "very well"	119	1.91%
French (incl. Patois, Cajun):	13	0.21%
Speak English "very well"	0	0.00%
Speak English less than "very well"	13	0.21%
Laotian:	32	0.51%
Speak English "very well"	19	0.31%
Speak English less than "very well"	13	0.21%

Part 2: Language Assistance Measures

Language assistance for the groups identified above will be provided as follows:

An effective LAP plan should include information about the ways in which language assistance will be provided. Recipients, at a minimum, should include information on the following:

- *Types of language services available: Staff in the field uses Google Translator. Staff in the office or on the phone with a ESL resident use Voiance Interpretation Services Basic Plan.*
- *How recipient staff can obtain services: Contact info is below*
 - *Google Translator is downloaded on our mobile phones.*
 - *Voiance Interpretation Services*
 - *Contact: 1-866-742-9080*
 - *Website: www.voiance.com*
- *How to respond to LEP callers: Staff will use a 3-way call with Voiance Interpretation Services.*
- *How to respond to written communication from LEP persons: City of Trinity uses Microsoft translation services.*
- *How to respond to LEP individuals who have in-person contact with program staff. Staff will first use Google Translator. If this does not work, we will then contact Voiance Interpretation Services to talk to the LEP Person.*
- *How to ensure competency of interpreters and translation services. Voiance Interpretation Services is IS 9001:2008 certified.*

Part 3: Staff Training

Staff members responsible for contact with the general public will be knowledgeable about our Language Access Plan and how to provide services to persons that are limited English proficient in the languages identified through the assessment in Part 1. Refresher information will be provided to our staff when updates are made to the LAP to ensure consistency.

Recipient staff members should know their obligations to provide meaningful access so information and services for LEP persons and all employees in public contact positions should be properly trained. An effective LAP plan must include a training component to ensure:

- *Staff members are knowledgeable of LEP policies and procedures.*
- *Staff members in contact with the public are trained to work effectively with in-person and telephone interpreters.*

Part 4: Vital Document Translations

The following documents have been identified as vital documents and will be translated into the languages groups identified in Part 1 and using the safe harbor provisions.

RD recipients may use the “Safe Harbor” provisions for translation of vital written materials found in the USDA LEP Guidance. The provision outlines the circumstances that can provide a “Safe Harbor” for compliance with LEP requirements. If a recipient provides written language services under the conditions identified in the below table, such action will be considered strong evidence of compliance with written translation obligations under Title VI:

Size of Language Group	Written Language Assistance
1,000 or more in the eligible population in the market area or among current beneficiaries	Translated vital documents
5% or more of the eligible population or beneficiaries and 50 or more in number	Translated vital documents
5% or more of the eligible population or beneficiaries and fewer than 50 in number	Translated written notice of right to receive free oral interpretation of documents
Less than 5% of the eligible population or beneficiaries and less than 1,000 in number	No written translation is required

Safe Harbor provisions apply to the translation of written documents only and do not affect the requirement to provide meaningful access to LEP persons where oral language services are needed and reasonable.

Part 5: Notice to LEP Persons

City of Trinity will provide notice to the public that language services are available and the services are free of charge. Notices will be provided in the languages identified in Part 1 and in the following methods:

Methods of providing notification may include:

- *Posting signs in intake areas and other entry points. This is important so that LEP persons can learn how to access language services at initial points of contact.*
- *Stating in outreach documents that language services are available from the recipient. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be “tagged” onto the front of common documents.*
- *Working with community-based organizations and other stakeholders to inform LEP individuals of the recipients’ services, including the availability of language assistance services.*
- *Using an automated telephone voice mail attendant or menu system. The system could be in the most common languages encountered. It should provide information about available language assistance services and how to obtain them.*
- *Including notices in local newspapers in languages other than English, as well as established community papers published in languages other than English.*
- *Providing notices on non-English language radio and television stations about the available language assistance services and how to obtain them.*
- *Providing presentation and/or notices at schools and religious organizations.*

Part 6: Monitoring and Updating

Periodically, City of Trinity will review the LAP remains current to the LEP populations in our service area. At a minimum, the LAP will be reviewed every five (5) years to ensure our LEP policies and procedures remain current and result in effective language services and meaningful access.

Monitoring and updating reviews shall evaluate changes in:

- *Current LEP populations in the service area or population affected or encountered.*
- *Frequency of encounters with LEP language groups.*
- *Nature and importance of activities to LEP persons.*
- *Availability of resources, including technological advances and sources of additional resources, and the costs imposed.*
- *Whether existing assistance is meeting the needs of LEP persons?*
- *Whether staff is aware of and understands the LAP and how to implement?*
- *Whether identified sources for assistance are still available and viable?*

