



Agenda Sheet for City Council Meeting of:

10/09/2023

Date Rec'd 9/27/2023

Clerk's File # ORD C36449

Renews #

Submitting Dept CITY COUNCIL **Cross Ref #**

Contact Name/Phone ALEX GIBILISCO 6957 **Project #**

Contact E-Mail AGIBILISCO@SPOKANECITY.ORG **Bid #**

Agenda Item Type First Reading Ordinance **Requisition #**

Agenda Item Name 0320 - LANGUAGE ACCESS IN MUNICIPAL PROCEEDINGS

Agenda Wording

An ordinance establishing the Language Access Program for the City of Spokane and adopting a new chapter 18.11 to Title 18 of the Spokane Municipal Code.

Summary (Background)

For several years council has heard from community partners and residents about the difficulty of residents with limited English skills obtaining access City services. This ordinance establishes the Language Access Program for the City of Spokane and adopts a new chapter 18.11 to Title 18 of the Spokane Municipal Code.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Budget Account

Expense \$ unknown # tbd

Select \$ #

Select \$ #

Select \$ #

Approvals

Council Notifications

Dept Head BYRD, GIACOBBE **Study Session\Other** 9/18 Finance Committee

Division Director **Council Sponsor** CM Cathcart & CM Wilkerson

Finance **Distribution List**

Legal cwright@spokanecity.org

For the Mayor agibilisco@spokanecity.org

Additional Approvals gbyrd@spokanecity.org

Purchasing

FIRST READING OF THE ABOVE ORDINANCE HELD ON

PASSED BY SPOKANE CITY COUNCIL:

10/9/2023

10/16/2023

AND FURTHER ACTION WAS DEFERRED

[Signature]
CITY CLERK

[Signature]
CITY CLERK

Committee Agenda Sheet

Finance & Administration Committee

Submitting Department	City Council Office
Contact Name	Alex Gibilisco
Contact Email & Phone	agibilisco@spokanecity.org
Council Sponsor(s)	CM Cathcart
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5
Agenda Item Name	Language Access in Municipal Proceedings
<p>Summary (Background)</p> <p>*use the Fiscal Impact box below for relevant financial information</p>	<p>An ordinance establishing a language access program for the City of Spokane and adopting a new chapter 18.11 to Title 18 of the Spokane Municipal Code.</p> <p>For several years council has heard from community partners and residents about the difficulty of residents with limited English skills obtaining access City services. In 2022, City Council passed a resolution to encourage the City to adopt a language access plan. Since 2022 there has only been limited progress within the City in ensuring language access. It is now clear that only an ordinance imposing specific requirements and timelines for City departments will be effective in ensuring full language access for all City residents.</p> <p>The ordinance has several components. It requires all City departments to include language access planning in their budgeting commencing in 2024, and to have language access plans fully implemented by the end of 2025. City Council is to commence planning immediately for translation of council documents and interpretation of meetings. The ordinance identifies specific City documents that must be included in any language access plan for translation as well as council proceedings for which interpreter services might be made available. The ordinance includes exemptions for internal operations of the Mayor, City Attorney, City Engineer and City Clerk, as well exemptions for documents produced in response to a public records request.</p> <p>Commencing January 2024, the Office Civil Right, Equity, and Inclusion shall hire and designate a language access coordinator, who will be responsible for city-wide oversight of the City's Language Access Program. The OCREI role includes department support, training, and data collection.</p>
Proposed Council Action	<p>Adopt the Ordinance Committee: Finance and Administration 9/18 First reading: 10/02 Final Reading / Council Action: 10/09</p>

Fiscal Impact

Total Cost: Unknown

Approved in current year budget? Yes No N/A

Funding Source One-time Recurring

Specify funding source: TBD

Expense Occurrence One-time Recurring

Other budget impacts: (revenue generating, match requirements, etc.)

This ordinance is setting the foundation requirements to implement language access at the City of Spokane. There will be costs associated with the implementation of the ordinance and it asks departments to incorporate costs into their yearly budgets.

Operations Impacts (If N/A, please give a brief description as to why)

This ordinance is expected (and intended) to have substantial operational impacts City-wide. The actual cost is difficult to determine until department begin formal planning and budgeting for the requirements; but the operational impacts should be offset by increased efficiencies in providing city services to non-English-speaking members of the community.

What impacts would the proposal have on historically excluded communities?

Creates a language access plan to ensure translation and interpretation services are provided to residents that need it to access City programs and services. This directs all City department to create a plan to better facilitate and share out translating and interpreting plan for services provided by the City. The ordinance is designed to address barriers to civic participation that are inherent in the current system, which produces documents almost exclusively in English, to the detriment of limited English-speaking members of the community.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

The ordinance directs the Office of Civil Rights, Equity, and Inclusion to assign a language access coordinator and for departments to report data to them to be included in a report to SHRC and city council.

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Each department is required to report to the OCREI their plan and results, to update City Council, Human Rights Commission, and any compliance reporting to federal agency. The OCREI will assign a designated Language Access Coordinator to facilitate the process.

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

Aligns with Title VI plan requirements, including Chapter 10 (Social Health) and Chapter 13 (Local Governance and Citizenship).

Implements and codifies state and federal language access requirements.

Consistent with the City's recently adopted motto _"In Spokane We All belong."

ORDINANCE NO. C36449

An ordinance establishing the Language Access Program for the City of Spokane and adopting a new chapter 18.11 to Title 18 of the Spokane Municipal Code.

WHEREAS, the First Amendment of the U.S. Constitution unequivocally guarantees citizens the fundamental right to "petition the government for a redress of grievances," which encompasses the essential right to seek direct access to government officials, actively participate in public discourse, and freely articulate their concerns, and language barriers pose a substantial and often insurmountable obstacle for many individuals in exercising these rights; and

WHEREAS, implementing language access safeguards the fundamental rights enshrined in the 14th Amendment, reinforcing the commitment to fairness, nondiscrimination, and equal treatment for all individuals, regardless of their English proficiency, and.

WHEREAS The United States Supreme Court has consistently emphasized the foundational principles of equal protection and access to government services, often shedding light on the substantial barriers that language proficiency can pose in the context of these principles, and

WHEREAS The City of Spokane is committed to welcoming and creating a place of belonging for all that call the City of Spokane home; and

WHEREAS, equity and inclusion are essential to building relationships and improving outcomes in Spokane communities, especially for under-represented and under-served communities, including, but not limited to, immigrants, refugees, and communities of color who are among our most vulnerable residents; and

WHEREAS, language access helps all immigrant and refugee residents, regardless of their English proficiency, to have meaningful, independent, and equitable access to City programs, services, and stakeholder engagement; and

WHEREAS, Title VI of the federal Civil Rights Act of 1964 states that "[n]o 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 subjected to discrimination under any program or activity receiving Federal financial assistance" and requires federal grant recipients to provide language access; and

WHEREAS, in the City's Title VI plan, it outlines the responsibilities of Title VI Specialists including maintaining data of Limited English Proficiency (LEP) residents; and

WHEREAS, State law (RCW 38.52) requires each county, city and town in Washington that provide safety information in an emergency or disaster to provide public notices of public health, safety, and welfare in a language other than English; and

WHEREAS, according to a 2020 5-year community survey, there are 16,732 Spokane residents who speak a language other than English and Spokane's immigrant population grew by 9% percent since 2010; and,

WHEREAS, according to Spokane Public School District, 80 languages are spoken in Spokane public schools; and

WHEREAS, the Office of Civil Rights, Equity and Inclusion is best equipped to assist City departments in creating a Language Access Program and determining how to advance its implementation; and

WHEREAS, on August 1, 2022, the City Council adopted Resolution 2022-0071, which resolution cited the foregoing as a basis for implementing a language access program in the City of Spokane, and further requested the City of Spokane's Office of Civil Rights, Equity and Inclusion convene representatives of departments in the City of Spokane to prioritize updating and implementation of language access program, and set forth specific recommended actions to ensure all residents have equal access to the City's services, information, and civic processes; and

WHEREAS, while a few City departments have incorporated a language access program into their operations and public-facing interaction, the City of Spokane as a whole lags behind other municipalities in the State of Washington in implementing a systemic and comprehensive language access program for its municipal operations; and

WHEREAS, the failure to implement the action requested in Resolution 2022- 0071 continues to act as a barrier to full participation in municipal affairs for members of many Spokane communities, especially for under-represented and under-served communities, including, but not limited to, immigrants, refugees, and communities of color; and

WHEREAS, a systemic and comprehensive language access program in the City of Spokane's municipal operations will not occur until, and unless, language access requirements are codified into the Spokane Municipal Code and incorporated into the budgets and standard operating procedures for City departments.

NOW, THEREFORE, the City of Spokane does ordain;

Section 1. There is enacted a new chapter 18.11 to Title 18 of the Spokane Municipal Code, titled "Language Access in Municipal Proceedings" and to read as follows:

- 18.11.010 Purpose, Language Access in Municipal Operations Program
- 18.11.020 Definitions.
- 18.11.030 Directive to create Language Access plan
- 18.11.040 Emergency Communications
- 18.11.050 Scope, Implementation and Milestones

18.11.060 Responsible Personnel / Language Access Coordinator

18.11.070 Exemptions

18.11.010 Purpose, Language Access in Municipal Operations Program

The City of Spokane considers the languages spoken by the Native Tribes and the languages spoken by its immigrants and refugees to be an essential element of the City's cultural heritages, and as such should be cherished and preserved. Full and meaningful access for all residents depends on a comprehensive and systematic implementation of a language access program across all city departments and functions. Legislation is necessary to standardize language access, interpretation, and translation services across all departments within the City of Spokane, and to ensure all residents have equal and direct access to City services, information, and civic processes, without reliance on outside intermediaries who may not provide residents all the required information adequately.

18.11.020 Definitions

- A. "Cultural and Linguistic Competency" means a set of behaviors, attributes and policies enabling a municipal agency or its employees to function effectively and appropriately in diverse and cross-cultural interactions and settings.
- B. "Cultural awareness" is an ongoing commitment to be respectful of other cultures as equally important and relevant to our vibrant community
- C. "Department" means all City of Spokane departments and divisions, and all city boards, commissions and committees established by the City Charter or by ordinance. Where an outside entity provides services on behalf of the City and for the direct benefit of City residents, the term "Department" includes the outside entity.
- D. "Language Access Program" or "LAP" means an implementation plan developed in accordance with this chapter to determine those language assistance services that are appropriate for the City of Spokane to address identified needs of the LEP populations served.
- E. "LEP" means "Limited English Proficiency" as defined in this section.
- F. "Limited English Proficiency" refers to the capability of an individual to speak English, and includes those who speak a language other than English or speak English less than 'very well' as classified by the U.S. Census.
- G. "Established Language" refers to a language spoken by individuals comprising 3.5% percent, or 700 residents, whichever is fewer, of the population of persons residing in the City of Spokane. Established Languages may also include other languages as recommended by the Office of Civil Rights, Equity, and Inclusion and subsequently approved by the City Council by resolution.

- H. "Public Communication Materials" means digital, audio and/or hard-copy materials generated by the City of Spokane and that are intended for broad distribution to inform or educate people served by City of Spokane.
- I. "Target Audience" means the individuals to whom the translated document is intended. A target audience may be identified as "primary" (people to whom messages are targeted) or "secondary" (someone with a stake in a City program or project, including key community contacts).
- J. "Vital Documents" means materials that provide essential information for accessing basic city services and benefits or for which actual consequences could result if the information were not provided. Examples of vital documents may include but are not limited to:
 - 1. Emergency messages and alerts;
 - 2. Spokane Municipal Code
 - 3. The Spokane City Charter
 - 4. Consent forms;
 - 5. Complaint forms;
 - 6. Spokane City Council Agendas and City Council Rules
 - 7. Business licensing or permitting forms;
 - 8. Applications for grant funds or other funding administered by the City;
 - 9. Notice of violation, infraction, or arrest, small claims documents, impound hearings, and similar documents otherwise directed to a party regarding civil or criminal proceedings;
 - 10. Notices of eligibility criteria, rights, denial, loss, or decreases in services,
 - 11. Descriptions of opportunities and applications to serve on volunteer boards, committees and workgroups;
 - 12. Notices of availability of free language assistance for City business;
 - 13. Formally adopted City administrative policies and procedures;
 - 14. Summary explanations of a Department's services to the public; and
 - 15. The Spokane Comprehensive Plan

18.11.030 Directive to Create Language Access Plan

All departments shall develop and implement a Language Access Program as provided in this chapter. Each LAP shall include elements to ensure Cultural and Linguistic Competency and Cultural Humility, and shall consist of both translation of written materials and interpretation of proceedings, as follows:

- A. Written Translation Elements. Each department LAP shall include the following elements to provide for written translation of City of Spokane documents:

1. A process to review all Vital Documents and Public Communication Materials regularly generated or received by said department, and which are intended for broad distribution to inform or educate residents of the City of Spokane, to ensure that communications are culturally and linguistically appropriate to the Target Audience.
 2. A process to identify Vital Documents suitable for written translation into the Established Languages and additional languages when requested.
 3. A summary document, available in at least Established Languages, that provides overview information about the department and its services. This document will be incorporated into printed materials and will be posted on departmental website home pages.
 4. A process and projected timeline for translation of Vital Documents and Public Communications Materials into Established Languages.
 5. A process and projected timeline for incorporating alternative forms of language assistance rather than translation when the alternative would be more effective or practical, including, but not limited to, technical, real-time translation via software, machine learning, or artificial intelligence.
 6. In conjunction with the Office of Civil Rights, Equity and Inclusion, a written plan for initial and regular training for department employees, focusing on the proficient utilization of language access programs, software, and associated procedures, as well as developing initiatives aimed at enhancing cultural awareness among employees who regularly interact with the public.
 7. A plan to develop and implement emergency communications consistent with section 18.11.040 of this chapter.
- B. Interpretation Elements. Each LAP shall include the following elements to provide for interpretation of City of Spokane services and proceedings:
1. Procedures for notifying City residents of the availability of interpreter services for City of Spokane business and operations. Such information shall be prominently displayed using Established Languages in City Hall and in other City property serving the general public.
 2. A process for providing timely interpretation services for LEP residents when interacting with City employees who have regular contact with the public.
 3. A process for providing interpretation services that ensure meaningful civic participation in City council proceedings as well as proceedings of City boards, committees or commissions.

18.11.040 Emergency Communications

- A. During a crisis, emergency, or public safety situation, all city departments shall make it a priority to offer language access services and, ensure interpretation and translation services are present and available to assist LEP residents with critical language needs, including, but not limited to, Marshallese and American Sign Language or alternative accommodations.
- B. If a crisis, emergency, or public safety situation requires posting of warning signs, the department would translate those signs into the appropriate significant population or Established languages according to neighborhood demographics, as identified by the City's Language Access Program.

18.11.050 Scope, Implementation and Milestones

- A. Except where earlier timelines are specified in this section or unless expressly exempted by SMC 18.11.080, all City departments shall have an implemented Language Access Program in place no later than January 1, 2026.
 - 1. As soon as practical after the effective date of this ordinance, the City Council and Planning Department shall henceforth incorporate language access into any adopted departmental operating procedures.
 - 2. No later than July 1, 2024, each affected city department shall identify those Vital Documents and Public Communication Materials it intends to include within the scope of its departmental LAP.
 - 3. Commencing with the 2025 Annual Budget of the City, all affected departments shall include LAP planning as a line-item appropriation within any proposed departmental budget, which planning shall be consistent with the scope of its Vital Documents and Public Communication Materials identified pursuant to subsection 2 above.
 - 4. Commencing with the 2026 Annual Budget of the City, all affected departments shall incorporate Language Access implementation as a line-item appropriation within any proposed departmental budget.
 - 5. Commencing January 1, 2026, all departmental operating procedures shall be compliant with this Chapter.
- B. Subject to allocated funding, the following milestones shall apply to specific operations and functions within the City of Spokane:
 - 1. As soon as practical after the effective date of this ordinance, the City Council shall have drafted and implemented a Language Access Plan that assumes (a) translation of council-generated Public Communication Materials, which may include council ordinances, resolutions,

proclamations, salutations, and further which may also include standing committee and subcommittee meeting agendas and materials; and (b) translation and/or interpretation services for council legislative sessions, briefing sessions, and standing committee meetings.

2. As soon as practical after the effective date of this ordinance, the Division of Innovation and Technology shall have drafted and implemented a limited Language Access Plan that assumes translation of digital Public Communication Materials, including but not limited to the City's official website and social media.
 3. The timelines in sections A and B above may be adjusted as necessary to comply with the procurement requirements and procedures in SMC 07.06.
- C. Nothing in this section shall be deemed to prevent a department from developing and implementing a multi-year, phased LAP, so long as meaningful implementation begins no later than January 1, 2026.

18.11.060 Responsible Personnel / Language Access Coordinator

- A. No later than July 1, 2024, the Office of Civil Rights, Equity and Inclusion shall designate a "Language Access Coordinator," who shall have responsibility for city- wide oversight of the City's Language Access Program. The Language Access Coordinator shall report to, and take direction from, the Director of the Office of Civil Rights, Equity and Inclusion.
- B. Commencing January 1, 2026, each affected Department shall maintain data relative to the use of the language access tools, and no later than April 1 of each year transmit said data to the all individual councilmembers, and the Office of Civil Rights, Equity and Inclusion, which shall include the data and usage analysis in the City's Title VI reports, in its regular report to the City Council and the Spokane Human Rights Commission, and for other budgeting and administrative needs.
- C. Annually, the Office of Civil Rights, Equity and Inclusion shall update the list of primary and established languages based on the best available data, including the American Community Survey from the U.S. Census Bureau.
- D. The Office of Civil Rights, Equity and Inclusion shall be responsible for the following Language Access Program oversight duties:
 - a. Work with departments to finalize Language Access Plans and related procedures before they are transmitted to the Mayor for approval.
 - b. Provide technical assistance for language services to all departments, including training department staff.

- c. Provide strategic guidance about working with LEP residents to departments, the City Council, and the Mayor's Office.
- d. Oversee, update, and maintain a web portal that includes a directory of qualified language service providers, sample interpretation service contracts, a repository of each department s' translated documents, and a Language Access Toolkit.
- e. Collect ongoing input from any and all community stakeholders including the Spokane Human Rights Commission to improve processes, increase efficiency, and reduce budgetary impacts.
- f. Provide departments with model Language Access Plans.
- g. Biannually present to City Council with updates, data relevant to the program, including geographical use, and recommendations relating to the Language Access Program.

18.11.070 Exemptions

- A. Nothing in this Chapter 18.11 shall require translation or interpretation of documents requested under RCW 42.56; *provided*, the means of making a public records request shall comply with any Language Access Plan prepared pursuant to 18.11.030.
- B. This Chapter 18.11 shall not apply to the office of the Mayor. Similarly, the offices of the City Engineer, City Clerk, and City Attorney, including their personnel and internal operations, shall be exempt from the provisions of this Chapter, except where their functions substantially intersect with public engagement activities or overlap with operations governed by this Chapter within affected City departments.
- C. This Chapter 18.11 shall not apply to the Spokane Public Library, established pursuant to RCW 27.17 and recognized under SMC 03.10A.610.
- D. Nothing in this Chapter 18.11 shall be deemed to require the translation or interpretation of documents deemed protected from disclosure under statutory or judicial privileges, or otherwise exempt from disclosure under RCW 42.56 or other state law, local ordinance or court rule.

PASSED by the City Council on October 16, 2023.


Council President Pro-Tem

Attest:

Len Hjerto

City Clerk

Approved as to form:

Michael Picob

Assistant City Attorney

Malene Anderson

Mayor

10/24/23

Date

November 23, 2023

Effective Date

