



Legislation Text

File #: 2024-0460, **Version:** 1

To: Sonoma County Board of Supervisors; Sonoma County Water Agency Board of Directors, Agricultural Preservation and Open Space District Board of Directors, Community Development Commission Board of Commissioners

Department or Agency Name(s): Office of Equity

Staff Name and Phone Number: Melissa Valle (Interim Director), 707-565-8631

Vote Requirement: Majority

Supervisorial District(s): Countywide

Title:

Language Access Policy and Implementation Plan

Recommended Action:

- A) Adopt Language Access Policy for all County Departments and Board-controlled Agencies
- B) Direct the Office of Equity and County Administrator Office staff to implement policy as resources become available.

Executive Summary:

The purpose of this policy is to improve language access for Sonoma County residents who do not speak English as their primary language, or who do not speak any English.

The proposed Policy 1) establishes procedures for providing language access to County services and programs to residents who do not speak English as their primary language or who do not speak English; 2) establishes procedures for evaluation of this Policy; and 3) establishes procedures for accountability in the provision of language access in the County of Sonoma.

This Policy will replace any individual department/agency language access plans to enable one consistent Policy and Implementation Plan countywide, and would be in effect for the County, the Sonoma County Water Agency, the Sonoma County Agricultural Preservation and Open Space District; and the Community Development Commission.

This item also recommends directing the Office of Equity and the County Administrator's Office staff to implement the approved policy as suggested by the implementation plan described in this report. Note that County staff has submitted FY 24/25 budget request for the Board's consideration during the upcoming June Budget Hearings to initiate the implementation of the proposed policy.

Discussion:

On March 26, 2023, a Language Access Policy [workshop <https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6583909&GUID=EB3640EF-3D15-4C6E-9304-23C91785CA04&Options=&Search=>](https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6583909&GUID=EB3640EF-3D15-4C6E-9304-23C91785CA04&Options=&Search=>) was held to present a draft Policy and receive direction from the Board

to finalize the Language Access Policy and Implementation plan. The effort resulted from both County leadership and community members identifying the opportunity to establish a consistent, county-wide approach to language access. The development process for the proposed policy includes understanding collected from the community engagement and prioritization process leading to American Rescue Plan Act investments in December 2021; which included designation of American Rescue Plan Act (ARPA) funds for the development of a Language Access Policy and Plan, as part of a larger effort to invest in building and strengthening the County's cultural responsiveness.

ARPA funds financed the September 20, 2022, Board of Supervisors' action to delegate authority to the Director of the Office of Equity to execute a Professional Services Agreement with Nimdzi Insights, LLC for language access consulting services for a not-to-exceed amount of \$185,850 through January 30, 2024 . The agreement's scope was the creation of a Language Access Policy and Plan to achieve equitable participation and access to County government services supporting underserved communities of color, especially communities speaking languages other than English, and other communities who have traditionally experienced marginalization from government processes and services.

The purpose of this policy is to improve language access for Sonoma County residents who do not speak English as their primary language, or who do not speak any English. This Policy 1) establishes procedures for providing language access to County services and programs to residents who do not speak English as their primary language or who do not speak English; 2) establishes procedures for evaluation of this Policy; and 3) establishes procedures for accountability in the provision of language access in the County of Sonoma. References to "County services" herein are intended to include services of other agencies whose Boards of Directors are comprised of the five County Supervisors, as identified above, and references to "County" are similarly intended to include those entities.

This Policy meets the State of California requirements under the California Dymally-Alatorre Bilingual Services Act, Government Code §7290 et seq., which requires California state and local public agencies serving a substantial number (set at 5% of the population in the jurisdiction or served by the specific department or agency) of limited English-speaking people to provide services and materials in the language(s) spoken by those persons. It also meets the requirements of Title VI of the Civil Rights Act of 1964 with respect to language access, as elaborated in Presidential Executive Order 13166, which requires recipients of Federal funding to provide meaningful language access to Limited English Proficient (LEP) or Linguistically Diverse (LD) individuals whom they serve. This Policy also recognizes and incorporates the federal Plain Writing Act of 2010, which requires government communication that the public can understand and use. The County of Sonoma Language Access Policy recognizes that all communication, interpretation, and translation of documents, websites, and other materials should be done in a manner so users can understand them in their preferred languages. Fundamentally, this Policy furthers the value of anti-discrimination in the provision of County services and community engagement.

Policy Directives

1. The County will make reasonable efforts to provide language access to County services, through interpreting, translation, and localization, as appropriate, for non-English speaking residents.
2. The County will follow [Plain Language guidance <https://www.plainlanguage.gov/guidelines/>](https://www.plainlanguage.gov/guidelines/) including: writing in short sections; using short, simple words; writing in short sentences; avoiding

technical jargon; and designing documents for easy reading.

3. The County will make efforts to notify the public about the County's language access policy for department programs and services, and how County residents can access language assistance services. These notices will be provided through departmental websites, translated documents, and community-focused outreach.
4. The County will establish a central focal point to assist all County departments and agencies in providing and tracking language access.

Procedures

1. Provision of Language Services

The County of Sonoma and its departments and agencies will provide language access to non-English speaking individuals who receive services, benefits, or information from the County.

The County and its departments and agencies will identify the languages spoken or used by County residents at the point and time of service using language identification guides and "I speak" charts, as well as using other appropriate methods of determining the language spoken or used by a resident, such as over the phone or video remote interpreting language identification protocols.

The County of Sonoma will: 1) continue to use multi-lingual County employees to provide language access, in compliance with current County Memoranda of Understanding and Collective Bargaining Agreements for unrepresented and represented employees; 2) maintain contracts with appropriate language service companies (LSCs) for the Countywide provision of the following language access services, to include document translation, website localization, and interpreting for spoken and signed languages.

a. Document translations

By law, the County is expected to provide translations of vital documents (such as applications for services; forms or questionnaires; letters or notices that require a response from the beneficiary; materials that provide information about services, programs or benefits; or materials that may affect an individual's rights, duties or privileges regarding services or benefits). Each department or agency, with the assistance of the Language Access Authority, will determine what documents are vital and for whom they must be translated. Spanish is currently the sole non-English language that meets the threshold criteria described in both federal and state legislation regulations. For non-English speaking individuals who speak other languages, the County must provide access to vital documents, but may choose to provide sight translations rather than proactively translate vital content. Original content should apply Plain Language Guidance (<https://www.plainlanguage.gov/guidelines/>).

b. Interpreting

Qualified interpreters shall be provided for encounters with non-English Speaking individuals that affect or have the potential to affect the non-English Speaking individual's rights, health, safety, or benefits or services to which an individual is entitled. The Policy provides that the County may choose among qualified bilingual employees, in-person interpreters, over-the-phone (OPI) interpretation or video remote (VRI) interpretation services according to the needs of the non-English speaking individual and the type of encounter.

c. Minor children, family, and community members as informal interpreters

The County shall take all due measures to ensure that minor children or other family members of the non-English speaking individual are not used as interpreters.

d. Website translation

The County may elect to use various automated or machine-translation technologies to translate website content that does not meet the standard of vital documents, so long as the County ensures that any such translation is reviewed by a qualified human translator.

2. Bilingual Staff

The Policy recognizes that the County employs and pays a “bilingual staff premium” to bilingual staff who are proficient in languages spoken by a Substantial Number of non-English speaking Individuals, and that these valued employees, and their language skills, have been a significant part of the effort to ensure language access. The Policy also recognizes that these employees need to receive regular training on proper interpreting and translation techniques, specialized terminology, and other topics as needed to ensure that they are sufficiently resourced to do this critical work. Finally, the Policy addresses equity concerns raised by these employees and provides guidance to ensure that bilingual staff are not held back in their careers at the County due to this responsibility.

3. Employee Training and Technical Assistance

The Policy also recognizes the need for regular training for 1) staff members who interact with non-English speaking individuals directly, and 2) management responsible for ensuring the effective implementation of this Policy. These training areas are detailed in the Policy, which sets forth that the training will be offered on an annual basis. The Policy also sets forth that the County shall provide technical assistance to County departments and agencies on best practices in providing language access, including consultations on community outreach, determinations of vital documents, assessment of the effectiveness of language access, and other matters.

4. Notification of Language Services

The Policy recognizes that non-English speaking community members need to have information about how to access language services at the County and provides for a range of methods to do so, as well as the option to request language access support for specific public meetings with a recommended 48-hour notice. Outreach will be done with Community- Based Organizations that serve residents who speak languages other than English, to let them know of their language access rights and how to access County services in their native languages.

5. Accountability and Evaluation

The Policy recognizes that in order to be effective and serve its purpose, the County shall begin to track data and evaluate the utilization of language access services as well as to review language data from trusted sources to understand and respond to demographic and other changes in the County.

- The Policy also provides for a process to investigate and resolve any challenges faced with regard to language access service provision and to engage in an internal and external community assessment every two years to evaluate the effectiveness of the Policy’s implementation. Finally, the Policy sets forth a process for presenting an annual report to the Board of Supervisors regarding the

implementation of this Policy and Plan, and the provision of language access in the County.

This Policy is accompanied by an Implementation Plan, which recommends the following steps to ensure a successful rollout of the Policy:

IMPLEMENTATION PLAN

Phase 1	Establish roles and responsibilities for the Implementation Plan
	Centralize tracking of language access requests
	Centralize language access contracting
	Examine existing contracts and improve service delivery quality
	Develop a countywide budget and relevant staff resources for language access
	Develop outreach plan with Community-Based Organizations
	Establish a formal accountability process for language access
Phase 2	Train county personnel on County Language Access Policy, language access laws, accessing language service contractors
	Offer county telephone menus in languages besides English or Spanish
	Ensure language service contracts provide interpretation and translation access for all known languages in the county
	Ensure sight translation and document assistance in completing forms in the language’s community members need
	Adopt Plain Language guidelines for clarity in county materials
	Make public health and emergency information available in multiple languages, ideally in the top 10 languages used in the County
	Consistently work with Community-Based Organizations to guide county language access practices

Development of the Language Access Policy and Implementation Plan was done with engagement of County staff and leadership, as well as community residents, community leaders, and representatives of community-based organizations. This Policy works towards cultural and linguistic equity. This Policy is developed with respect for and in compliance with State and federal laws and it recognizes both the investment that the County has long made in provision of language access and the opportunity to ensure that we are utilizing these resources in the most effective way. County staff has submitted a FY 24/25 budget request for the Board’s consideration during the upcoming June Budget Hearings to initiate the implementation of the proposed policy. Without these resources in place, the implementation of the proposed Policy and Plan will be delayed.

Strategic Plan:

This item directly supports the County’s Five-year Strategic Plan and is aligned with the following pillar, goal, and objective by developing a countywide Language Access Policy and Implementation Pan to be adopted.

Pillar: Racial Equity and Social Justice

Goal: Goal 4: Engage community members and stakeholder groups to develop priorities and to advance racial equity.

Objective: Objective 4: Develop and establish a language access policy for the County of Sonoma by end of 2021.

Racial Equity:

Was this item identified as an opportunity to apply the Racial Equity Toolkit?

Yes

The racial equity analysis is included as an attachment. Staff used the Government Alliance on Race and Equity’s (GARE) Equity Toolkit to provide a general equity analysis of the Language Access Policy.

Prior Board Actions:

- July 27, 2021, American Rescue Plan Act Funding Plan
- September 14, 2021: Approval to add a 1.0 FTE Bilingual Community Engagement Analyst through December 31, 2024, to support American Rescue Plan Act Funding Plan
- December 14, 2021, American Rescue Plan Act (ARPA) Update - Response, Implementation, and Community Funding Approach
- September 20, 2022, Professional Services Agreements for the Development of a Community Engagement Plan and a Language Access Plan and recommended Policy.
- March 26, 2024, Language Access Plan and Policy Workshop: Findings, Recommendations, and Strategies for Consideration

FISCAL SUMMARY

Expenditures	FY23-24 Adopted	FY24-25 Projected	FY25-26 Projected
Budgeted Expenses		\$300,000	\$300,000
Additional Appropriation Requested		\$389,176	78,989
Total Expenditures		\$689,176	\$378,989
Funding Sources			
General Fund/WA GF		\$689,176	\$378,989
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
Total Sources		\$689,176	\$378,989

Narrative Explanation of Fiscal Impacts:

County staff has submitted FY 24/25 budget request for the Board’s consideration during the upcoming June Budget Hearings. Estimated Ongoing Expenses:

- Office of Equity projects \$190,176 in FY24-25 for hiring a Language Access Coordinator to lead the implementation Plan and this would be an on-going expense.
- Centralized tracking of language access requests and related spending on those requests would be an additional on-going expense with an estimate of \$48,000 in FY 24-25.
- Outreach with Community Based Organizations on the County Language Access Policy and how residents can obtain language access is estimated at an annual expense at \$96,000.

Estimated One-time Expenses:

- Initial start-up costs for the Language Access Coordinator are \$20,000.
- Analysis of existing Blanket Purchase Order contracts and quality metrics of Language Service Providers would be a one-time expense of \$48,000.
- Creation of County telephone menus with language identification module; one-time cost of \$191,000 dependent on the scope of telephone contracts and the number of agencies that require this.
- Creation of in-language videos on key topics for residents without literacy; one-time cost of \$96,000 and periodic updates with costs to be determined.

Other on-going costs to be determined:

- Professional interpretation through language service companies in other languages besides Spanish - cost dependent on the contracts with those entities.
- Sight translation and document assistance for understanding and completing English forms - costs dependent on the level of demand for specific languages and documents.
- Translation of vital documents in other languages - costs dependent on the level of demand for specific languages and documents.

Staffing Impacts: 1 FTE			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

The Office of Equity will be requesting as part of the FY 24/25 Budget Hearings an on-going Program, Planning and Evaluation Analyst to be the Language Access Coordinator and facilitate implementation of the County’s Language Access Policy and Implementation Plan. This task improves the County’s internal capacity to Achieve Goal 4, Objective 4 of the Racial Equity and Social Justice (RESJ) Pillar of the County’s Strategic Plan which is to develop and establish a language access policy for the County of Sonoma by end of 2021.

Attachments:

1. Language Access Policy
2. Language Access Implementation Plan

3. Racial Equity Toolkit Analysis
4. Spanish Version - Language Access Policy
5. Spanish Version - Language Access Implementation Plan

Related Items “On File” with the Clerk of the Board:

N/A