



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: June 29, 2022

Department: Board of Commissioners Agenda Planning Date: Time required: 15 min

Audio/Visual aids PowerPoint

Contact: Tim Glisson Phone: 503-302-4700

Department Head Signature:

TITLE Multiple Resolutions approving Community Development Block Grant/HOME Investment Partnerships Program Manuals/Policies/Plans/and or Procedures

Issue, Description & Background Under the Federal Community Development Block Grant and HOME Investment Partnerships Program Marion County must have various written manuals/policies/procedures/plans to administer its program. The required list include the following: Resolution approving the Community Development Block Grant Program Manual the CDBG Program Manual for Public Services the CDBG Acquisition and Construction Projects Program Manual Resolution approving the HOME Program Policy and Procedure Manual Resolution approving the Affirmative Marketing Policy Resolution approving the Violence Against Womens Act Transfer Plan Resolution approving the Residential Anti-Displacement and Relocation Assistance Plan (RARAP) Resolution approving the Limited English Proficiency Plan (Language Access Plan) Resolution approving the Section 3 Plan

Financial Impacts: none

Impacts to Department & External Agencies none

Options for Consideration: A.) Approve each Resolution B.) Do Not Approve each Resolution

Recommendation: Recommend Approval of each Resolution

List of attachments: Resolutions for each Program Manual/Policy/Plan and or Procedure

Presenter: Tim Glisson

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

**BEFORE THE BOARD OF COMMISSIONERS**  
**FOR MARION COUNTY, OREGON**

In the matter of adopting the )  
Limited English Proficiency )  
Plan (Language Access Plan) )  
Under the Community Development )  
Block Grant and HOME Investment )  
Partnerships Programs. )

RESOLUTION # \_\_\_\_\_

This matter came before the Board of Commissioners at its regularly scheduled public meeting on June 22, 2022, to adopt the Limited English Proficiency Plan also referred to as the Language Access Plan; and

WHEREAS under Title VI of the Civil Rights Act of 1964 and in accordance with Supreme Court precedent in *Lau. V. Nichols*, recipients of federal financial assistance are required to take reasonable steps to ensure meaningful access to their programs and activities by Limited English proficient (LEP) persons. In accordance with Executive Order 13166 the meaningful access requirements of the Title VI regulations and the four-factor analysis set forth in the Department of Justice (DOJ) LEP Guidance apply to the programs and activities of federal agencies, including HUD; and

WHEREAS on January 22, 2007, HUD published Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons; and

WHEREAS it is a requirement for participating jurisdictions to determine and implement a Limited English Proficiency Plan based upon a four factor analysis; and

WHEREAS it has been determined that all vital documents under the Marion County Community Development Block Grant and HOME Investment Partnerships Programs must be translated into Spanish. Vital documents include but are not limited to the Consolidated Plan,

Annual Action Plans, Policy and Procedures, Consolidated Performance Evaluation Reports, and Procurement Documents; and

IT IS HEREBY ORDERED that the Board of Commissioners adopt the attached Limited English Proficiency Plan to be implemented when necessary under the federal Community Development Block Grant and HOME Investment Partnerships Programs.

DATED at Salem, Oregon, this 22nd day of June 2022.

MARION COUNTY BOARD OF COMMISSIONERS

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Chair

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Commissioner

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Commissioner



# Federal Register

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**Wednesday,  
August 16, 2000**

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## **Part V**

### **The President**

**Executive Order 13166—Improving Access  
to Services for Persons With Limited  
English Proficiency**

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### **Department of Justice**

**Enforcement of Title VI of the Civil  
Rights Act of 1964—National Origin  
Discrimination Against Persons With  
Limited English Proficiency; Notice**

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# Presidential Documents

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Title 3—

Executive Order 13166 of August 11, 2000

The President

## Improving Access to Services for Persons With Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

### **Section 1. Goals.**

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

### **Sec. 2. Federally Conducted Programs and Activities.**

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

### **Sec. 3. Federally Assisted Programs and Activities.**

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order,

each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the **Federal Register** for public comment.

**Sec. 4. Consultations.**

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

**Sec. 5. Judicial Review.**

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.



THE WHITE HOUSE,  
August 11, 2000.



## **Limited English Proficiency Plan**

**Marion County Board of Commissioners**



## **DEFINITIONS:**

1. **Authorized Interpreter:** A person who has been screened and authorized by the county to act as an interpreter and/or translator for others.
2. **Four-Factor Assessment:** This is an assessment tool used by the Recipient of federal funding to determine the extent of its obligation to provide LEP services. These four factors are: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP persons encounter the program; (3) the nature and importance of the program, activity, or service provided the program to people's lives; and (4) the resources available to the grantee/recipient and costs.
3. **Interpret or Interpretation:** The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.
4. **(Person with) Limited English Proficiency (LEP):** Any individual whose primary language is not English and has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.
5. **Translate or Translation:** The replacement of written text from one language (source language) into an equivalent written text (target language). Note: Some LEP persons cannot read in their own language, and backup oral interpretation services may be needed for written documents.
6. **Vital document:** Any document containing information that is critical for obtaining or maintaining the services or benefits that are supported by federal funds or that are required by law. Such documents may include but are not limited to applications, consent forms, notices of participant rights and responsibilities, disciplinary notices, letters, or notices that require a response from the participant or beneficiary, legal notices, and notices advising LEP persons of the availability of free language services

## **POLICY GUIDELINES:**

1. Federal Legal Authority
  - 1.1. The U.S. Department of Housing and Urban Development's (HUD) regulation, 24 CFR part 1, "Nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development – Effectuation of Title VI of the Civil Rights Act of 1964", requires all recipients of federal financing assistance from HUD to provide meaningful access to persons with limited English proficiency (LEP).
  - 1.2. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color or national origin. Because language, like culture, is so closely linked to national origin, HUD's final LEP



guidance points out that “failure to ensure that LEP persons can effectively participate in, or benefit from, federally assisted programs may violate Title VI’s prohibition against national origin discrimination.”

- 1.3. Pursuant to Executive Order 13166, the meaningful access requirement of the Title VI regulations and the four-factor analysis set forth in the LEP Guidance of the Federal Register (FR-4878-N-01) is to additionally apply to programs and activities of federal agencies, including HUD, federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance.
- 1.4. Federally assisted recipients are required to make reasonable efforts to provide language assistance to ensure meaningful access for LEP persons to the recipient’s programs and activities. To do this, the recipient should: (1) conduct the four-factor assessment; (2) develop a language access plan (LAP); and (3) provide appropriate language assistance.
- 1.5. Under Title VI, Executive Order 13166 and HUD’s regulations extends to a recipient’s entire program or activity, (i.e., to all parts of a recipient’s operations).

## 2. Public Involvement

- 2.1. The division will assess its communications and public involvement strategies and employ best practices that foster meaningful involvement by traditionally underrepresented persons.
- 2.2. The division will use non-discrimination notices to notify the public of the protections provided by Title VI and related statutes.
- 2.3. The division is committed to fully utilizing available culturally specific publications or media, and where appropriate, providing written or verbal information in languages other than English.

## 3. Limited English Proficiency (LEP) Requirements

- 3.1. The division recognizes that language can be a barrier to accessing benefits or services, understanding, and exercising rights, complying with regulations, or understanding other information provided by its programs and activities.
- 3.2. As a recipient of federal funds, the division must ensure that people with Limited English proficiency have full access to its programs, benefits, services, and activities. No person should be deprived of such access because of their language skills or English proficiency.
- 3.3. The division staff has access to contractors that can provide telephonic, written, and in-person meeting translation and interpretation services.

4. Contact

- 4.1. The division’s Limited English Proficiency Plan is coordinated through the Board of Commissioner’s office.
- 4.2. The Board of Commissioner’s office shall provide oversight for this policy’s implementation, coordinate the delivery of LEP language services, ensure that staff receives appropriate training on this policy and any applicable procedures, and monitor and periodically assess this policy’s effectiveness.

5. Marion County Oregon Numbers

- 5.1. Marion County has a population of 347,818 and encompasses nearly 1,200 square miles. The Marion County CDBG Service Area includes the following incorporated cities: Aumsville, Aurora, Detroit, Donald, Gervais, Hubbard, Idanha, Jefferson, Keizer, Mill City, Mt. Angel, Scotts Mills, Silverton, St. Paul, Stayton, Sublimity, Turner, and Woodburn. The estimated population within the CDBG & HOME Grant Program Service Area is 169,864.

<b>Population by Race and Ethnicity</b> *Marion County CDBG Service Area 2019 Five-Year ACS		
<b>Race</b>	<b>Population</b>	<b>% of Total</b>
White	158,494	93.3%
Black	4,722	2.7%
American Indian	14,929	8.7%
Asian	6,407	3.7%
Native Hawaiian/Pacific Islander	2,054	1.2%
Other	14,648	8.6%
Two or More Races	11,531	6.7%
Not Hispanic or Latino	119,047	70.0%
Hispanic or Latino (of any race)	50,791	29.9%

*(2019 ACS 5-Year Estimates Data Profiles; DP05. Population numbers include all Entitlement Jurisdictions listed in 5.1 and individuals under five years old. It is estimated there are 11,803 individuals under five years old within the Marion County CDBG & HOME Grant Program Service Area.)*

6. Four-Factor Analysis

- 6.1. Determination of what LEP services is necessary should be based on the needs of the community to be served and a baseline of what languages are spoken by the LEP population.
  - 6.1.1. The division should identify what documents are vital for the public to interact with the department.

6.1.2. This baseline population and English proficiency analysis are key elements to determining what languages are most commonly used by LEP populations in the county and what translation services are necessary to ensure full access to county programs.

6.2. The U.S. Department of Justice (DOJ) recommends the following “Four Factor” analysis to determine if document translation needs to be performed to ensure meaningful participation or understanding of the department’s programs.

1. The number or proportion of LEP persons served or encountered in the eligible service population (the baseline);
2. The frequency with which LEP individuals come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program; and,
4. The resources available to the recipient, and the costs.

**6.3. Factor One – Identification of LEP Persons Who Need Language Assistance**

6.3.1. This analysis includes only the incorporated cities in Marion County participating in the Marion County CDBG & HOME Grant Program. Within the Marion County CDBG & HOME Grant Program Service Area, the estimated population of persons 5 years and older is 158,062. Of those 5 years and older, 112,565 speak only English and an estimated 45,524 speak a language other than English.

<b>Language Spoken at Home</b>				
*Marion County CDBG & HOME Service Area 2019 Five-Year ACS; Population 5 years and older				
<b>Language Group</b>	<b>Total Population</b>	<b>Percent of Total Population</b>	<b>LEP Population</b> <small>(Speak English less than “very well”)</small>	<b>Percent LEP Population</b> <small>(Speak English less than “very well”)</small>
Spanish	38,184	24.15%	16,460	10.41%
Other Indo-European languages	4,783	3.02%	1,293	0.81%
Asian and Pacific Island languages	2,350	1.48%	822	0.52%
Other languages	225	0.142%	246	0.15%

*(ACS Language Spoken at Home, 2019; 5 Year Estimate S1601)*

6.3.2. Spanish is the largest non-English language spoken at home, of which it is estimated 38,184 of the population in the Marion County CDBG & HOME Grant Program Service Area five

years and older speak Spanish. This is further broken down, showing that among those who speak Spanish, 16,460 or 10.41% speak English “less than very well.”

- 6.3.3. An estimated 4,783 of the population in the Marion County CDBG & HOME Grant Program services area speak Other Indo-European languages. Those who speak Other Indo-European languages, an estimated 1,293 or 0.81% speak English “less than very well.”

**6.4. Factor Two – Frequency of Contact with LEP Persons**

- 6.4.1. It can be expected that LEP persons will occasionally come into contact with county programs, services, or facilities.
- 6.4.2. Division staff serving as the first point of contact for these programs and services may use the attached language identification flashcards to aid in identifying LEP clients.
- 6.4.3. The cards shall be used by division staff to determine the need for a particular language service during routine activities/encounters and how to access needed interpretation services.

**6.5. Factor Three – Nature and Importance of the Program or Services**

- 6.5.1. It is the county’s intent to provide meaningful access to all participants and eligible persons, however, the availability of resources may limit the provision of language services in some cases.
- 6.5.2. The division should analyze activities related to the department’s respective programs and services and evaluate the relative importance of each.
- 6.5.3. Based section 6.3, factor 3 analysis, the division should determine how language services to LEP individuals should be delivered for each activity.

**6.6. Factor Four – Costs of Available Resources**

- 6.6.1. The county shall explore the most cost-effective means of delivering competent language services before limiting services due to resource limitations or concerns. Free and paid translation services are also available in the case of interaction with LEP persons or the need for language assistance.
- 6.6.2. The U.S. Department of Housing and Urban Development provides I-Speak identification cards and many documents in multiple languages, which may be used by the division when necessary to assist LEP populations.

7. Analysis of the Safe Harbor for Written Translations

7.1. The U.S. Department of Housing and Urban Development adopted “Safe Harbors” in its final guidance for written translations in languages other than in English. In following the “Safe Harbor” guidance, the division should provide written translation of vital documents in Spanish and in Other Indo-European languages.

7.1.1. The Safe Harbor guidance is attached to this policy.

8. Accessing Translation/Interpretation Services in The County

8.1. The county contracts for interpretation and translation services which the division may use when needing services for translation of vital documents, outreach, and other documents and/or interpretation in person or by phone.

9. Type and Frequency of Notice to LEP Persons

9.1. Using the four-factor analysis, the division shall determine the type and frequency of notices to LEP persons.

10. Training for Staff Persons

10.1. The employees in the division who are likely to have contact with LEP persons shall be trained to assure that they know LEP policies and procedures, that they work effectively with in-person and telephone interpreters, and they understand the dynamics of interpretation among LEP providers and interpreters.

11. Monitoring Compliance, Assessing Performance, and Revisions

11.1. This policy shall be reviewed at least every three years for any necessary revisions, in accordance with Marion County, Oregon Policy 102 and 102-A,

12. Discrimination-Complaints

12.1. The procedure for filing a complaint is detailed in procedure 602-B.

Attachment A – Language Identification Flashcards

Attachment B – Safe Harbor Guidance.