

Legislative/Development Committee Meeting
Monday, February 22, 2016 6:15 PM
Crete City Hall
243 E 13th Street
Crete, NE 68333

1. Open Meeting

The City has posted a copy of the Open Meetings Act, Laws of the State of Nebraska, in the back of the council chambers. Additional copies are available to read, if anyone wishes one during this meeting, please advise. As each agenda item is considered, if there are any questions concerning the agenda item please advise. The Committee may consider items listed on the agenda in random order. The City has assisted listening devices available, if needed please advise. This meeting was posted in three public places to-wit:

City Hall - 1st Floor
Post Office - Lobby
City Bank and Trust - Front Entry

2. Roll Call

Attendance of Committee members will be recorded to determine the presence of a quorum for official actions.

3. Special Order of Business

The Committee may take action to hear testimony in favor of or in opposition to, discuss/limit discussion and take action to approve or disapprove a recommendation to the City Council on any matter presented under this title.

3.A. CDBG LEP-LAP Analysis

Review LEP-LAP policy for approval

4. Officers' Reports

Reports may be given by Department Heads, other Committees and Council members concerning current operations of the City. Questions may be asked and answered. No action can be taken by the Committee on matters presented under this title except to answer any question posed and to refer the matter for further action.

5. Adjournment

The City Council Committee will review the above matters and take such actions as they deem appropriate. The Committee may enter into closed session to discuss any matter on this agenda when it is determined by the Committee that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting, or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The City of Crete assures that no person shall on the grounds of race, color, national origin, age, disability, handicap or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the City receiving Federal financial assistance. To report discrimination, contact the City Clerk's office.

Disclaimers & Notices

- The Council may enter into closed session to discuss any matter on this agenda when it is determined that a closed session is clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual (if such individual has not requested a public meeting) or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, then immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.

- The City of Crete assures that no person shall on the grounds of race, color, national origin, age, disability, handicap or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the City receiving Federal financial assistance. To report discrimination, contact the City Clerk's office.
- The complete agenda with attachments is available at www.crete.ne.gov.

**FOUR FACTOR ANALYSIS
ASSESSING
LIMITED ENGLISH PROFICIENCY
AND
LANGUAGE ASSISTANCE PLAN**

**PREPARED BY
CRETE, NEBRASKA**

**FOR
THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

EXHIBIT O-1

A. POLICY STATEMENT

It is the policy of the City of Crete, Nebraska to take reasonable steps to provide meaningful access to its programs and activities for persons with Limited English Proficiency (LEP). The City's policy is to ensure that staff will communicate effectively with LEP individuals, and LEP individuals will have access to important programs and information. The City of Crete is committed to complying with federal requirements in providing free meaningful access to its programs and activities for LEP persons.

B. HISTORY

Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have Limited English Proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

On August 11, 2000, Executive Order 13166, titled, "Improving Access to Services by Persons with Limited English Proficiency," was issued. Executive Order 13166 requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to LEP cannot fully and equally participate in or benefit from those programs and activities. Section 2 of the Executive Order 13166 directs each federal department or agency "to prepare a plan to improve access to...federally conducted programs and activities by eligible LEP persons...."

C. DEFINITIONS

Beneficiary: The ultimate consumer of HUD programs and receives benefits from a HUD Recipient or Sub-recipient.

Limited English Proficient Person (LEP): Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English because of national origin.

Language Assistance Plan (LAP): A written implementation plan that addresses identified needs of the LEP persons served.

Recipient: Any political subdivision of the State of Nebraska, or an eligible nonprofit organization, to whom Federal financial assistance is extended for any program or activity, or who otherwise participates in carrying out such program or activity, including any successor, assign or transferee thereof, but such term does not include any Beneficiary under any such program.

Sub-recipient: Any public or private agency, institution, organization, or other entity to whom Federal financial assistance is extended, through another Recipient, for any program or activity, or who otherwise participates in carrying out such program or activity but such term does not include any Beneficiary under any such program.

Vital Document: Any document that is critical for ensuring meaningful access to the Recipient's major activities and programs by Beneficiaries generally and LEP persons specifically.

D. FRAMEWORK & METHODOLOGY

This Four Factor Analysis is the first step in providing meaningful access to federally funded programs for LEP persons. The Four Factor Analysis completed by the City addresses the following:

1. The number or proportion of LEP persons eligible to be serviced or likely to be encountered by the City of Crete;
2. The frequency with which LEP persons using a particular language come in contact with the City of Crete;
3. The nature and importance of the City of Crete program or activity provided to the individual's life; and
4. The resources available to City of Crete, and costs associated with providing LEP services.

E. FOUR FACTOR ANALYSIS

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the City of Crete, Nebraska.

The population age five years and older that speaks a language other than English in the home is estimated at 30.6% (2,056) of the population of the City according to the 2013 American Community Survey (ACS). 16.3% (1,093) of the population speaks English "less than very well." Of the 2,056, 1,847 or 27.5% speak Spanish of which 954 or 14.2% speak English less than very well and 193 or 2.9% speak Asian and Pacific Islander languages of which 139 or 2.1% speak English less than very well.

2. The frequency with which LEP persons using a particular language come in contact with the City of Crete, Nebraska.

Due to population percentage and potential frequency of contact, Spanish-speaking persons are identified in this plan as an "LEP Group." All other LEP persons speaking languages other than Spanish are identified in this plan as "LEP Individuals." The City of Crete estimates that it encounters persons from the LEP Group ranging from ~~1025~~-1530 times per day.

3. The nature and importance of the City of Crete, Nebraska program or activity provided to the individual's life.

The program under review is the Owner-Occupied Housing Rehabilitation Program, CDBG Grant #14-HO-3S067. This program is somewhat important, however is limited in funding and temporarily available within the grant award period.

4. The resources available to the City of Crete, Nebraska, and costs associated with providing LEP services.

There are currently two Spanish speaking staff at City Hall, two at the Crete Public Library, and three employed with Police/Fire/EMT. These individuals are paid at a differential rate in order to compensate them for the additional capacity to provide translation and interpretation services.

As a result of the Four Factor Analysis, the City of Crete, Nebraska has determined a Language Assistance Plan is needed: YES NO

This plan was approved by the City Council of the City of Crete, Nebraska _____, 2016.

Mayor

Attest: _____
Clerk

F. LANGUAGE ASSISTANCE PLAN

As a result of the preceding Four Factor Analysis, the City of Crete has developed a Language Assistance Plan. The Language Assistance Plan addresses the identified needs of the LEP persons the City of Crete serves, and the process by which the City of Crete will monitor and update the LAP.

The City of Crete understands that the actions the City of Crete is expected to take to meet its LEP obligations depend upon the results of the Four Factor Analysis including the services the City of Crete offers, the City of Crete's service area, the resources the City of Crete possesses, and the costs of various language service options. However, the City of Crete is to take reasonable steps to ensure meaningful access to LEP persons. The meaningful access is based upon a reasonableness standard that is both flexible and fact-dependent.

1. The procedures the City of Crete will use to identify LEP persons with whom the City of Crete has contact, the size of LEP populations, and the languages of LEP populations.

The City of Crete will appoint an LEP Administrator who will be responsible for gathering and tracking the number of and purpose of contact, of LEP persons who approach city personnel for information, assistance, requests, complaints, etc. In addition, the City will use data from the U.S. Bureau of the Census most recent American Community Survey to identify the size and language(s) of LEP populations.

If an LEP population speaking a single language other than English exceeds 20%, that population shall be identified as an "LEP Group." LEP populations speaking a single language other than English totaling less than 20% shall be identified as "LEP Individuals."

The population age five years and older that speaks a language other than English in the home is estimated at 30.6% (2,056) of the population of the City according to the 2013 American Community Survey (ACS). 16.3% (1,093) of the population speaks English "less than very well."

Of the 2,056, 1,847 or 27.5% speak Spanish of which 954 or 14.2% speak English less than very well.

Due to population percentage and potential frequency of contact, Spanish-speaking persons are identified in this 2015 plan as an "LEP Group."

Of the 2,056, 193 or 2.9% speak Asian and Pacific Islander languages of which 139 or 2.1% speak English less than very well.

All other LEP persons speaking languages other than Spanish are identified in this plan as "LEP Individuals."

2. Points and types of contact the City of Crete may have with LEP persons.

The city has many varied points and types of contact with LEP persons. Several of the primary ones include: utility services for starting and ending service and for monthly billing; emergency services for police, fire, medical; public library for materials, computer and internet access, and parks and recreation department for community programs.

3. Ways in which language assistance will be provided by the City of Crete, and the plan for outreach to LEP populations.

For the identified LEP Group of Spanish speakers - The City of Crete presently has seven Spanish-speaking staff members - two City Hall Offices staff, two at the Crete Public Library, and three employed with Police/Fire/EMT. These staff persons are available primarily for interpretation of city-related information, assistance, requests, complaints, etc., and can provide translation where necessary.

Most programs and activities offered by the city are available to Spanish speakers through interpretation (verbal translation) by city staff. These are provided at the expense of the City of Crete.

Programs and activities that provide written materials may have the materials translated by city staff, upon request. Many programs are directed to contact Blue ~~River~~Valley Community Action/Family Center for outreach to the Spanish-speaking population.

For all other LEP Individuals - Programs and Activities may be provided upon request in the LEP Individual's primary language through verbal or printed translation, or both. These may be provided through volunteers or at the expense of the participant.

The City doesn't necessarily provide additional outreach to LEP groups or individuals above that which it extends to the majority population of English speakers. However, most published information will state that accommodation can be made for those requiring interpretation services.

4. The City of Crete's plan for training staff members on LEP guidance and the LAP, including specific provisions for training staff that are responsible for monitoring Recipients of HUD funding.

The LEP Administrator, which at the present time is the City Administrator, is responsible for training staff members and providing them information included within this plan. Training shall occur upon adoption of this plan by the City Council with current city staff, and shall occur upon new hire of future city staff.

The LEP Administrator will work with and train staff and outside consultants who are responsible for monitoring Recipients of HUD funding. Training shall occur upon award/contract of HUD funding and throughout the contract award period, as necessary.

5. A list of Vital Documents to be translated, the languages into which they will be translated and the timetable for translations.

Presently the City of Crete has no Vital Documents that have been translated.

It is recommended that within one year, the City of Crete would have a policy for the following vital documents to be translated. These documents would be translated into Spanish for the identified LEP Group of Spanish speakers and made available on the City of Crete website:

City Ordinances/City Codes
City Zoning Regulations
Emergency-related information such as warning sirens and 911 services
Legal Notices
City Council meeting agendas and minutes

6. The City of Crete's plan for translating informational materials that detail services and activities provided to Beneficiaries and The City of Crete's plan for providing appropriately translated notices to LEP persons.

As noted above, the City approves translation of informational materials upon request of a city department, an outside entity that provides services or activities on behalf of or in conjunction with the City of Crete, and a city resident who is a member of the identified LEP Group, which includes public, legal, and other posted notices. Many programs are directed to contact Blue [RiverValley](#) Community Action/Family Center for outreach to the Spanish-speaking population.

7. The City of Crete's plan for providing interpreters for large, medium, small and one-on-one meetings.

For projects using FHWA and NDOR funds the City will have a translator present at meetings who would be available if/when someone would come in with questions or concerns about the projects. If any city meeting is planned where Spanish speakers are anticipated to attend, a Spanish speaking city staff person is scheduled to attend. If a meeting is planned that wouldn't anticipate any need for interpretation, then a Spanish speaking interpreter is available upon request.

8. The City of Crete's plan for developing community resources, partnerships, and other relationships to help with the provision of language services.

The city has several community resources and partnerships in place to help with the provision of language services. These include: Blue [RiverValley](#) Community Action/Family Center which provides a variety of community services and programs and serves as a resource center for the Spanish speaking population in Crete. [Crete Public Schools and Doane College](#) also provides many services and activities available to the Spanish speaking population and other foreign language speakers.

9. The City of Crete's plan for monitoring and updating the LAP.

The City of Crete's LEP Administrator will be responsible for monitoring and updating the LAP. It is recommended that the LAP be reviewed at a minimum annually and updated as needed.

AVAILABLE LEP RESOURCES

HUD Frequently Asked Questions on the Final LEP Guidance:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq

HUD's LEP Website:

<http://www.hud.gov/offices/fheo/lep.xml>

Federal LEP Website:

<http://www.lep.gov/>

LEP and Title VI Videos:

<http://www.lep.gov/video/video.html>

"I Speak" Card:

<http://www.lep.gov/ISpeakCards2004.pdf>

COMPLAINTS

If you believe that you have been denied the benefits of this Language Assistance Plan, you may file a written complaint by mail to:

City of Crete

Attn: LEP Administrator

243 E. 13th St.

Crete, NE 68333

Any person that feels that the Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) and Executive Order 13166 regulations were not complied with may file a complaint directly to the Assistant Secretary for Fair Housing and Equal Opportunity at the following address (or as otherwise directed by HUD):

Betty J. Bottiger

Director, Region VII Office of Fair Housing and Equal Opportunity

U. S. Department of Housing and Urban Development

400 State Avenue

Kansas City, Kansas 66101-2406

Betty.Bottiger@hud.gov