



San Diego County
Local Agency Formation Commission
 Regional Service Planning | Subdivision of the State of California

7b

AGENDA REPORT
 Business | Action

August 2, 2021

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Priscilla Allen, Analyst I

SUBJECT: **Proposed Policy on Translation Protocols and Accommodations**

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will consider a proposed policy on translation protocols and accommodations for communicating service information to non-English speaking residents to mitigate against language barriers. The proposed policy has been prepared consistent with the adopted workplan and marked by establishing standards to translate key service information into non-English based on current household language demographics. This includes translating notices and other written materials that are otherwise distributed only in English into other languages that are spoken within 20 percent or more of affected households. Interpreter services are also addressed. Staff recommends approval of the proposed policy with any desired revisions with an immediate effective date.

BACKGROUND

Current Workplan & Direction to Establish Translation Protocols

San Diego LAFCO’s current workplan was adopted at a noticed public hearing in May 2021 and includes 30 specific projects for the fiscal year. All projects are further categorized by the Commission as high, moderate, or low priorities. One of the high priority projects

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involves establishing translation protocols to proactively communicate key service information underlying LAFCO’s regulatory and planning activities with non-English households based on clear and measurable criteria.

Applicable State Standards

The Dymally-Alatorre Bilingual Services Act governs non-election communications in non-English languages by State and local agencies in California with the latter – notably – defined to include LAFCOs as political subdivisions.¹ The legislation is largely discretionary as described and orients local agencies to translate materials addressing or otherwise explaining services to the public into any non-English language spoken by a “substantial” number of persons served by the subject agencies. The legislation relatedly orients local agencies to employ qualified bilingual persons to communicate and/or serve as interpreters should they have a substantial number of non-English speaking resident groups. Nonetheless, local agencies retain discretion under the legislation to determine when substantial other language communities exist within their jurisdictions. Local agencies are also only tasked with implementation to the extent they have available funding.²

DISCUSSION

This item is for San Diego LAFCO to consider a proposed policy on translation protocols and accommodations in communicating the Commission’s regulatory and planning service activities. The proposed policy responds to direction in the adopted workplan and commits the Commission to budget an appropriate level of funding to protectively translate key service materials for non-English households under prescribed thresholds as well as readily address interpreter requests. The proposed policy is provided as Attachment One and includes the following three central provisions:

- LAFCO will translate all written public hearing notices and displays required under statute and/or local policy into one or more non-English languages if spoken by 20 percent or more within the affected and/or targeted households based on published census information.
- LAFCO will translate all municipal service reviews’ executive summaries into one or more other languages if spoken by 20 percent or more within the affected communities based on census information.
- LAFCO will offer interpreter services for Commission meetings, Commission Committee meetings, and other Commission community engagement events. This service is premised on the requesting public providing advance notice and availability.

¹ Reference to California Government Code 7290-7299.8.

² The legislation specifies 5 percent as the threshold for State agencies in determining when a substantial number of persons are non-native speakers and translation services within an established service area are required.

ANALYSIS

The proposed policy on translation protocols and accommodations before San Diego LAFCO appropriately responds to current demographics paired with the Commission's standing task in statute to consider current and future community needs in fulfilling its regulatory and planning activities. (It also – and as learned in preparing the item – addresses the Commission's responsibilities under the Dymally-Alatorre Bilingual Services Act.) This includes responding to current census information showing 37% of all households in San Diego County speak a language other than English at home.³ The primary non-English language spoken at home is Spanish at 24% and accordingly would be the primary translation required under the proposed policy and apply to all notices and other written materials in which the affected area is countywide. Further, the current proportional share of Spanish-speaking households serves as the basis by staff in setting the translation standard at 20 percent to ensure all related materials with a countywide audience will be provided in Spanish.⁴ Translations into other languages would only apply given current demographics in smaller census measurements – blocks, groups, tracts, and places – as applicable. The policies addressing online content and interpreter services formalize existing practices.

A preliminary review of anticipated costs suggests an initial implementation of the proposed policy will range between \$10,000 and \$15,000 with most of the expenses tied to utilizing a qualified third-party vendor to translate executive summaries. This anticipated cost can be readily accommodated without budget amendments. Separately, and with respect to telegraphing a potential extension of this policy and its implementation, staff believes it would be appropriate to consider the merits of establishing bi-lingual pay enhancements (wage, allowance, per diem, etc.) for LAFCO employees to provide translation services consistent with the underlying provisions as part of a future workplan item.

RECOMMENDATION

It is recommended San Diego LAFCO approve the proposed policy on translation protocols for reasons detailed in the preceding section. This recommendation would be accommodated by taking the actions outlined in the proceeding section as Alternative One.

ALTERNATIVES FOR ACTION

The following alternatives are available to San Diego LAFCO:

Alternative One (recommended):

Approve the proposed administrative policy on translation protocols as provided as Attachment One with any desired changes.

³ Reference to American Community Survey, 2019: 1-Year Estimates.

⁴ Notable examples include notices on annual workplans and budgets as well as countywide municipal service reviews

Alternative Two:

Continue consideration of the item to a future meeting and provide direction to staff for more information and/or outreach as needed.

Alternative Three:

Take no action.

PROCEDURES

This item has been placed on the agenda for action as part of San Diego LAFCO's business calendar. The following procedures, accordingly, are recommended.

- 1) Receive verbal report from staff unless waived.
- 2) Commission discussion.
- 3) Consider the staff recommendation.

Respectfully,



Keene Simonds
Executive Officer

Attachment:

- 1) A-107 Policy

Subject

TRANSLATION PROTOCOLS AND ACCOMMODATIONS

Purpose

This policy establishes baseline protocols and accommodations for communicating the Commission's regulatory and planning activities into other languages to enhance community feedback that otherwise is underrepresented due to language barriers. The policy relatedly addresses the translation of online content and interpreter services.

Background

State law directs San Diego LAFCO to consider current and future community needs in meeting its overarching task by the Legislature to facilitate orderly growth and development. This includes considering comments from the residents and general public anytime LAFCO acts on proposed city or special district jurisdictional changes. Relatedly, LAFCO recognizes substantial numbers of persons who live, work and pay taxes in San Diego County are unable – either because they do not speak or write English at all, or because their primary language is other than English – to effectively communicate without reasonable accommodations.

Policy

It is the policy of San Diego LAFCO:

1. The Commission recognizes and values the plurality of different cultures in San Diego County and is committed to proactively address and mitigate against language barriers in providing and receiving community feedback.
2. The Commission shall ensure a reasonable level of funding is available to support translation protocols in policy as part of the annual operating budget.
3. LAFCO will translate all written public hearing notices and displays required under statute and/or local policy into one or more other languages if spoken by 20 percent or more within the affected and/or targeted households based on census information.
4. LAFCO will translate all municipal service reviews' executive summaries into one or more other languages if spoken by 20 percent or more within the affected communities based on census information.
5. The Executive Officer will determine the appropriate census measurement (i.e., blocks, groups, tracts, places, or county) in determining the percentage of non-English speaking households in administering this policy.

6. LAFCO will ensure a translation feature is readily available on the agency website. Language options should include no less than the 10 most common other languages spoken in San Diego County as of the most recent census release.
7. LAFCO will make reasonable accommodations to provide interpreter services for Commission meetings, Commission Committee meetings, and other Commission community engagement events.
8. The Commission encourages the Executive Officer to exceed baseline standards established in this policy in mitigating against language barriers in implementing LAFCO's regulatory and planning activities as appropriate and within budgetary means.