

**RESOLUTION NO. 2016-11**

**RESOLUTION TO ADOPT LANGUAGE ACCESS PLAN**

WHEREAS, The City of Brevard has received funding through the State of North Carolina's Community Development Block Grant Program, and;

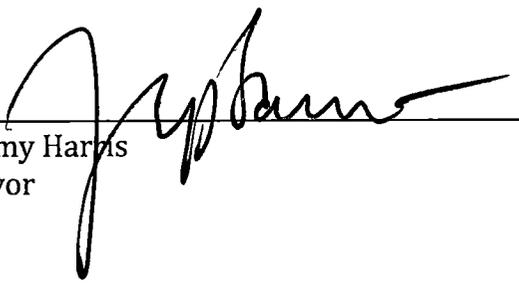
WHEREAS, The City of Brevard has agreed, by acceptance of the CDBG funds (CDBG No. \_\_\_\_\_), to abide by the various regulations governing the administration of the Community Development Block Grant Program;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

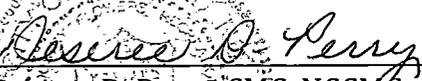
Section 1. The City of Brevard hereby officially adopts the Language Access Plan; which is included herein and incorporated by reference as Exhibit A, whereby the City of Brevard must take adequate steps to ensure that their policies and procedures do not deny or have the effect of denying persons with limited English proficiency (LEP) equal access to benefits and services for which such persons qualify.

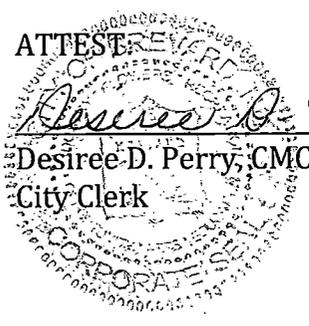
Section 2. This resolution shall take effect immediately and be effective for the life of the grant (CDBG No. \_\_\_\_\_).

Approved and adopted this the 16<sup>th</sup> day of May, 2016.

  
\_\_\_\_\_  
Jimmy Harris  
Mayor

ATTEST

  
\_\_\_\_\_  
Desiree D. Perry, CMC, NCCMC  
City Clerk

  
CORPORATE SEAL

**RESOLUTION NO. 2016-11**

**EXHIBIT A**

**Providing Meaningful Communication with Persons with Limited English Proficiency**

City of Brevard, North Carolina  
05/17/2016 - 05/17/2019

For  
North Carolina Community Block Grant \_\_\_ - \_\_\_

*The purpose of this Policy and Plan is to ensure compliance with Title VI of the Civil Rights Act of 1964, and other applicable federal and state laws and their implementing regulations with respect to persons with limited English proficiency (LEP). Title VI of the Civil Rights Act of 1964 prohibits discrimination based on the ground of race, color or national origin by any entity receiving federal financial assistance. Administrative methods or procedures, which have the effect of subjecting individuals to discrimination or defeating the objectives of these regulations, are prohibited.*

**POLICY:**

In order to avoid discrimination on the grounds of national origin, the City of Brevard will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in benefits and services for which such persons qualify. This Policy defines the responsibilities the City of Brevard has to ensure LEP individuals can communicate effectively.

**DEFINITIONS:**

**Limited English Proficient (LEP) individual** – Any prospective, potential, or actual recipient of benefits or services from the City of Brevard who cannot speak, read, write or understand the English language at a level that permits them to interact effectively with health care providers and social service agencies.

**Vital Documents** – These forms include, but are not limited to, applications, consent forms, all compliance plans, bid documents, fair housing information, citizen participation plans, letters containing important information regarding participation in a program; notices pertaining to the reduction, denial, or termination of services or benefits, the right to appeal such actions, or that require a response from beneficiary notices advising LEP persons of the availability of free language assistance, and other outreach materials.

**Title VI Compliance Officer:** The person or persons responsible for administering compliance with the Title VI LEP policies.

**Substantial number of LEP:** 5% or 1,000 people, whichever is smaller, are potential applicants or recipients of the City of Brevard and speak a primary language other than English and have limited English proficiency.

**PROCEDURES:**

**1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE**

The City of Brevard will promptly identify the language and communication needs of the LEP person. Staff will use a language identification card (or "I speak cards," provided by Community Investment and Assistance (CI)) and LEP posters to determine the language. In addition, when records are kept of past interactions with individuals or family members, the language used to communicate with the LEP person will be included as part of the record.

## 2. OBTAINING A QUALIFIED INTEPRETER

List the current name, office telephone number, office address and email address of the Title VI compliance officers:

Joshua Freeman, AICP, CFM  
Community Development / Special Projects Director  
City of Brevard  
95 West Main Street  
Brevard, NC 28712  
Email: [jfreeman@cityofbrevard.com](mailto:jfreeman@cityofbrevard.com)  
Telephone: 9828) 885-5601

***(Note: The City of Brevard must notify the CI Compliance Office immediately of changes in name or contact information for the Title VI compliance officer.)***

**Check all methods that will be used:**

- Maintaining an accurate and current list showing the language, phone number and hours of availability of bilingual staff;
- Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret;
- Obtaining an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.

Centro Comunitario Hispano Americano  
Rodrigo Vargas, Director  
300 East Main Street  
Brevard, NC 28712  
Telephone: (828) 883-2900

has agreed to provide qualified interpreter services. Centro Comunitario Hispano Americanos telephone number is (828) 883-2900, and the hours of availability are Monday, 3:00 p.m. - 5:00 p.m.; Tuesday - Wednesday, 4:30 p.m. - 7:00 p.m.; Thursday, 3:30 p.m. - 5:00 p.m.; Friday, 4:30 p.m. - 7:00 p.m.; Saturday, By Appointment Only

Other ***(describe):***

**All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the effective use of an interpreter.**

Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the City of Brevard. Such an offer and the response will be documented in the person's file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest should be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.

Children and other residents will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

## 3. PROVIDING WRITTEN TRANSLATIONS

- i. The City of Brevard will set benchmarks for translation of vital documents into additional languages.

- ii. When translation of vital documents is needed, the City of Brevard will submit documents for translation into frequently-encountered languages.
- iii. The City of Brevard will provide translation of other written materials, if needed, as well as written notice of the availability of translation, free of charge, for LEP individuals.

#### **4. PROVIDING NOTICE TO LEP PERSONS**

The City of Brevard will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. Example: The notification will include, in the primary language of the applicant/recipient, the following language: **IMPORTANT: IF YOU NEED HELP IN READING THIS, ASK THE CITY OF BREVARD FOR AN INTERPRETER TO HELP. AN INTERPRETER IS AVAILABLE FREE OF CHARGE.** All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and individuals and their families will be informed of the availability of such assistance free of charge.

At a minimum, notices and signs will be posted and provided in intake areas and other points of entry, including but not limited to the main lobbies, waiting rooms, etc.

City Hall main Lobby  
Planning Department Lobby

Notification will also be provided through one or more of the following:

Outreach flyers posted in City Hall  
Advertisements in the Transylvania Times  
Advertisements in the White Squirrel Radio WSQL

#### **5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION**

On an ongoing basis, the City of Brevard will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, the City of Brevard will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, complaints filed by LEP persons, feedback from residents and community organizations, etc.

##### **I. Compliance Procedures, Reporting and Monitoring**

###### **A. Reporting**

The City of Brevard will complete an annual compliance report and send this report to CI. (Format will be supplied by CI)

###### **B. Monitoring**

The City of Brevard will complete a self-monitoring report on a quarterly basis, using a standardized reporting system proposed by the local government. These reports will be maintained and stored by the Title VI Compliance Officer and will be provided to the CI upon request.

The City of Brevard will cooperate, when requested, with special review by the CI.

##### **II. Applicant/Recipient Complaints of Discriminatory Treatment**

###### **A. Complaints**

The City of Brevard will provide assistance to LEP individuals who do not speak or write in English if they indicate that they would like to file a complaint. A complaint will be filed in writing, contain the name and address of the person filing it or his/her designee and briefly describe the alleged violation of this policy. The form can be found at <http://www.nccommerce.com/cd/community-investment/forms-resources/compliance-plans-and-templates>.

The City of Brevard will maintain records of any complaints filed, the date of filing, actions taken and resolution.

The City of Brevard will notify the appropriate section within CI of complaints filed, the date of filing, actions taken and resolution. This information will be provided within 30 days of resolution.

B. Resolution of Matter

If the matter cannot be resolved by informal means, the individual will be informed of his or her right to appeal further to CI. This notice will be provided in the primary language of the individual with Limited English Proficiency.

The CI Compliance Office will conduct an investigation of the allegations of the complaint. The investigation will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint.

The investigation will not exceed 30 days, absent a 15-day extension for extenuating circumstances.

If the investigation indicates a failure to comply with the Act, the local unit of government, City of Brevard Director or his/her designee will so inform the recipient and the matter will be resolved by informal means whenever possible within 60 days.

If the matter cannot be resolved by informal means, then the individual will be informed of his or her right to appeal further to the Department of Justice. This notice will be provided in the primary language of the individual with Limited English Proficiency.

If not resolved by CI, then complaint will be forwarded to Department of Justice (DOJ), Department of Housing and Urban Development (HUD) Field Office.

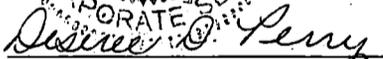
Approved and adopted by Brevard City Council this the 16<sup>th</sup> day of May, 2016.

SUBMITTED BY:



---

Jimmy Harris  
Mayor  
City of Brevard, North Carolina



---

Desiree D. Perry, CMC, NCCMC  
City Clerk