



# Revision to ASR and/or Attachments

**Date:** April 6, 2020  
**To:** Clerk of the Board of Supervisors  
**CC:** County Executive Office  
**From:** Supervisor Andrew Do *Andrew Do A.D.*  
**Re:** ASR Control #: \_\_\_\_\_, Meeting Date April 7, 2020, Item No. # 4  
**Subject:** Language Access for All: Expand translation services for Spanish, Vietnamese, Korean, and Chinese residents of Orange County and Require County Executive Officer to identify a county-wide Language Access Policy.

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Explanation:

Revised Recommended Action(s)

Make modifications to the:

Subject     Background Information     Summary     Financial Impact

Update the second item under section titled "Two California laws require local agencies to provide language access services" to reflect the following change:

Strikeout: (~~AB 305 or "Bilingual Services Act"~~)

Replace with: The Dymally-Alatorre Bilingual Services Act of 1973 (Gov. Code §§ 7290 – 7298)

Revised Attachments (attach revised attachment(s) and redlined copy(s))

Replace "Attachment D - California Assembly Bill 305 – AMENDED" with the correct attachment:  
"Attachment D - Dymally-Alatorre Bilingual Services Act of 1973"



**AGENDA STAFF REPORT**

**ASR Control**

**MEETING DATE:** 04/07/2020  
**LEGAL ENTITY TAKING ACTION:** Board of Supervisors  
**BOARD OF SUPERVISORS DISTRICT(S):** All Districts  
**SUBMITTING AGENCY/DEPARTMENT:** Vice Chairman Andrew Do  
**DEPARTMENT CONTACT PERSON(S):** Chris Wangsaporn (714) 834-3110  
Guadalupe Carrasco (714) 834-3110

**SUBJECT:** Language Access for All: Expand translation services for Spanish, Vietnamese, Korean, and Chinese residents of Orange County and Require County Executive Officer to identify a county-wide Language Access Policy.

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<b>CEO CONCUR</b> N/A	<b>COUNTY COUNSEL REVIEW</b> N/A	<b>CLERK OF THE BOARD</b> Discussion 3/5 Vote
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**Budgeted:** N/A                      **Current Year Cost:** N/A                      **Annual Cost:** N/A  
**Staffing Impact:** No                      **# of Positions:** 0                      **Sole Source:** N/A  
**Current Fiscal Year Revenue:** N/A  
**Funding Source:** N/A

**Prior Board Action:** N/A

**RECOMMENDED ACTION(S)**

1. Require the County of Orange to provide access to all emergency and public health notices, infographics, and flyers on all County of Orange websites in Spanish, Vietnamese, Korean, and Chinese.
2. Require the County of Orange to publish all agendas for Board of Supervisors meetings in Spanish, Vietnamese, Korean, and Chinese.
3. Require County Executive Officer to identify a county-wide Language Access Policy and return to the Board of Supervisors at the April 28, 2020 Board Meeting.

## **SUMMARY:**

Orange County residents and visitors, regardless of their proficiency in English, must have equal access to County information, programs, and services.

## **BACKGROUND INFORMATION:**

Orange County is one of the largest and most diverse regions in the world, with a notable variety of languages, ethnicities, and cultures represented. Home to over 22 million people, Orange County will become increasingly diverse in the future. According to the [2019-2020 Orange County Community Indicators Report](#), 30 percent of Orange County residents were born in other countries and 46 percent of all residents over the age of five speak a language other than English at home. The top four countries of origin for foreign-born populations in the County of Orange are: Mexico, Vietnam, Korea, and China.

On December 5, 2016, the [Census Bureau's Section 203 determinations](#) were published in the Federal Register Notice. The notice provides a list of jurisdictions required by law to provide language assistance to minority groups who are unable to speak or understand English adequately enough to participate in the electoral process. Using the data provided by the 2010 Census for the Section 203 determinations, the top four languages other than English, with the population number, in Orange County, are: Spanish (1,050,770), Vietnamese (202,435), Chinese (107,515), and Korean (98,425). Orange County's [Registrar of Voters](#) is in compliance with Section 203 and provides assistance in these four languages as well.

Given the current circumstances surrounding the worldwide COVID-19 pandemic, it is of utmost importance and urgency to ensure that all Orange County residents have access to all information, programs, and services – including all COVID-19 related information – in languages other than English.

Today's item will require the County of Orange to provide immediate access to all emergency and public health notices, infographics, and flyers on all County of Orange websites in Spanish, Vietnamese, Korean, and Chinese. The item will also require all agendas for Board of Supervisors meeting to be published in Spanish, Vietnamese, Korean, and Chinese.

Today's item will also require the County's Executive Officer to formally develop a County of Orange Language Access Policy that establishes standards and procedures for providing equal access to County services and programs to all residents, regardless of their proficiency in English, and return to the Board at the April 28, 2020 Board Meeting.

Some County departments, like the Registrar of Voters, already have procedures in place for assisting residents and visitors in other languages, given these departments' relatively high demand for interpretation. Developing a county-wide Language Access Policy will ensure all County departments are equally meeting the needs of Orange County residents.

On May 24, 2015, the Santa Clara County Board of Supervisors adopted a [Board policy](#) to ensure equal access to County services, programs, benefits, and information, regardless of their English language proficiency. As such, the County of Orange aspires to be responsive to the diverse means by which residents communicate with the County and be prepared to offer programs and services with greater accessibility.

**Two California laws require local agencies to provide language access services:**

1. The [California Civil Rights Act](#) prohibits discrimination by agencies that receive state funds and requires them to provide equal access to benefits without regard to the beneficiary's race, color, national origin, or ethnic group identification among other classifications.
2. The [Dymally-Alatorre Bilingual Services Act of 1973 \(Gov. Code §§ 7290 – 7298\) \(~~AB 305 or “Bilingual Services Act”~~\)](#) requires State and local agencies, that serve a “substantial number of non-English-speaking people,” employ a sufficient amount of bilingual persons in order to provide certain information and render certain services in a language other than English.

In its continuing effort to seek ways to better serve its residents, Orange County is responsible for ensuring that everyone, including those who are non-English speakers, are provided equal access to the available services and information from the County. Effective communication with individuals who are non-English speakers can be achieved through bilingual staff, translated written materials, and contracted interpreter/translation services.

**FINANCIAL IMPACT:**

N/A

**STAFFING IMPACT:**

N/A

**ATTACHMENT(S):**

Attachment A – 2019 Communication Indicators Report  
Attachment B – Census Bureau's Section 203 determinations  
Attachment C – California Civil Code 51 - Unruh Civil Rights Act  
~~Attachment D – California Assembly Bill 305 – AMENDED~~

Attachment D - Dymally-Alatorre Bilingual Services Act of 1973

[View the 2019 California Code](#) | [View Other Versions of the California Code](#)

# **2005 California Government Code Sections 7290-7299.8 CHAPTER 17.5. USE OF A FOREIGN LANGUAGE IN PUBLIC SERVICES ..**

## **GOVERNMENT CODE**

### **SECTION 7290-7299.8**

7290. This chapter may be known and cited as the Dymally-Alatorre Bilingual Services Act.

7291. The Legislature hereby finds and declares that the effective maintenance and development of a free and democratic society depend on the right and ability of its citizens and residents to communicate with their government and the right and ability of the government to communicate with them.

The Legislature further finds and declares that substantial numbers of persons who live, work and pay taxes in this state are unable, either because they do not speak or write English at all, because their primary language is other than English, to effectively communicate with their government. The Legislature further finds and declares that state and local agency employees frequently are unable to communicate with persons requiring their services because of the language barrier. As a consequence, substantial numbers of persons presently are being denied rights and benefits to which they would otherwise be entitled.

It is the intention of the Legislature in enacting this chapter

provide for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers.

7292. Every state agency, as defined in Section 11000, except the State Compensation Insurance Fund, directly involved in the furnishing of information or the rendering of services to the public whereby contact is made with a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions to ensure provision of information and services to the public, in the language of the non-English-speaking person.

7293. Every local public agency, as defined in Section 54951, serving a substantial number of non-English-speaking people, shall employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to assist those in such positions, to ensure provision of information and services in the language of the non-English-speaking person. The determination of what constitutes a substantial number of non-English-speaking people and a sufficient number of qualified bilingual persons shall be made by the local agency.

7294. An employee of a state or local agency, as defined by Sections 11000 and 54951, may not be dismissed to carry out the purposes of this chapter. A state or local public agency need not implement this chapter by filling employee public contact positions made vacant by retirement or normal attrition.

7295. Any materials explaining services available shall be translated into any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. The determination of when these materials are necessary when dealing with local agencies shall be left to the discretion of the local agency.

7295.2. Every state agency which serves a substantial number of non-English-speaking people and which provides materials in English explaining services shall also provide the same type of materials in any non-English language spoken by a substantial number of the public served by the agency. Whenever notice of the availability of materials explaining services available is given, orally or in writing, it shall be given in English and in the non-English language into which any materials have been translated. This section shall not be interpreted to require verbatim translations of any materials provided in English by a state agency.

7295.4. Whenever a state agency finds that the factors listed in both subdivisions (a) and (c) or (b) and (c) exist, it shall distribute the applicable written materials in the appropriate non-English language through its local offices or facilities to non-English-speaking persons, or, as an alternative, the state agency may instead elect to furnish translation aids, translation guides, or provide assistance at such local offices in completing English forms or questionnaires and in understanding English forms, letters or notices.

(a) The written materials, whether forms, applications, questionnaires, letters or notices, solicit or require the furnishing of information from an individual or provide that individual with information.

(b) The information solicited, required or furnished affects or may affect the individual's rights, duties or privileges with regard to that agency's services or benefits.

(c) The local office or facility of the agency with which the individual is dealing, serves a substantial number of non-English-speaking persons.

7296. As used in this chapter, a "bilingual person" is a person who is proficient in both the English language and the foreign language to be used.

7296.2. As used in Sections 7292 and 7295.2, a "substantial number of non-English-speaking people" are members of a group who either



not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise percent or more of the people served by any local office or facility of a state agency.

7296.4. As used in Section 7292, "a sufficient number of qualified bilingual persons in public contact positions" is the number required to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services; provided, however, that where the local office or facility of the state employs the equivalent of 25 or fewer regular, full-time employees, it shall constitute compliance with the requirements of this chapter if a sufficient number of qualified bilingual persons are employed in public contact positions, or as interpreters to assist those in such positions, to provide the same level of services to non-English-speaking persons as is available to English-speaking persons seeking such services from such office or facility.

7297. As used in this chapter, a "public contact position" is a position determined by the agency to be one which emphasizes the ability to meet, contact and deal with the public in the performance of the agency's functions.

7298. The provisions of this chapter are not applicable to school districts, county boards of education, or the office of a county superintendent of schools.

7299. The provisions of this act shall be implemented to the extent that local, state or federal funds are available, and to the extent permissible under federal law and the provisions of civil service governing the state and local agencies.

7299.1. State agencies may, utilizing existing funds, contract for telephone based interpretation services in addition to employing bilingual persons in public contact positions.

7299.2. The State Personnel Board shall be responsible for informing state agencies of their responsibilities under this chapter and providing state agencies with technical assistance, upon request on a reimbursable basis.

7299.4. (a) Notwithstanding any other provision in this chapter, each state agency shall conduct an assessment and develop and update an implementation plan that complies with the requirements of this chapter.

(b) Each agency shall conduct a survey of each of its local offices every two years to determine all of the following:

(1) The number of public contact positions in each local office

(2) The number of bilingual employees in public contact positions in each local office, and the languages they speak, other than English.

(3) The number and percentage of non-English-speaking people served by each local office, broken down by native language.

(4) The number of anticipated vacancies in public contact positions.

(5) Whether the use of other available options, including contracted telephone based interpretation services, in addition to bilingual persons in public contact positions, is serving the language needs of the people served by the agency.

(6) A list of all written materials that are required to be translated or otherwise made accessible to non- or limited-English-speaking individuals by Sections 7295.2 and 7295.4

(7) A list of materials identified in paragraph (5) that have been translated and languages into which they have been translated.

(8) The number of additional bilingual public contact staff, if any, needed at each local office to comply with this chapter.

(9) Any other relevant information requested by the State Personnel Board.

(c) Each agency shall calculate the percentage of non-English-speaking people served by each local office by rounding the percentage arrived at to the nearest whole percentage point.

The survey results shall be reported on forms provided by the State Personnel Board, and delivered to the board not later than March 31 of every even-numbered year beginning with 1992.

(d) Beginning in 2003 and in every even-numbered year thereafter

each state agency shall develop an implementation plan that, at a minimum, addresses all of the following:

(1) The name, position, and contact information of the employee designated by the agency to be responsible for overseeing implementation of the plan.

(2) A description of the agency's procedures for identifying written materials that need to be translated.

(3) A description of the agency's procedures for identifying language needs at local offices and assigning qualified bilingual staff.

(4) A description of how the agency recruits qualified bilingual staff.

(5) A description of any training the agency provides to its staff on the provision of services to non- or limited-English-speaking individuals.

(6) A detailed description of how the agency plans to address a deficiency in meeting the requirements of this chapter, including but not limited to, the failure to translate written materials or employ sufficient numbers of qualified bilingual employees in public contact positions at local offices, the proposed actions to be taken to address the deficiencies, and the proposed dates by when the deficiencies can be remedied.

(7) A description of the agency's procedures for accepting and resolving complaints of an alleged violation of this chapter.

(8) A description of how the agency complies with any federal or other state laws that require the provision of linguistically accessible services to the public.

(9) Any other relevant information requested by the State Personnel Board.

(e) In developing its implementation plan in 2003, each state agency may rely upon data gathered from its 2002 survey.

(f) Each state agency shall submit its implementation plan to the State Personnel Board no later than October 1 of each applicable year. The board shall review each plan, and, if it determines that

the plan fails to address the identified deficiencies, the board shall order the agency to supplement or make changes to its plan. state agency that has been determined to be deficient shall report the State Personnel Board every six months on its progress in addressing the identified deficiencies.

(g) If the board determines that a state agency has not made reasonable progress toward complying with this chapter, the board issue orders that it deems appropriate to effectuate the purposes this chapter.

7299.5. The State Personnel Board may exempt state agencies from the requirements of Section 7299.4, where the State Personnel Board determines that any of the following conditions apply:

(a) The agency does not furnish information or render services the public.

(b) The agency has consistently received such limited public contact with the non-English speaking public that it has not been required to employ bilingual staff under Section 7292.

In order to receive an exemption, each state agency must annual petition the State Personnel Board for the exemption and receive approval in writing. An agency may not receive an exemption for more than three consecutive years.

7299.6. The State Personnel Board shall review the results of the surveys and implementation plans required to be made by Section 7299.4, compile this data, and provide a report to the Legislature every two years. The report shall identify significant problems or deficiencies and propose solutions where warranted.

7299.8. It is not the intent of the Legislature in enacting this chapter to prohibit the establishment of bilingual positions, or printing of materials, or use of interpreters, where less than 5 percent of the people served do not speak English or are unable to communicate effectively, as determined appropriate by the state or local agency. It is not the intent of the Legislature in enacting this chapter to require that all public contact positions be filled with bilingual persons.

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