

FOUR FACTOR ANALYSIS
ASSESSING
LIMITED ENGLISH PROFICIENCY

PREPARED BY

City of Lexington

FOR

**THE COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM**

APPROVED ON: _____

A. POLICY STATEMENT

It is the policy of the City of Lexington to take reasonable steps to provide meaningful access to its programs and activities for persons with Limited English Proficiency (LEP). The City of Lexington's policy is to ensure that staff will communicate effectively with LEP individuals, and LEP individuals will have access to important programs and information. City of Lexington 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 City of Lexington addresses the following:

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

E. FOUR FACTOR ANALYSIS BY City of Lexington for the described program or activity:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered.

Demographic data from the 2021 American Community Survey indicates that the number of adult residents in this Census Tract that speak a language other than English at home is 56.4%. Of these 53.6% reported as Speaking Spanish, and 2.8% report speaking some other language. 57.3% or 686 of those Speaking Spanish reported speaking English “less than very well.” Of those individuals who speak a language other than Spanish, 80.6% or 50 report speaking English “less than very well.” Spanish is the most common language spoken in the home, followed by “other” at 2.8%. Demographic information provided by the school district and large employers in the community as well as anecdotal information leads to a reasonable assumption that the second most common foreign language in Lexington is Somali.

2. The frequency with which LEP persons using a particular language come in contact.

services, as well as informal requests for language assistance from residents. Anecdotal evidence from municipal employees with high rates of customer contact indicates that a language barrier does exist with a significant portion of the population – although many residents have found solutions that are workable for them – such as bringing a family member or friend with them who is capable of translation. However, not all residents provide for their own translation and in those instances the burden to ensure that accurate communication is possible between the City and residents rests with the City. The majority of the services provided to individuals are either:

- 1) Printed communication regarding particular project or proposal; or
- 2) Face-to-face communication at customer service positions regarding ongoing services provided by the City (utilities billing, police services, etc.).

3. The nature and importance of the above described program or activity provided to the individual's life.

The first type of communication has less urgency. Generally such communication is prepared far in advance of the project, allowing for translation to be obtained in advance or providing adequate time between receipt of the communication by the resident and the subject of the communication (i.e. street closing, listening session) to allow for the resident to request translation services if the communication was not already translated.

The second type of communication is more immediate, and may have serious implications (e.g. police services). Immediate translation services should be offered for these situations via Language Line, employees certified for translation, or other contracted certified translation services. State the importance of the project to an LEP person's life.

4. The resources available to City of Lexington, and costs associated providing LEP services.

The cost of an extensive LEP Assistance program is not within the budgetary means of the City. In addition, a significant percentage of the population that may benefit from assistance, i.e. some Somali residents, have self-reported through their community leaders as having low or no literacy; this makes providing printed communication, which is often the most cost-effective means for translation for a language that is less common in Central Nebraska, more challenging. However, ongoing assessment of the program and assistance requested received will be necessary to ensure that the budget allocated for this program remains appropriate and that the means of providing communication is effective. Should the demonstrated need for translation services show substantial increase, budgetary allocation will have to be re-examined.

As a result of the Four Factor Analysis completed on February 24, 2023, City of Lexington has determined a Language Assistance Plan is needed: YES NO

LANGUAGE ASSISTANCE PLAN

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

the City of Lexington understands that the actions the City is expected to take to meet its LEP obligations depend upon the results of the Four Factor Analysis including the services the City offers, the City's service area, the resources the City possesses, and the costs of various language service options. However, the City of Lexington 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 Lexington will use to identify LEP persons with whom the City of Lexington has contact, the size of LEP populations, and the languages of LEP populations.

The LEP population shall be assessed by the appointed Coordinator with data from the following sources:

- I. U.S. Census Bureau for Lexington, Nebraska municipality including the American Community Survey;
- II. Review of prior municipal experiences with LEP individuals, including frequency of contact requesting assistance;
- III. Enrollment of English-Second-Language students in public school district.
- IV. Workforce language needs reported by employers in the community.

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

The City of Lexington may have contact with LEP individuals through service provisions, such as utility accounts and billing, park and recreational programs, and public safety. Communication with LEP individuals is also likely to take place in a larger forum, such as in listening sessions, public meetings, or through open houses or printed communications directed to inform and engage residents regarding specific projects.

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

Newspaper notifications will be printed in the *Lexington Clipper-Herald* (English newspaper) and *the Que Pasa* (Spanish language newspaper). An advertisement will be published (in English) in the *Lexington Clipper-Herald* in three issues. One advertisement (in Spanish) will be published in the monthly newspaper *Que Pasa*. *The City of Lexington* will issue a news release, although there is no guarantee a news outlet will run the news item.

The *Lexington Clipper-Herald* is published twice a week, on Wednesday and Saturday. *Que Pasa* is a monthly newspaper published on the first of the month by the *Lexington Clipper-Herald*.

For route-specific project notification, such as road projects, direct mailings will be sent to all persons/businesses/organizations in proximity to the project area, the list to be created by the City of Lexington. Direct mailings will be printed in English and Spanish.

Project fliers printed in English and Spanish will be posted at the following locations:

- Lexington City Hall
- Lexington City Library
- Somali Community Center
- Lexington Area Chamber of Commerce
- Immigrant Legal Center (Immigration Assistance Organization)
- Optional: One or two churches in the project area, known to have substantial Hispanic outreach

Project information will be posted on the City of Lexington website (Posted in English and Spanish). The City's website has been designed with a Spanish translation feature that the user can invoke.

A City of Lexington project representative will meet with Somali community leader(s) in Lexington, present the project information, and arrange for the information to be either translated or interpreted, as necessary, for the Somali LEP population. The information presented to the Somali leaders will be identical to the information published in English and Spanish. Since a majority of Somali immigrants are not literate in a Somali language, information will be provided at a minimum in English. Somali leader(s) will be briefed on the project. They in turn can convey the notification to interested parties, and at any Somali gathering where information is disseminated.

4. the City of Lexington'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.

All City staff shall be trained annually on the LAP and contracted translation services. New staff shall receive training upon hire. In addition, staff responsible for monitoring recipients of HUD funding shall review the LAP and any documented requests for LEP assistance on file prior to each CDBG application.

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

At this time, Vital Documents for immediate translation shall consist of notices of the City's ability to provide language assistance and instructions for requesting such. The City is in development of a list of Vital Documents to be translated and considering various methods for obtaining or contracting for those services. Translation needs will be assessed on an ongoing basis and additional Vital Documents may be added to translation as necessary.

Vital Documents shall be translated into Spanish. Notice of language assistance has already been translated.

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

Informational materials shall be translated as deemed by the program or project beneficiaries. For example the 2015 OOR program, promotional materials were translated to Spanish and marketed in conjunction with English promotions. As potential applicants expressed interest, additional translated materials were provided upon request. Communication with Somali residents will take place as described in Section 3.

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

As stated in the public notice, translated into Spanish, individuals must contact the City four business days prior to the scheduled meeting so that translation services may be arranged. The City will attempt first to provide an in-person certified translator, but may utilize a conference call translation service, such as Language Line, during the meeting.

Example: Individuals requiring physical or sensory accommodations including interpreter service, Braille, large print or recorded materials should contact the LEP Coordinator at P.O. Box 70, Lexington, NE 68850 or by calling 308-324-2341 no later than July 1, 2015.

Si tiene poca Inglés de aptitud, por favor pregunte por cualquier alojamiento, incluyendo la traducción de los servicios o documentos, que usted necesita ponerse en contacto con LEP Coordinator al PO Box 70, Lexington, NE 68850 o llamando al 308-324-2341 a más tardar el 08 de julio 2015.

This same option will be made available to Somali residents, as described in Section 3.

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

The City of Lexington shall encourage employees to become certified translators and shall seek out certified translators currently engaged in the community in organizations including, but not limited to, the public school system and Central Community College. The City shall continue to support and expand a working relationship with leaders within the Somali community to provide language assistance.

9. The City of Lexington’s plan for monitoring and updating the LEP.

The appointed coordinator shall review the LEP plan every three (3) years or after five (5) requests for language assistance, whichever occurs first. The appointed coordinator shall review and update census data and revise the Plan and associated documents to reflect any changes in languages in the area. Requests for assistance will be reviewed and modifications to the process made if necessary.

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 Lexington
Attn: Dennis Burnside, LEP Coordinator
406 E 7th Street
PO Box 70
Lexington, NE 68850

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

Citizen Participation Plan

City of Lexington, Nebraska

A. Participation by Citizens

All citizens, including low- and moderate-income citizens, shall be requested and encouraged to participate in the assessment of community issues, problems and needs; the identification of potential solutions; and priority to such issues, problems and needs, as follows:

1. All citizens shall be periodically requested to complete a community needs survey to identify community and neighborhood issues, problems and needs.
2. All citizens shall be notified by publication and posting of all meetings to discuss the identified needs, potential solutions and solution priorities.
3. All citizens, particularly low and moderate-income citizens, shall be afforded the opportunity to serve on various community improvement task forces established by the City of Lexington.

B. Access to Meetings, Information and Records

Notice of public meetings conducted by the City of Lexington shall be published or posted within a reasonable number of days prior to such meetings.

Agendas of all such meetings shall be available at the City Hall for public inspection.

All meetings where CDBG projects or applications are to be discussed shall be published or posted for ten (10) days prior to such meetings and all information and records concerning such CDBG projects or applications shall be available for public inspection at the City Hall.

All meetings will be held at a time and City Hall convenient to potential or actual beneficiaries which will be accessible to all citizens. The building and site will also be accessible to persons with disabilities.

C. Specific CDBG Project Information

All citizens shall be provided with information regarding specific CDBG projects through public meetings and publication of notices which provide all pertinent information regarding any CDBG project including, but not limited to:

1. The amount of CDBG funds expected to be made available to the City of Lexington for the current fiscal year, including CDBG funds and anticipated program income;
2. The specific range of activities that may be undertaken with CDBG funds;
3. The estimated amount of CDBG funds to be used for activities that will meet the national objective of benefit to low-and moderate-income persons, and;
4. A description of any proposed CDBG funded activities that are likely to result in displacement of persons along with the City of Lexington anti-displacement and relocation plans.

D. Provisions for Technical Assistance to Citizens

The City of Lexington shall maintain current information of available resources for community improvement efforts and CDBG programs available and provide such information upon request by any citizen or group representing any citizen or group of citizens and the City Manager shall provide assistance in developing proposals to address issues, problems and needs identified by such citizen or citizens.

E. Public Hearing on CDBG Activities

The City of Lexington shall enact a minimum of two (2) public hearings to be conducted with regard to any CDBG activity to obtain citizen input, comments or opinions regarding the application and the status of the implementation of the project.

Conduct at least one public hearing on the activities proposed in the application. The hearing must include:

- How the need for the activities were identified;
- How the proposed activities will be funded and the sources of funds;
- Requested amount of federal funds;
- Estimated portion of federal funds that will benefit low-and moderate-income persons;
- Where the proposed activities will be conducted;
- Plans to minimize displacement of persons and businesses resulting from funded activities;
- Plans to assist persons actually displaced; and
- The nature of the proposed activities.

Conduct at least one public hearing on the status of funded activities. The hearing must include a review of the following:

- General description of accomplishments to date;
- Summary of expenditures to date;
- General description of the remaining work; and
- General description of changes made to the project budget, performance targets, activity schedules, scope, location, objectives, or beneficiaries.

The City Manager shall act as the contact person for all questions, comments or concerns expressed by any citizen with regard to any CDBG program or project and shall forward any such questions, comments or concerns to the City Council at the next regular meeting of the Lexington City Council immediately following expression of such questions, comments or concerns. The City Manager shall also be responsible for transmitting the City Council response to any such question, comment or concerns to the citizen or citizens expressing the same.

F. Needs of Non-English Speaking Citizens

The Lexington City Council shall conduct the public hearings in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate, the City Manager shall arrange for oral or written translation of information regarding any CDBG program, application or project upon request by such non-English speaking persons or representatives of such persons.

G. Compliance/Grievance Procedures

The City Manager shall post a notice at the City Hall that provides name, telephone number, address, and office hours of the City of Lexington for citizens who wish to file a complaint or grievance regarding any CDBG program, project or application.

Individuals wishing to submit a complaint or file a grievance concerning activities, of or application for, CDBG funds may submit a written complaint or grievance to the Assistant City Manager.

The Assistant City Manager shall present such complaint or grievance to the City of Lexington at the next regular meeting of the Lexington City Council, where it be reviewed by the Board members. The individual submitting such complaint or grievance shall be notified of such meeting and shall be given the opportunity to make further comments at such meeting. The Lexington City Council shall issue a written response to any complaint or grievance within fifteen (15) days following the meeting at which a response is formulated. Such response shall be mailed to the individual citizen(s) submitting the complaint or grievance by the Assistant City Manager to the last known address of said citizen(s).

In the event that the nature of the complaint or grievance is determined to be a matter requiring immediate action, a special meeting of the Lexington City Council shall be called to review the matter within ten (10) days of receipt of such complaint or grievance.

H. Adoption

This Citizen Participation Plan is hereby adopted by action of the City Council of the City of Lexington, Nebraska.

Signed:

Chief Elected Official: John Fagot, Mayor

Attest: Pam Baruth, City Clerk

2/28/2023

Date