



San Diego and  
Imperial Counties

VIA ELECTRONIC MAIL

January 12, 2022

Imperial County Board of Supervisors

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**Re: Language Access to Board Meetings**

Dear Board Members:

I write to discuss concerns about language access to Imperial County Board of Supervisors meetings. As the County has recognized, at least 76.1% of the County's residents speak a language other than English at home, with 97.97% of those residents speaking Spanish.<sup>1</sup> Full participation in the Board's proceedings depends on sufficient language access to ensure effective communication between Board and community members.

Given the County's high concentration of persons who speak Spanish and other languages, many of whom have limited proficiency in English, it is vital that the Board recognize and uphold its language access obligations by taking the following measures, to the extent it is not already doing so.

First, when the Board "limits time for public comment" at its meetings, the Brown Act requires that it "shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency." Govt. Code § 54954.3(b)(2).

Second, the Board should provide a certified interpreter on request for its public meetings, at least for Spanish-speaking persons with limited English proficiency, as well as posting information on the County's website about how to request a translator or seek other accommodations, as, for example, San Diego County does. See <https://www.sandiegocounty.gov/content/sdc/cob/bosa/aginfo.html>.

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<sup>1</sup> County of Imperial's Access for Persons with Limited English Proficiency (LEP) Plan

[https://imperial.granicus.com/MetaViewer.php?view\\_id=2&event\\_id=1671&meta\\_id=240217](https://imperial.granicus.com/MetaViewer.php?view_id=2&event_id=1671&meta_id=240217), Ex. 6 (p.100) ("LEP Plan").

As Imperial County's LEP Plan states, most County departments "have employees certified to provide assistance or translation services to Spanish-speaking LEP persons," and "[e]mployees are available upon request to provide language interpretive services during Imperial County Board of Supervisors meetings." The County also guarantees "free language assistance services" such as "oral interpretation, free of charge and in a timely manner."<sup>2</sup> On paper, the County apparently recognizes the obligation to provide oral language interpretation, consistent with federal and state law.

Under federal law, recipients of federal funding must "take reasonable steps to ensure meaningful access to their programs and activities by LEP persons," based on "four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs." Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed. Reg. 41455, 41459 (2002). Given the number of LEP persons in the County, the importance of the Board's proceedings, and the number of certified interpreters already employed by the County, each of those factors favors providing an interpreter at the Board's meetings. *Cf.* Elections Code § 21508(b) (requiring "live translation in an applicable language of a public hearing or workshop" concerning redistricting, on request).

Under state law, it is a "discriminatory practice" for a recipient of state funds "to fail to take appropriate steps to ensure that alternative communication services are available to ultimate beneficiaries," including members of the public, "except where the State agency determines that such a requirement would place an undue hardship on the recipient." 2 Cal. Code Regs. § 11162(c). "Alternative communication services" include "the provision of the services of a multilingual employee or an interpreter." 2 Cal. Code Regs. § 11161(a); *cf.* Govt. Code § 7293 (requiring that local public agencies "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"). Given that the County's LEP plan has already recognized the availability and importance of interpreting services, it is difficult to see how any "undue burden" would be imposed by providing interpreters for Board meetings.

I hope this information is helpful, and I look forward to confirming that the Board will ensure extra time to persons speaking through interpreters and also provide certified interpreters at its public meetings. Please let me know if you have any questions.

Sincerely,

**s/David Loy**

David Loy  
Legal Director

cc: County Counsel

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<sup>2</sup> <https://hr.imperialcounty.org/wp-content/uploads/2019/09/NoticeInterpretingServices.pdf>.