

# City of Seward, NE

Tuesday, May 17, 2016

Regular Session

## Item G3

### **PUBLIC HEARING - 7:00 P.M. - DEPARTMENT OF ECONOMIC DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION - PRE-DEVELOPMENT OF A DOWNTOWN REVITALIZATION PROGRAM - Rian Harkins, SENDD**

*Consideration for approval of the Limited English Proficiency and Language Assistance Plan for the 2016 CDBG DTR Program and authorization of the Mayor to sign said Plan.*

*Consideration of a Resolution authorizing the execution of all contracts, documents, or other memoranda between the City of Seward and the Nebraska Department of Economic Development to accept the grant.*

**Administrative Report:** The City of Seward is requesting \$30,000 in CDBG funds to conduct pre-development activities to for the “Downtown Revitalization (DTR)” program (Phase 1). Activity 0630-Planning will be used to implement a citizen participation process to identify, evaluate and prioritize downtown revitalization projects that result in a Downtown Revitalization Master Plan for the community. This activity will address the National CDBG objective of eliminating Slums and Blight. Of the CDBG funds \$27,900 will be available for the planning activities (0630) and \$3,000 will be available for CDBG project administrative costs (0181). In addition, it is anticipated that another \$7,500 will be provided by the City as local match. Total project costs are estimated at \$37,500. There are no plans for displacement of people as a result of this CDBG-Planning activity. However, the City will adopt a plan for assisting persons actually displaced by any CDBG assisted activities.

Following the public hearing, presentation of information, discussion and review, 1) a motion to approve the Limited English Proficiency and Language Assistance Plan, and 2) a motion to adopt the resolution would be in order.

Staff Contact:



## NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN that on Tuesday, May 17, 2016, at 7:00 P.M.** in the Municipal Building Council Chambers, 142 N. 7<sup>th</sup> Street, Seward, Nebraska, the City Council will hold a Public Hearing concerning an application to the Nebraska Department of Economic Development (NDED) for a Community Development Block Grant (CDBG). This grant is available for community development activities.

The City of Seward is requesting \$30,000 in CDBG funds to conduct pre-development activities to for the "Downtown Revitalization (DTR)" program (Phase 1). Activity 0630-Planning will be used to implement a citizen participation process to identify, evaluate and prioritize downtown revitalization projects that result in a Downtown Revitalization Master Plan for the community. This activity will address the National CDBG objective of eliminating Slums and Blight.

Of the CDBG funds \$27,900 will be available for the planning activities (0630) and \$3,000 will be available for CDBG project administrative costs (0181). In addition, it is anticipated that another \$7,500 will be provided by the City as local match. Total project costs are estimated at \$37,500. There are no plans for displacement of people as a result of this CDBG-Planning activity. However, the City will adopt a plan for assisting persons actually displaced by any CDBG assisted activities.

The grant application will be available for public inspection at the City Clerk's office during regular working hours. All interested parties are invited to attend this public hearing, at which time you will have an opportunity to be heard regarding the grant application. Written and oral testimony will also be accepted at the public hearing scheduled for 7:00 p.m., May 17, 2016, at the Municipal Building Council Chambers, 142 N. 7<sup>th</sup> Street, Seward, Nebraska. Written comments addressed to the City Clerk, City Hall, 537 Main Street, Seward, Nebraska, 68434 will also be accepted if postmarked on or before Thursday, April 12, 2016.

Individuals requiring physical or sensory accommodations including interpreter service, braille, large print, or recorded materials, please contact: City Clerk, (402) 643-2928 no later than 12:00 noon on Friday, May 13, 2016. Accommodations will be made for persons with disabilities and non-English speaking individuals provided that a one day notice is received by the City of Seward.

/s/Bonnie Otte  
City Clerk

Publish one time April 27, 2016  
One Proof of Publication

**FOUR FACTOR ANALYSIS  
ASSESSING  
LIMITED ENGLISH PROFICIENCY  
AND  
LANGUAGE ASSISTANCE PLAN**

**PREPARED BY  
SEWARD, NEBRASKA**

**FOR  
THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**EXHIBIT O-1**

## **A. POLICY STATEMENT**

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

**EXHIBIT O-1**

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 the City addresses the following:

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

## **E. FOUR FACTOR ANALYSIS**

### **1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the City of Seward, Nebraska.**

The population age five years and older that speaks a language other than English in the home is estimated at 1.76% (117) of the population of the City according to the 2014 American Community Survey (ACS). Of the 117 people, 53 individuals speak Spanish of which 8 speak English less than very well and 8 individuals that speak French report being able to speak English less than very well. There are 6 people who speak Polish but speak English less than very well; while 21 individuals who speak Chinese report speaking English less than very well.

### **2. The frequency with which LEP persons using a particular language come in contact with the City of Seward, Nebraska.**

Due to population percentage and potential frequency of contact, no persons are identified in this plan as an "LEP Group" or as "LEP Individuals." The City of Seward estimates that it encounters very few people who do not speak English on a daily basis.

**3. The nature and importance of the City of Seward, Nebraska program or activity provided to the individual's life.**

The program under review is the Downtown Revitalization CDBG program, which will be utilized to address blighted and substandard conditions in the central business district.

**4. The resources available to the City of Seward, Nebraska, and costs associated with providing LEP services.**

There is currently one Spanish speaking City of Seward staff, who works in city offices and is available to assist those Spanish speaking individuals who need interpreter services.

As a result of the Four Factor Analysis, the City of Seward, Nebraska has determined a Language Assistance Plan is needed:  YES  NO

This plan was approved by the City Council of the City of Seward, Nebraska \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk

## **F. LANGUAGE ASSISTANCE PLAN**

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

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

The City of Seward will appoint an LEP Administrator who will be responsible for gathering and tracking the number of and purpose of contact, of LEP persons who approach city personnel for information, assistance, requests, complaints, etc. In addition, the City will use data from the U.S. Bureau of the Census most recent American Community Survey to identify the size and language(s) of LEP populations.

If an LEP population speaking a single language other than English exceeds 20%, that population shall be identified as an "LEP Group." LEP populations speaking a single language other than English totaling less than 20% shall be identified as "LEP Individuals."

The population age five years and older that speaks a language other than English in the home is estimated at 1.76% (117) of the population of the City according to the 2014 American Community Survey (ACS). Of the 117 people, 53 individuals speak Spanish of which 8 speak English less than very well and 8 individuals that speak French report being able to speak English less than very well. There are 6 people who speak Polish but speak English less than very well; while 21 individuals who speak Chinese report speaking English less than very well.

### **2. Points and types of contact the City of Seward may have with LEP persons.**

The city has many varied points and types of contact with LEP persons. Several of the primary ones include: utilities services for starting and ending service and for billing; emergency services for police, fire, medical; and library for materials, computer and internet access, and community programs.

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

**For those individuals who are Spanish speakers** - There is currently one Spanish speaking City of Seward staff, who works in city offices and is available to assist those Spanish speaking individuals who need interpreter services.

Most programs and activities offered by the city are available to Spanish speakers through interpretation (verbal translation) by city staff. These are provided at the expense of the City of Seward.

Programs and activities that provide written materials may have the materials translated by city staff, upon request. Many programs are directed to contact Blue River Community Action/Family Center for outreach to the Spanish-speaking population.

**For all other LEP Individuals** - Programs and Activities may be provided upon request in the LEP Individual's primary language through verbal or printed translation, or both. These may be provided through volunteers or at the expense of the participant.

The City doesn't necessarily provide additional outreach to LEP groups or individuals above that which it extends to the majority population of English speakers. However, most published information will state that accommodation can be made for those requiring interpretation services.

**4. The City of Seward'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.**

The LEP Administrator, which at the present time is the City Administrator, is responsible for training staff members and providing them information included within this plan. Training shall occur upon adoption of this plan by the City Council with current city staff, and shall occur upon new hire of future city staff.

The LEP Administrator will work with and train staff and outside consultants who are responsible for monitoring Recipients of HUD funding. Training shall occur upon award/contract of HUD funding and throughout the contract award period, as necessary.

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

Presently the City of Seward has no Vital Documents that have been translated.

It is recommended that within one year, the City of Seward would have a policy for the following vital documents to be translated. These documents would be translated into identified languages and made available on the City of Seward website:

City Ordinances/City Codes  
City Zoning Regulations  
Emergency-related information such as warning sirens and 911 services  
Legal Notices  
City Council meeting agendas and minutes

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

As noted above, the City approves translation of informational materials upon request of a city department, an outside entity that provides services or activities on behalf of or in conjunction with the City of Seward, and a city resident which includes public, legal, and other posted notices. Many programs are directed to contact Blue River Community Action/Family Center for outreach to the Spanish-speaking population.

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

For projects using FHWA and NDOR funds the City will have a translator present at meetings who would be available if/when someone would come in with questions or concerns about the projects. If any city meeting is planned where Spanish speakers are anticipated to attend, a Spanish speaking city staff person is scheduled to attend. If a meeting is planned that wouldn’t anticipate any need for interpretation, then a Spanish speaking interpreter is available upon request.

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

The city has several community resources and partnerships in place to help with the provision of language services. These include: Blue River Community Action/Family Center which provides a variety of community services and programs and serves as a resource center for the Spanish speaking population in Seward.

**9. The City of Seward’s plan for monitoring and updating the LAP.**

The City of Seward’s LEP Administrator will be responsible for monitoring and updating the LAP. It is recommended that the LAP be reviewed at a minimum annually and updated as needed.

## AVAILABLE LEP RESOURCES

HUD Frequently Asked Questions on the Final LEP Guidance:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/promotingfh/lep-faq](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq)

HUD's LEP Website:

<http://www.hud.gov/offices/fheo/lep.xml>

Federal LEP Website:

<http://www.lep.gov/>

LEP and Title VI Videos:

<http://www.lep.gov/video/video.html>

"I Speak" Card:

<http://www.lep.gov/ISpeakCards2004.pdf>

## 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 Seward**  
**Attn: LEP Administrator**  
**537 Main Street**  
**Seward, NE 68434**

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](mailto:Betty.Bottiger@hud.gov)

**RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN  
AN APPLICATION FOR CDBG FUNDS**

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**Resolution # \_\_\_\_\_**

Whereas, the City of Seward, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and,

Whereas, the City of Seward, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$37,500 for Phase 1 Pre-Development of a "Downtown Revitalization" program; and,

NOW, THEREFORE, BE IT RESOLVED BY

City Council of Seward, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of Seward and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Josh Eickmeier, Mayor

\_\_\_\_\_  
Title

\_\_\_\_\_  
May 17, 2016

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bonnie Otte, City Clerk

(SEAL)

**EXHIBIT B**