

MISSING ORIGINAL LEGISLATION

Resolution / Ordinance Number: 8 2 0 2 4
City Council Meeting Date May 19, 2009
Agenda Item No. 10.36
Recorded Vote 5 Ayes, 3 Excused Brooks, Quan, Reid

- Draft received for packet
 Council amended legislation at the meeting (Title Change at Rules)

Responsible Contact Information

Department City Council
Contact Person/Ext. Claudia Burgos x7051

Notes (if any)

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

Barbara J. O'Neil
City Attorney

2009 MAY -8 AM 10:28

OAKLAND CITY

RESOLUTION NO. _____

INTRODUCED BY VICE MAYOR IGNACIO DE LA
COUNCILMEMBER PATRICIA KERNIGHAN

Resolution Opposing Assembly Bill 781 ("Language" Relating to Bilingual Hiring in Government

WHEREAS, On May 8, 2001, the Oakland City Council adopted Ordinance "Equal Access to Services" Ordinance; and

WHEREAS, the "Equal Access to Services" Ordinance requires city departments to offer bilingual services and materials if a substantial portion of the public utilizing city services does not speak English effectively because it is not their primary language; and

WHEREAS, the City Council made a policy decision eight years ago to establish a form of government that is truly inclusive of all its residents, and

WHEREAS, the City of Oakland is committed to the delivery of effective, courteous and responsive services, and

WHEREAS, California Government Code Section 7290, also known as the Dymally-Altorre Bilingual Services Act, requires that every local public agency serving a substantial number of non-English speaking people, employ a sufficient number of qualified bilingual persons in public contact positions, and

WHEREAS, the City Council determined that the public safety, health, convenience, comfort, property, and general welfare would be furthered by the provisions of the Equal Access to Services Ordinance which established standards and procedures with respect to access to City programs and services by residents who are not fluent in English; and

WHEREAS, on May 8, 2001, the Oakland City Council declared that there are substantial numbers of persons who live, work, and pay taxes in Oakland are unable to communicate effectively in English because their primary language is not English; and

WHEREAS, Oakland's Equal Access Ordinance is consistent with and supplements California's Dymally-Alatorre Bilingual Services Act, Government Code 7290 which requires state and local public agencies serving a substantial number of limited English-speaking people to provide services and materials in the language(s) spoken by those persons; and

RULES

5/14

10:34
the change @
Rules 5/14

ED

WHEREAS, AB 781 is a direct attack on Oakland's Equal Access Ordinance; and

WHEREAS, the AB781 fact sheet states: The problem with the Oakland ordinance, and California law, is three-fold: 1) it does not provide specific methodology guidance for bilingual hiring when more than one shared language population is no less than 10,000, 2) it pits different ethnic groups against each other, and 3) it discriminates against California residents who only speak English; and

WHEREAS, AB 781 would amend state law to allow city, county and state governments to establish bilingual hiring requirements for a job only if the ability to speak a language other than English is a "bona fide occupational qualification" for the job; and

WHEREAS, Oakland's Equal Access Ordinance has been in place for over eight years and has never been legally challenged; and

WHEREAS, Oakland's Equal Access Ordinance specifically states: "This article shall ' be interpreted and applied so as to be consistent with Title VII of the Civil Rights Act of 1964, California's Fair Employment and Housing Act, Americans with Disabilities Act, and any article of the City of Oakland's Charter and so as not to impede or impair the City's obligations to comply with any court order or consent decree;" now, therefore be it

RESOLVED: The City of Oakland declares its opposition for AB 781 (Jeffries); and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, , 200_
PASSED BY THE FOLLOWING VOTE:

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,
AND PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION-

Attest: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California