

CITY OF OAKLAND  
BILL ANALYSIS



2010 MAY 13 PM 5:25  
Date: May 13, 2010

Bill Number: AB 781 (as amended)

Bill Author: Jeffries

DEPARTMENT INFORMATION

Contact: Claudia Burgos, District 5, 238-7051  
cburgos@oaklandnet.com

RECOMMENDED POSITION: OPPOSE

Summary of the Bill:

Originally introduced during the 2008-2009 legislative session, AB 781 became a two year bill and has been re-introduced with amendments for the 2009-2010 legislative session.

AB 781 Clarifies bilingual services obligations regarding nondiscrimination and public information. Specifically, this bill:

- 1) Provides that no state or local agency shall impose or implement an action or decision pursuant to this chapter as pretext for discrimination on the basis of race, national origin or other unlawful discrimination in employment, **including specifically any requirement that an employee be bilingual (emphasis added.)** An action or decision taken for the purpose of fulfilling the requirements of this chapter shall not be considered a pretext for discrimination.
- 2) Specifies that all information and reports required by the Dymally-Alatorre Bilingual Services Act (DABSA) shall be public information unless otherwise restricted by law.

Positive Factors for Oakland

NONE

Negative Factors for Oakland

Existing Law: Government Code Section 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.

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On May 8, 2001, the City of Oakland became the first city in the nation to pass an Equal Access to Service ordinance with the purpose of removing language barriers for limited English speakers attempting to access City services. City of Oakland departments are required to provide language access for residents who are limited English speakers through the availability of bilingual staff and translated written outreach materials.

AB 781, if passed, could potentially deter local governments from requiring bilingual skills and would negatively impact our residents by preventing them from accessing essential city services.

There are over 125 languages and dialects spoken in Oakland and we are recognized across the country for our diversity. In an effort to meet the needs of our very diverse population, Oakland adopted its Equal Access Ordinance which established the City's commitment to serve all of its communities, regardless of one's ability to speak English. It is of paramount importance that all residents regardless of their ability or proficiencies in English have access to City programs, support, and services. Oakland is the only City in California with an Equal Access Ordinance and this is a direct attack on our ordinance.

**PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:**

- Critical (top priority for City lobbyist, city position required ASAP)**
- Very Important (priority for City lobbyist, city position necessary)**
- Somewhat Important (City position desirable if time and resources are available)**
- Minimal or**  **None (do not review with City Council, position not required)**

**Known support:**  
California State NAACP

**Known Opposition:**  
None on File

**Respectfully Submitted,  
Councilmember De La Fuente,  
Vice Mayor Jean Quan,  
Councilmember Pat Kernighan**

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FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

City Attorney

2010 MAY 13 PM 9:28 **OAKLAND CITY COUNCIL**

**DRAFT**

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER IGNACIO DE LA FUENTE, VICE MAYOR JEAN QUAN,  
COUNCILMEMBER PATRICIA KERNIGHAN

**Adopt a Resolution in Opposition of Assembly Bill 781, as amended (JEFFRIES),  
"Bilingual Services" which would effect statutory changes relating to bilingual hiring  
requirements in Local Agencies**

**WHEREAS**, On May 8, 2001, the Oakland City Council passed the "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

**WHEREAS**, AB 781 is a direct attack on Oakland's Equal Access Ordinance; 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, 2010  
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**