

RESOLUTION NO. 2006-130

RESOLUTION DECLARING ENGLISH AS THE OFFICIAL LANGUAGE OF THE CITY OF FARMERS BRANCH.

Whereas, the English language is the common language of the City of Farmers Branch, of the State of Texas and of the United States; and

Whereas, the use of a common language removes barriers of

misunderstanding and helps to unify the people of Farmers Branch, this State and the United States, and helps to enable the full economic and civic participation of all of its citizens, regardless of national origin, creed, race or other characteristics, and thus a compelling governmental interest exists in promoting, preserving, and strengthening the use of the English language; and

Whereas, proficiency in the English language, as well as in languages other than the English language, benefits Farmers Branch both economically and culturally and should be encouraged; and

Whereas, in addition to any other ways to promote proficiency in the English language, the City of Farmers Branch can promote proficiency in English by using the English language in its official actions and through activities such as supporting and enhancing English language usage, grammar, and literature programs and studies in its public library and other programs of the City; and

Whereas, in today's society, Farmers Branch may also need to protect and preserve the rights of those who speak only the English language to use or obtain governmental programs and benefits; and

Whereas, the City of Farmers Branch can reduce costs and promote efficiency, in its roles as employer and as a government accountable to the people, by using the English language in its official actions and activities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Farmers Branch, Texas that:

Section 1. ADOPTION OF FINDINGS

That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. OFFICIAL ENGLISH DECLARATION

a. The English language is hereby declared the Official Language of the City of Farmers Branch, Texas.

b. The City Council of Farmers Branch, the City Manager and the employees of the City of Farmers Branch shall take all steps necessary to ensure that the role of English as the common language of Farmers Branch is preserved and enhanced.

c. The City Council of Farmers Branch, the City Manager and the employees of the City of Farmers Branch shall make no ORDINANCE or adopt any POLICY which diminishes or ignores the role of English as the common language of Farmers Branch.

- d. Except as otherwise allowed herein, or required by law or business efficiency, official actions of the City of Farmers Branch which bind or commit the City of Farmers Branch or which give the appearance of presenting the official views or position of the City of Farmers Branch shall be taken in the English language, and in no other language. Unofficial or non-binding translations or explanations of official actions may be provided separately in languages other than English, if they are appropriately labeled as such and reference is made to a method to obtain the official action; unless otherwise required by federal or state law, no person has a right to such an unofficial or non-binding translation or explanation, and no liability or commitment of the City of Farmers Branch shall be based on such a translation or explanation.
- e. No ordinance, decree, program, or policy of the City of Farmers Branch or any of its subdivisions, shall require the use of any language other than English for any documents, regulations, orders, transactions, proceedings, meetings, programs, or publications, except as provided in Section 3.
- f. A person who speaks only the English language shall be eligible to participate in all programs and opportunities, including employment, provided by the City of Farmers Branch and its subdivisions, except when required to speak another language as provided in Section 3.
- g. No law, ordinance, decree, program, or policy of the City of Farmers Branch or any of its subdivisions shall penalize or impair the rights, obligations or opportunities available to any person solely because a person speaks only the English language.

SECTION 3. EXCEPTIONS

The City of Farmers Branch and its subdivisions may use a language other than English for any of the following purposes, whether or not the use would be considered part of an official action:

- a. To teach or encourage the learning of languages other than English;
- b. To protect and promote the public health, sanitation and public safety;
- c. To teach English to those who are not fluent in the language;
- d. To comply with the Native American Languages Act, the Individuals with Disabilities Education Act, the Voting Rights Act, or any other federal or state law;
- e. To protect the rights of criminal defendants and victims of crime;
- f. To promote trade, commerce, and tourism;
- g. To collect payments, fines, or other financial obligation due and payable to the City;
- h. To create or promote mottos or designations, inscribe public monuments, and perform other acts involving the customary use of a language other than English; and
- i. To utilize terms of art or terms or phrases from other languages which are commonly used in communications otherwise in English.
- j. Printed materials, signage, or other materials or documents of the City printed in languages other than English at the time of the adoption of this resolution and not otherwise excepted in this Section 3 shall not be discarded or reprinted in English only at the additional cost and expense of the taxpayers of the City until the materials have been exhausted or until they have become otherwise obsolete.

SECTION 4. PRIVATE USE PROTECTED

The declaration and use of English as the official language of the City of Farmers Branch should not be construed as infringing upon the rights of any person to use a language other than English in private communications or actions, including the right of government employees and officials (including elected officials) to communicate with others.

SECTION 5. SEVERABILITY

If any provision of this resolution, or the applicability of any provision to any person or circumstance, shall be held to be invalid by a court of competent jurisdiction, the remainder of this resolution shall not be affected and shall be given effect to the fullest extent practicable.

SECTION 6. FEDERAL AND STATE PREEMPTION

Nothing in this resolution shall be interpreted as conflicting with the statutes of the United States or the laws of this State.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS 13th day of November, 2006.