

January 5, 2010

To: Senator Lavon Heidemann

Chairperson – Appropriations Committee

Senator John N. Harms, Senator Tony Fulton, Senator Tom Hansen, Senator Heath Mello,  
Senator Danielle Conrad, Senator John Nelson, Senator Jeremy J. Nordquist,  
Senator John Wightman, Elizabeth Hruska Legislative Fiscal Analyst,  
Matthew Eash, DAS Budget Analyst

From: Severiano Franco, MEXICAN AMERICAN COMMISSION 

Reference: December 4, 2009 Memorandum regarding LB1 budgetary changes

Attachments: Budget changes spreadsheet for FY2010 with LB1 Changes  
Narrative for FY2010 budget changes with LB1 changes  
Budget changes spreadsheet for FY2011 changes  
Narrative for FY2011 budget changes with LB1 changes  
Spreadsheet for Cash Fund authorization for FY2010  
Narrative for Cash Fund authorization for FY2010  
Spreadsheet for Cash Fund authorization for FY2011  
Narrative for Cash Fund authorization for FY2011

Mr. Chairman and members of the Committee the attached represent the Mexican American Commission changes required per LB1. This office has made the necessary changes to meet the budget authorizations set forth in LB1.

We will make every effort, like other agencies will as well, to provide the same level of direct constituent service throughout the coming fiscal year. While some of these efforts have been compromised due to the fact that travel has been cut back to an absolute minimum we will seek other methods to reach out to our constituents.

December 23, 2009

To: Sen. Lavon Heidemann,

Chairperson, Appropriations Committee

Reference: Fiscal Year 2010 LB1 Budget changes

The past Executive Director of the Mexican American Commission retired due to deteriorating health, (progressive kidney failure), at the end of the past Fiscal Year. Starting in Fiscal Year 2010 the Commission transitioned the Public Information Officer as the Interim Director. With this appointment the Interim Director assumed full responsibility for the operation of the Commission necessitating he dedicate the majority of his time implementing planned budget activities. Commissioners delayed the hiring of a new Public Information Officer.

The combined salaries for the Executive Director, Public Information Officer and the Staff Assistant I for the entire Fiscal year equal the amount authorized by the Legislature for Personal Salaries. However with the vacancy in the Public Information Officer position a vacancy savings has been realized in Fiscal Year 2010 that will not exist in future fiscal years. The unexpended funds normally used to fund the Public Information Officer for the time period the vacancy existed amount to \$20,148.80.

Due to these extenuating circumstances the Commission was unable to proceed with its Personnel placements and we believe very well mitigates for a carryover of these unexpended funds to Fiscal Year 2011.

## **LB1 BUDGET REDUCTIONS**

The reduction of \$5000.00 from the Personal Salaries was possible due to the vacancy savings.

The reduction of \$4,750.00 from the Health Insurance was possible due to the vacancy savings.

The Commission historically has developed and distributed to its constituents a quarterly newsletter; however no newsletter was published during the first half of Fiscal Year 2010. Without a Public Information Office to develop the Newsletters this has allowed the Commission to achieve the Fiscal Year 2010 budget reductions (mandated by LB1) by cutting the Newsletter Printing costs by \$1,575.50 and the Postage by \$1,575.51. Newsletters will be published during the last two quarters of Fiscal Year 2010.

At the beginning of Fiscal Year 2010 Temporary contract employees were hired to complete some of the program activities. There is no additional planned activity requiring contract services remaining in the current fiscal year therefore no additional expenditures will be necessary thereby allowing for a program reduction of \$2,275.71.

LB1 reduction for the Commission is a total of \$15,176.72. The authorized Fiscal Year 2010 budget has been reduced from \$228,255.72 to \$213,079.00.

## **RESPONSES TO APPROPRIATIONS COMMITTEE**

**The expected impact on staffing to include the number and description of positions affected, whether the action to be taken involves layoffs, leaving positions vacant, furloughs, etc., and the dollar savings.**

The Mexican American Commission functions both by providing a Voice for Latinos and servicing a wide range of constituents with intake and referral services to various departments and agencies for the State as well as local government entities. The elimination of any personnel would adversely affect the level of service that is being provided to all constituent groups.

**The expected impact on services provided to the public and/or agency functions. This can include both a reduction as well as the total elimination of services/functions.**

Without the Public Information Officer the Commission has been unable to continue to identify specific areas of concern affecting our constituents and then to develop public education materials for dissemination through Broadcast Media outlets and Newspapers throughout the state. One of the major areas of concern to the Commission centers on Latino student dropouts. The Commission has been working with Educators at all levels statewide in the identification of these and other problems besetting Latinos. Once these areas of concern have been identified we work with various groups in the identification and development of problem solutions that will help ameliorate these very serious problem affecting Latinos.

**Any foreseen impact on the receipt of federal funds as a result of matching, maintenance of effort, or other requirements.**

Not applicable.

**Whether fees used to support agency operations will be increased during this biennium to offset cash fund transfers to the General Fund, If so, please indicate which fees will be increased, by how much, and the expected additional revenue.**

Not Applicable

<b>Accounts</b>	<b>Fiscal Year 2010</b>	<b>LB 1 REDUCTIONS</b>	<b>FY 2010 After LB1</b>
<b>Personal Services</b>			
Personal Salaries	128,257.58	5,000.00	123,257.58
per diem payments	1,423.00		1,423.00
Vacation Expense			
Sick Leave Expense			
Holiday Leave Expense			
Retirement Expense	8,019.26		8,019.26
OASDI Expense	8,409.00		8,409.00
Life & Accident Ins Exp	52.97		52.97
Health Insurance Exp	24,792.45	4,750.00	20,042.45
Employee Assistance	45.00		45.00
Unemployment Comp ins	3,092.32		3,092.32
Workers comp Premiums	1,103.00		1,103.00
<b>Operating Expenses</b>			
Postage	4,125.21	1,575.51	2,549.70
Com Expense - Voice data	4,353.92		4,353.92
Data Processing	1,486.26		1,486.26
Publication & Printing	4,019.35	1,575.50	2,443.85
Awards	600.00		600.00
Dues & Subscription Exp	600.00		600.00
Conference Registration	2,500.00		2,500.00
Rent Expense Buildings			
Rent Exp -other real prop			
Office Supplies	1,371.88		1,371.88
Supplies for production	2,200.00		2,200.00
food expense	731.00		731.00
ed & recreational exp	4,300.00		4,300.00
Purchasing card suspense			
Acctg & Audit services	2,445.00		2,445.00
SOS Temp Serv Personnel	6,556.32	2,275.71	4,280.61
Educational Services	5,331.65		5,331.65
Other Contract Services	676.35		676.35
Notary			
Other Operating exp			
<b>Travel Expenses</b>			
Board & Lodging	5,000.00		5,000.00
Air travel	2,551.06		2,551.06
State cars	1,698.14		1,698.14
personal vehicle	2,500.00		2,500.00
Misc travel exp	15.00		15.00
Video Conference			
<b>TOTALS</b>	<b>228,255.72</b>	<b>15,176.72</b>	<b>213,079.00</b>

December 28, 2009

Senator Lavon Heidemann

Chairperson, Appropriations Committee

Reference: Fiscal Year 2011

The Nebraska Legislature during its special session reduced State Agencies Fiscal Year 2010 budgets by 2.5% and in addition reduced by 50% the unencumbered re-appropriations. With a 5% reduction for Fiscal Year 2011 the net effect is for a reduction of \$13,245.00 for the Mexican American Commission.

As a small agency the majority of the services provided are on a first person basis. This requires staff remain at the total authorized budgetary amount. Personal Salaries will remain at \$128,761.00 for the Fiscal Year 2011. In addition Cash Fund authorization is \$35,000.00

Group Health Insurance is the second largest cost budget item and one that represents the largest percentage increase. No budget has been set for Unemployment Compensation Insurance. Historically staff has been very stable.

These budget reductions have forced the Commission to eliminate the quarterly newsletter. The Public Information Officer will be required to pursue other methods to disseminate news and program information, taking into account the special needs of our constituents. The News Media and the Internet will be utilized for the promulgation of announcements. This will be conducted working with local community groups, churches, schools and government agencies.

During the past budget years the commission has developed working relationships with the Department of Education and schools in the development of educational programs. This included conferences, special programs that encouraged competition and achievement, all designed to enhance the teaching and learning experience for students. Funding for these activities is now eliminated. In addition the contribution made by the commission to assist with conference expenses have also been eliminated. The Commission staff will continue to assist in the development of ideas and activities with the Department of Education.

All travel has been severely restricted thereby reducing the amounts associated with Conference Registrations. State Statue requires Commission Members to meet at least quarterly. As a result the budget must include funds necessary for travel, lodging, per diem and meeting related expenses.

Staff travel will be limited to use of State Vehicles. In addition these cuts allow very limited amounts to be dedicated to lodging and food expense. The most dramatic impact these budget reductions will have on the Commission's staff are the limitation to interact locally with its constituents.

The attached spreadsheet for Fiscal Year 2011 clearly illustrates the voids for previously funded activities that now remain unfunded.

## **RESPONSES TO APPROPRIATIONS COMMITTEE**

**The expected impact on staffing to include the number and description of positions affected, whether the action to be taken involves layoffs, leaving positions vacant, furloughs, etc., and the dollar savings.**

No layoffs are planned due to the nature of client service provided by the Mexican American Commission. Constituents are provided services on a one to one basis either personally or on the telephone. Constituents service would be seriously compromised with the elimination of an already small staff.

**The expected impact on services provided to the public and/or agency functions. This can include both a reduction as well as the total elimination of services/functions.**

Without the funds to visit local communities to assist these constituents in problem identification and solving will limit the assistance the Commission can provide these communities. The number of requests for assistance received by the Commission is a minor representation of the level of service necessary to accommodate all of our constituents statewide. Language, geography and knowledge of the Commission existence and services provided have always been dependent on Commission reaching out to limit the effects of these conditions. Limiting outreach services will be affected negatively by these budget reductions.

**Any foreseen impact on the receipt of federal funds as a result of matching, maintenance of effort, or other requirements.**

Not applicable

**Whether fees used to support agency operations we be increased during this biennium to offset cash fund transfers to the General Fund. If so, please indicate which fees will be increased, by how much, and the expected additional revenue.**

Not Applicable

<b>Accounts</b>	<b>FY 2011</b>
<b>Personal Services</b>	
Personal Salaries	128,761.00
per diem payments	1,450.00
Vacation Expense	
Sick Leave Expense	
Holiday Leave Expense	
Retirement Expense	9,000.00
OASDI Expense	9,000.00
Life & Accident Ins Exp	60.00
Health Insurance Exp	32,222.50
Employee Assistance	45.00
Unemployment Comp ins	
Workers comp Premiums	1,110.00
<b>Operating Expenses</b>	
Postage	800.00
Com Expense - Voice data	5,000.00
Data Processing	1,500.00
Publication & Printing	500.00
Awards	-
Dues & Subscription Exp	400.00
Conference Registration	
Rent Expense Buildings	
Rent Exp -other real prop	
Office Supplies	1,200.00
Supplies for production	
food expense	56.50
ed & recreational exp	
Purchasing card suspense	
Acctg & Audit services	2,500.00
SOS Temp Serv Personnel	
Educational Services	
Other Contract Services	
Notary	15.00
Other Operating exp	35.00
<b>Travel Expenses</b>	
Board & Lodging	2,000.00
Air travel	
State cars	1,500.00
personal vehicle	1,500.00
Misc travel exp	59.00
Video Conference	1,120.00
<b>TOTALS</b>	<b>199,834.00</b>

## FISCAL YEAR 2010

### CASH FUNDS

The Mexican American Commission has been authorized a Cash Fund budget amount of \$37,162.00. The actual cash in the account is \$4,110.00. This Cash Fund was authorized by the Legislature to provide the funds necessary to fund a Limited English Proficient (LEP) Specialist in the Mexican American Commission. This position will allow the Mexican American Commission to provide assistance to State Agencies and existing programs to come closer to compliance with Title VI and Executive Order 13166 regarding services to people with Limited English Proficiency (LEP).

Plans are to retain competent qualified person(s) during Fiscal Year 2010 to provide these services initially as a Contract Employee(s) and, depending on demand for services; this could eventually become a fulltime employee. Due to the large number of contacts received by the Commission office requesting assistance from an LEP we believe sufficient Cash Funds will be generated to fund this employee. Many of the constituent calls today are unmet due to the unavailability of LEP qualified personnel. The contracting with qualified personnel will help alleviate this deficiency.

An Interagency Contract Protocol will be established to allow the Commission and its client State Agencies to predetermine LEP Specialist service costs. This will allow the Commission to determine approximate revenue to be generated and Agencies to determine approximate annual costs. An hourly rate of \$16.00 has been established as the proper rate of compensation for the person meeting the Education and experience necessary for the LEP.

The Commission will request DAS Accounting to set up a procedure for claims filing and inter-agency payment.

Mexican American Commission Limited English Proficient Cash Fund Authorized by LB315 and LB1 for Fiscal Year 2010

	Authorized Cash Fund Amount	Actual Cash on Hand	Current Month Activity	Year to Date Actuals	Percent of Budget	Encumbrances	Variance
Personal Services		\$4,110.00					
Personal Salaries							
Per Diem Payments							
Vacation Expense							
Sick Leave Expense							
Holiday Leave Expense							
Retirement Expense							
OASDI Expense							
Life & Accident Ins Exp							
Health Insurance Exp							
Employee Assistance							
Unemployment Comp ins							
Workers Comp Premiums							
Operating Expenses							
Postage	\$500.00						
Com Expense -Voice Data							
Data Processing							
Publication & Printing	\$500.00						
Awards							
Dues & Subscriptions							
Conference Registration							
Rent Expense Buildings							
Rent Exp - other real prop							
Office Supplies Expense	\$120.00						
Supplies for Production							
Food Expense							
Ed & Recreational Exp							



**Needs Addressed by Position:**

1. Helps state agencies ensure that appropriate measures are taken to comply with Title VI.
2. Helps reduce barriers to government service based on limited ability to speak English.
3. Improves services to LEP populations.
4. Helps ensure quality of translation and interpretation services.

**Expected Outcomes:**

1. Retention of federal funds that require compliance with Title VI civil rights legislation.
2. Regularly reviewed and updated LEP guidance plans that keep pace with rapidly changing demographics and federal policy changes.
3. Improved customer service at state agencies.
4. Development of translator/interpreter resource guides for state agencies and individuals.
5. Development and implementation of outreach plans to familiarize LEP communities and individuals with government services and language access; continuous assessment of changing language-based needs.

**Nebraska Legislature – Nebraska State Statute Section 81-8,265: Commission; functions.**

- (1) Gather and disseminate information and conduct hearings, conferences, and special studies on problems and programs concerning Mexican-Americans;
- (2) Serve the needs of Mexican-Americans, especially in the fields of education, employment, health, housing, welfare, and recreation by offering such services as it may establish for the translation of documents and for the direct assistance of clients, exclusive of legal representation, in matters relating to any federal department or agency or any department or agency of the state or a political subdivision thereof;
- (3) Develop, coordinate, and assist public and private organizations and coordinate and assist the efforts of state departments and agencies to serve the needs of Mexican-Americans;
- (4) Propose new programs concerning Mexican-Americans;
- (5) Evaluate existing programs and proposed legislation concerning Mexican-Americans;
- (6) Stimulate public awareness of the problems of Mexican-Americans by conducting a program of public education and encourage the Governor and the Legislature to develop programs to deal with these problems; and
- (7) Conduct training programs for community leadership and service project staff.

**Source:** Laws 1972, LB 1081, §4; Laws 1983, LB 83, § 1.

## CASH FUNDS

### FISCAL YEAR 2011

The legislature authorized Cash Funds in the Amount of \$35,000.00 in Fiscal Year 2011 to fund the Limited English Proficient (LEP) Specialist with the Mexican American Commission to provide assistance to State Agencies receiving Federal Funds to comply with Title VI of the Civil Rights Act of 1964.

The U.S. Department of Justice stated: "Agencies have an obligation to take reasonable steps to ensure that LEP individuals have meaningful access to federally conducted education and training programs and activities." State of Nebraska agencies and private agencies receiving Federal Funds are similarly charged.

A protocol was developed to enable user agencies to utilize the services of this LEP to facilitate providing services to constituents who lacked proficiency in English. Agencies that utilize both the Vocal Translation and the document translation take full advantage of the availability of the service. With consultants available to respond to the immediacy of a telephone request best enable them to provide the public with the quality of service they request.

An hourly rate of \$16.00 was determined to be the correct compensation rate commensurate with the required education and experience.

A growing number of constituent calls mitigate for a continuation of this authorization as additional State Agencies and local government agencies seek LEP assistance. As demand continues to increase for these services it may become necessary for an LEP Specialist to be augmented into the Commission Staff during Fiscal Year 2011. Being resident in the Commission office will best enable the LEP to provide direct assistance to the Commission by responding directly to constituent calls. State Agencies who have constant interaction with their constituents will have direct access to this LEP service.

Funding for this LEP will come from the Cash Fund which will be supported by these Agencies utilizing the service on a continuing basis.

Mexican American Commission Limited English Proficient CASH FUND authorized by LB315 AND LB1 FISCAL YEAR 2011

	Authorized Cash Fund Amount	Actual Cash on hand	Current month Activity	Year to Date Actuals	Percent of Budget	Emcumbrances	Variances
Personal Services							
Personal Salaries							
Per Diem Payments							
Vacation Expense							
Sick Leave Expense							
Holiday Leave Expense							
Retirement Expense							
OASDI Expense							
Life & Accident Ins Exp							
Health Insurance Exp							
Employee Assistance							
Unemployment Comp ins							
Workers Comp Premiums							
Operating Expenses							
Postage	500.00						
Com Expense -Voice Data							
Data Processing							
Publication & Printing	500.00						
Awards							
Dues & Subscriptions							
Conference Registration							
Rent Expense Buildings							
Rent Exp - other real prop							
Office Supplies Expense	120.00						
Supplies for Production							
Food Expense							
Ed & Recreational Exp							

