

For: State Offices and Service Centers

COC SDA Voting Member and COC Advisor Appointments

Approved by: Acting Deputy Administrator, Field Operations



1 Overview

A Background

COC SDA-appointed voting members are needed to be a voice for SDA farmers and ranchers when COC’s have not achieved fair representation through the election process. The appointment authority granted by Pub. L. 107-171 (2002 Farm Bill), Section 10708, is exercised to ensure that COC members reflect the diverse interests of their communities. The authority to appoint members to 1-year terms to achieve fair representation is applied to COC’s identified as needing an SDA member for fair representation, if an SDA member was **not** elected through the normal election process during any of the previous 4 election cycles.

An analysis by the National Office determined the counties in which the percentage of SDA producers indicates there is a need for increased SDA representation. SDA voting member appointments are required in 45 counties in 19 States to achieve fair representation on those COC’s for the 2019 calendar year. If a county was identified for an SDA appointment on the 2018 COC, but is not listed on Exhibit 1, then an SDA appointment is no longer required and there will be no SDA appointment to the 2019 COC in this county.

Only one SDA appointment is allowed for each identified COC. For counties or multi-county jurisdictions with multiple SDA groups, the appointments will be recommended based on the primary SDA group, which is the group determined by the highest percentage of producers in a particular county or multi-county jurisdiction. **Counties with an SDA voting member appointment cannot also select an advisor representing the same SDA group as the appointed SDA voting member.**

Disposal Date July 1, 2019	Distribution State Offices; State Offices relay to Service Centers
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1 Overview (Continued)

B Purpose

This notice provides guidance to State Offices and Service Centers on the process and timelines for:

- Secretarial appointment of 1 additional SDA voting member on COC's identified as needing SDA representation
- STC appointment of COC **advisors** where there are **no** elected or appointed SDA members.

Note: For guidance on the SDA voting member and COC advisor appointments, see 16-AO.

Dates in this notice supersede dates in 15-AO and 16-AO.

C COC's Identified as Needing SDA Representation

For data analysis, the categories of race and ethnicity were evaluated separately from gender. COC jurisdictions were identified as needing SDA representation based on the demographics of the entire COC jurisdiction. In COC jurisdictions with multiple SDA groups, the appointments are recommended based on the SDA group with the highest percentage of producers in the COC jurisdiction as indicated by the Census of Agriculture. The analysis for gender was based on the number of farms where a female was listed as the primary operator.

Exhibit 1 provides a list of COC jurisdictions identified as needing an SDA member for fair representation, if an SDA member was not elected in the 2018 election by the following:

- State
- county
- SDA COC appointment required for the following underrepresented groups:
 - African American or black
 - American Indian or Alaska Native
 - female
 - Hispanic or Latino.

D Contacts

If there are questions about this notice, contact either of the following according to this table.

IF located in a...	THEN contact...
Service Center	State Office.
State Office	Jean Knight, DAFO, at 202-720-0067.

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2 Appointing SDA COC Members

A Appointment Process and Timeline

STC shall require COC's identified as requiring an appointment in Exhibit 1 to solicit candidates and recommend an SDA member from the primary SDA group. States shall notify DAFO if a county on this list has elected an SDA candidate in the 2018 election, then the requirement will be removed.

The process for obtaining candidate nominations and submitting to the Secretary will adhere to the following timeline:

- **February 22, 2019**, outreach for eligible SDA candidates begins (Exhibits 2 and 3)
- **March 1, 2019**, final date to accept candidate FSA-669A-2's (Exhibit 4) from any LAA in the COC jurisdiction

Note: Ensure that the **date-stamped** nomination form is **completely** filled out with the required information from the nominee and the County Office.

- **March 7, 2019**, final date to submit all eligible candidate FSA-669A-2's received to STC, with a recommendation and written justification from COC for the candidate of choice
- **March 14, 2019**, final date for the names and Race, Ethnicity, and Gender (REG) of the candidate tentatively chosen by STC to be provided to the Secretary through DAFO.

SDA voting member appointments will become effective no earlier than April 1, 2019.

State Offices will be notified when candidate appointments have been approved by the Secretary.

Notes: COC's that have an appointed SDA voting member have met the requirement to have an SDA member serving on COC. **No advisor appointments representing the same SDA group will be made in counties that have an appointed SDA voting member.**

2018 appointed SDA members NTE date is February 28, 2019. If a nominee for a 2019 SDA appointed member attends a meeting between February 28, 2019, and the date the nominees are appointed by the Secretary, **they will not be paid since they are not an employee during this time.**

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2 Appointing SDA COC Members (Continued)

B COC Action

COC's in Exhibit 1, indicating a need for a REG appointment, shall do the following.

Step	Action
1	<p>Contact each SDA group and community-based organization that represents producers who are underrepresented on COC and provide them with FSA-669A-2 (Exhibit 4).</p> <p>Notes: The SDA groups shall be encouraged to offer candidates who are:</p> <ul style="list-style-type: none"> • willing and eligible to serve as COC members. <p>Note: Candidates for appointment must meet the same eligibility requirements as candidates for election according to 15-AO. LAA restrictions within COC jurisdiction do not apply.</p> <ul style="list-style-type: none"> • interested and active in farming in the COC jurisdiction. <p>Notes: CED and COC shall make personal contacts with group leaders and community-based organizations, to ensure that the duties and responsibilities of COC and the eligibility requirements to serve are understood.</p> <p align="center">Document contacts by COC and CED in the COC minutes.</p> <p>The SDA groups must be notified of the opportunity to nominate an SDA voting member, even if COC currently has either of the following, an:</p> <ul style="list-style-type: none"> • advisor recommendation • appointed SDA voting member whose term expires February 28, 2019.
2	<p>Solicit candidate nominations through March 1, 2019, from any LAA within the COC jurisdiction for COC SDA appointed members with emphasis on the primary underrepresented group.</p> <p>Note: Use the eligible voter download list to filter LAA's by REG as a guide.</p>
3	<p>Review all candidate nominations and determine eligibility to serve based on requirements in 15-AO.</p>
4	<p>Determine the candidate to be recommended to STC for COC SDA-appointed member, to ensure that the interests of SDA farmers and ranchers are fairly represented and provide a written justification for why the recommendation of this individual is being made.</p>
5	<p>By March 7, 2019, electronically provide the following to STC:</p> <ul style="list-style-type: none"> • all eligible candidate FSA-669A-2's • COC's recommendation and justification for COC SDA appointed member.

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2 Appointing SDA COC Members (Continued)

C STC Candidate Selection

STC shall:

- review all candidate nominations and concur with eligibility to serve, as required by 15-AO
- send candidate FSA-669A-2's, **COC recommendations and STC recommendations** (memo format signed by STC chair or SED) for COC SDA-appointed members by **March 14, 2019**, to Jean Knight by email to jean.knight@wdc.usda.gov.

All candidates and STC recommendations will be submitted to the Secretary, who will make the final selection of COC SDA-appointed members. Members will be appointed to meet the fair representational needs for REG, as necessary. Priority will be given to the primary SDA group. An appointment from other SDA groups will only be made if there are **no** nominations from the primary group. Appointments based on gender, if indicated, will only be made if race and ethnicity needs have already been met.

DAFO will provide notification through STC to COC's of the names of individuals chosen for appointment by the Secretary, when available.

3 COC SDA-Appointed Members and Advisors

A Newly Appointed SDA Members and Advisors

Newly appointed voting SDA COC members and non-voting advisors shall:

- receive the same basic orientation and training course as elected COC members after appointment
- receive FSA-332A or FSA-332A(SP) (16-AO, Exhibit 15) that describes the duties of COC members
- take an oath of office on FSA-586
- receive the same stipend for their time and travel at the same rates as elected COC members.

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3 COC SDA-Appointed Members and Advisors (Continued)

B Length of Term for SDA-Appointed Members and Advisors

The appointment shall be:

- for no longer than a 12-month period, and not to exceed 9 consecutive years of appointments
- effective on or about March 1 of each year.

C COC SDA-Appointed Member Duties

COC SDA-appointed members have full voting rights and the same responsibilities and duties as elected COC members as provided in 16-AO, paragraph 136. In addition, COC SDA-appointed members are expected to be in the forefront of COC actions such as:

- increasing awareness of and participation in FSA programs and activities, including elections by eligible voters, to ensure that SDA group problems and viewpoints are understood and considered in FSA actions
- helping to develop interest in SDA group members for considering FSA work as a career
- if not running for COC election themselves, actively soliciting candidates from SDA groups for nomination during the election process.

4 Appointing Advisors

A Advisor Appointments

STC shall require COC's to recommend an advisor to ensure a fair representation for underrepresented groups when COC has no underrepresented members, including any applicable SDA-appointed member. Additional information is provided for advisors in 16-AO, paragraph 155-158.

- COC shall submit names of all eligible nominees and supporting information with a recommendation for selection to STC no later than March 1.
- STC shall confirm and appoint advisors to COC's before April 1.
- If an advisor is subsequently selected as an SDA-appointed member, make appropriate changes in the COC Directory in the COC Election Software.
- Nominees shall indicate in writing their willingness and ability to serve, they do not complete FSA-669A-2.

Note: Advisors do not have the authority to sign documents or vote on COC actions.

Counties for COC Jurisdictions Identified as Requiring an Appointed SDA Member

The following table lists counties for all COC jurisdictions identified as requiring an SDA member for fair representation by:

- State
- county
- SDA COC appointment required.

State	County Office	SDA COC Appointment Required
Alabama	Hale	Black or African American
Alabama	Marshall	Black or African American
Alabama	Monroe	Black or African American
Arizona	Graham/Green Lee	American Indian or Alaska Native
California	Shasta	Hispanic or Latino
California	Merced	Hispanic or Latino
California	Kern	Female
Colorado	Montrose	American Indian or Alaska Native
Florida	Columbia	Female
Florida	Gadsden	Female
Georgia	Bulloch	Female
Georgia	McDuffie	Female
Georgia	Oconee	Female
Georgia	Putnam	Female
Louisiana	West Baton Rouge	Black or African American
Massachusetts	Plymouth	Female
Michigan	Ingham	Female
Mississippi	Hinds	Black or African American
Mississippi	Madison	Black or African American
Montana	Flathead	Hispanic or Latino
New Jersey	Warren	Female
New Mexico	DeBaca	Hispanic or Latino
New Mexico	Harding	Hispanic or Latino
New York	Onondaga	Female
North Carolina	Henderson	Black or African American
North Carolina	Hoke	Black or African American
Oregon	Wasco	American Indian or Alaska Native
Pennsylvania	Westmoreland	Female
Rhode Island	Kent	Female
South Carolina	Barnwell	Female

Counties for COC Jurisdictions Identified as Requiring an Appointed SDA Member (Continued)

State	County	SDA COC Appointment Required
Texas	Polk-San Jacinto	Black or African American
Texas	Caldwell-Hays-Comal	Hispanic or Latino
Texas	El Paso-Hudspeth-Culberson	Hispanic or Latino
Texas	Atascosa	Hispanic or Latino
Texas	Bee	Hispanic or Latino
Texas	Bexar	Hispanic or Latino
Texas	Brazoria-Galveston	Hispanic or Latino
Texas	Jim Wells	Hispanic or Latino
Texas	Liberty-Hardin-Chambers	Hispanic or Latino
Texas	Live Oak-McMullen	Hispanic or Latino
Texas	Navarro	Hispanic or Latino
Texas	Nueces	Hispanic or Latino
Texas	San Patricio-Aransas	Hispanic or Latino
Texas	Schleicher	Hispanic or Latino
Texas	Uvalde-Kinney-Maverick-Real	Hispanic or Latino
Texas	Willacy	Hispanic or Latino

COC SDA Appointment Suggested Outreach Activities

The following are suggested outreach activities for COC SDA appointments.

- Prepare informational packet for distribution to local organizations with a cover letter explaining the new COC appointment process for SDA membership. Example template letter (Exhibit 3) is available for employee download and use from the FSA Outreach SharePoint web site at <https://usdagcc.sharepoint.com/sites/fsa-dafo/outreach/SitePages/Home.aspx>.
- Arrange a meeting with all members of the local extension service office to provide the informational packet. Request assistance in identifying potential SDA appointment candidates for COC nomination.
- Arrange a meeting with local Government leadership to explain the intent of the Secretary to appoint an SDA representative to COC. Request their recommendation of a candidate who would meet appointment criteria.
- State Offices shall contact the State Department of Agriculture to arrange a conference call with State Agriculture officials to inform them of the new COC appointment process for SDA membership. Request assistance in identifying potential appointment nominees.
- Request time to meet with the **representative leadership** of the following types of organizations, within the community.
 - Executive Directors and/or Presidents and Boards of Directors of local agriculture support organizations including, but **not** limited to, the following:
 - stockman's organizations
 - grange chapters
 - Future Farmers of America
 - Farm Credit agencies
 - 4-H leader groups.
 - Executive Directors and Presidents of local community groups including, but **not** limited to, the following:
 - tribal or ethnic worker programs or advocacy groups
 - Chambers of Commerce
 - local Health and Human Service agencies
 - Economic Development offices.
- **Followup** with representatives contacted to determine whether there are any recommendations for candidates. Document the recommendations provided, the contact information, and any details about the candidates' ability to fulfill appointment criteria.
- Contact all identified candidates and schedule appointments to meet with them to discuss and gain their support for their nomination to COC. Obtain completed FSA-669A-2, if contact is agreeable.
- Finalize slate of SDA candidate nominees to be provided to the Secretary by **February 28, 2019**.

Example SDA COC Letters to Contacts for Use With Official County Office Letterhead

The following letter template is available for employees to download from the FSA Outreach SharePoint web site at <https://usdagcc.sharepoint.com/sites/fsa-dafo/outreach/SitePages/Home.aspx>.

[Insert Date]

[Insert Organization Name]

[Insert Contact Name]

[Insert Address]

[Insert City, State, ZIP Code]

Re: Farm Service Agency's County Committee Appointments

Dear [Insert Contact Name]:

FSA has announced that the Secretary of Agriculture will appoint eligible targeted underserved (*referred to in statute as socially disadvantaged or SDA*) farmers and ranchers to serve a role as a voting member of established County Committees (COC's). Targeted underserved groups are American Indians or Alaskan Natives, Native Hawaiians or other Pacific Islanders, Asians, Blacks or African Americans, Hispanics or Latino, and Women. Authority to appoint the voting targeted underserved members was granted in the 2002 Farm Bill. The purpose of the law was to give the Secretary of Agriculture the power to create fair representation for targeted underserved farmers and ranchers.

Targeted underserved farmers and ranchers represent a large portion of the farm population in many jurisdictional areas, however in [insert name of county] County, a targeted underserved candidate was not elected to the committee in the annual voting process. The Secretary can now appoint a voting targeted underserved member from names nominated and submitted locally. The appointed member will serve for one year. Each year, a statistical analysis will be conducted to determine whether re-appointment of a targeted underserved member is necessary to provide a voice for all targeted underserved producers on the County Committee.

FSA is contacting groups and community-based organizations that represent producers who are underrepresented on COC to notify them of the opportunity to nominate a targeted underserved voting member on the [insert current year] COC in [insert name of the identified county] County. An FSA-669A-2, "Nomination Form for County FSA Committee SDA Appointment" is being provided for this purpose. Please make additional copies as needed. They are also available online at <http://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>.

Please submit an eligible candidate for nomination. FSA-669A-2, "Nomination Form for County FSA Committee SDA Appointment" will be accepted in our office through [insert last date FSA-669A-2 can be accepted]. Candidates for appointment **must** meet the same eligibility requirements as candidates for election, **except** for the requirement to live in a specific LAA. Candidates may reside in any LAA within the COC jurisdiction for the position of COC SDA Voting Member. See the enclosed fact sheet on "Eligibility to Vote and Hold Office as a COC Member". [Enclose fact sheet.]

I will be happy to speak to your organization about this process and answer any questions. Feel free to contact me or our county outreach coordinator at [insert County Office telephone number]. Thank you in advance for your cooperation in serving our county's farmers.

Sincerely,

[Insert CED Name]

Enclosures

Example of FSA-669A-2

The following is an example of FSA-669A-2.

<p>This form is available electronically.</p>	<p>Form Approved - OMB No. 0560-0229</p>
<p>FSA-669A-2 (02-19-19)</p>	<p>U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency</p>
<p>NOMINATION FORM FOR COUNTY FSA COMMITTEE SDA APPOINTMENT</p>	
<p>This form allows individuals to nominate themselves or any other person from an SDA group (see definition below) as a candidate for appointment to the County FSA Committee in those COC jurisdictions that have been identified by an annual statistical analysis as needing an SDA member for fair representation.</p> <p>A Socially disadvantaged (SDA) Farmer or Rancher is a farmer or rancher who has been subjected to racial or ethnic prejudices because of their identity as a member of a group without regard to their individual qualities. This term means a farmer or rancher who is a member of a socially disadvantaged group. Specifically, this is a group whose members have been subjected to racial, ethnic or gender prejudice because of their identity as members of a group without regard to their individual qualities. Those groups include African Americans, American Indians or Alaskan natives, Hispanics, Asians or Pacific Islanders, and women.</p> <p>If additional forms are needed, this one may be copied or may be obtained at the County FSA Office or obtained electronically at http://www.sc.egov.usda.gov. Each form submitted must be:</p> <ul style="list-style-type: none"> A. Limited to one nominee. B. Signed and dated by the nominee in Item 3. Nominee must sign if willing to have his/her name submitted as a candidate for the County FSA Committee appointment and agrees to serve if selected. C. Delivered to the County FSA Office or postmarked no later than March 1, 2019. <p>The County FSA Committee is responsible for reviewing each form to determine the eligibility of nominees. A person who is nominated on this form and is found ineligible will be so notified and have an opportunity to file a challenge.</p> <p>Persons nominated should actively participate in the operation of a farm or ranch and be well qualified for committee work. A producer is eligible to be a County FSA committee member if the producer resides in the COC jurisdiction in which the producer is nominated as a candidate to serve and is eligible to vote.</p> <p>This is a non-salary public service position. A small stipend is provided to offset expenses.</p> <p>Federal regulations may prohibit County FSA Committee members from holding certain positions in some farm, commodity, and political organizations if such positions pose a conflict of interest with FSA duties. The positions include functional offices such as president, vice president, secretary, or treasurer; and positions on boards or executive committees. Conflict of interest restrictions also apply to employees, operators, managers, and majority owners of tobacco warehouses. Questions concerning eligibility should be directed to the County FSA Office.</p> <p>The duties of County FSA Committee members include:</p> <ul style="list-style-type: none"> A. Administering farm program activities conducted by the County FSA Office. B. Informing farmers of the purpose and provisions of the FSA programs. C. Keeping the State FSA Committee informed of LAA conditions. D. Monitoring changes in farm programs. E. Participating in county meetings as necessary. F. Performing other duties as assigned by the State FSA Committee <p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, marital, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).</small></p> <p><small>If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov. USDA is an equal opportunity provider and employer.</small></p>	

Example of FSA-669A-2 (Continued)

FSA-669A-2 (02-19-19) Page 2		Form Approved - OMB No. 0560-0229	
FSA-669A-2 (02-19-19)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency	
NOMINATION FORM FOR COUNTY FSA COMMITTEE SDA APPOINTMENT			
1. NAME OF NOMINEE (Type or Print Nominee's Full Name)		TO BE COMPLETED BY COUNTY FSA OFFICE	
2. ADDRESS OF NOMINEE		4. INITIALS OF EMPLOYEE RECEIVING FORM AND DATE RECEIVED	
		5. COUNTY	
3. NOMINEE'S CERTIFICATION: <i>I hereby agree to have my name submitted as a candidate for appointment to the County FSA Committee that I will serve, if selected, and if there is a conflict of interest, I will resign such position.</i>		6. LAA	7. STATE
		8. NOMINATOR'S CERTIFICATION: <i>If this nomination is by other than self, the following eligible voter or representative of a community based organization hereby nominates the afore-named person to be a candidate for County FSA Committee appointment.</i>	
3A. SIGNATURE OF NOMINEE	3B. DATE	8A. SIGNATURE OF NOMINATOR	8B. DATE
<i>(If the individual is self nominating, no signature is required).</i>			
9. TO BE COMPLETED BY NOMINEE			
VOLUNTARY INFORMATION FOR MONITORING PURPOSES: The following information is requested by the Federal Government in order to monitor FSA's compliance with federal laws prohibiting discrimination against program participants on the basis of race, color, national origin, religion, sex, marital status, handicapped condition, or age. You are not required to furnish this information, but are encouraged to do so. Failure to furnish the requested information may result in not being selected as an Appointed SDA Member.			
ETHNICITY	RACE (Choose as many boxes as applicable)		GENDER
<input type="checkbox"/> Hispanic or Latino	<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Black or African-American	<input type="checkbox"/> Male
<input type="checkbox"/> Not Hispanic or Latino	<input type="checkbox"/> Asian	<input type="checkbox"/> Native Hawaiian or Other Pacific Islander	<input type="checkbox"/> Female
<input type="checkbox"/>	<input type="checkbox"/> White		
INSTRUCTIONS FOR COMPLETING THIS FORM			
Complete the form as follows:			
ITEM 1 Type or Print the nominee's full name. The nominee must be:			
A. Eligible to vote in the designated County FSA Committee election.			
B. Eligible to hold the office of County FSA Committee member.			
C. Willing to serve if elected.			
ITEM 2 Enter the nominee's current address.			
ITEMS 3A & 3B The nominee must sign and date.			
ITEMS 8A & 8B The nominator must sign and date. <i>(If the individual is self nominating, no signature is required.)</i>			
ITEM 9 Completing this item is voluntary.			
ALL FORMS MUST BE RECEIVED IN THE COUNTY OFFICE OR POSTMARKED BY MARCH 1, 2019.			
NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 7 and the Agricultural Act of 2014 (Pub. L. 113-79). The information will be used to obtain nominations from a socially disadvantaged (SDA) group identifying candidates for appointment to the County FSA Committee. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for County Personnel Records, USDA/FSA-6. Providing the nominee name, address, signature/date, and nominator signature/date (when applicable) information is voluntary, but necessary for processing the form. Failure to furnish the nominee name, address, signature/date, and nominator signature/date (when applicable) information will result in a determination of ineligibility for selection as an appointed SDA member of the County FSA Committee.			
According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0229. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.			