



COUNCIL OF GOVERNORS

ANNUAL STATUTORY REPORT

2017/2018







Our Vision

Prosperous and democratic Counties delivering services to every Kenyan.

Our Mission

To be a global benchmark of excellence in devolution that is non-partisan; providing a supporting pillar for County Government as a platform for consultation, information sharing, capacity building, performance management and dispute resolution.

Our Values

Our core values are: Professionalism, Independence, Equality and Equity, Cooperation and being Visionary.

Our Motto

48 Governments, 1 Nation.

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Abbreviations & Acronyms

ADR	Alternative Dispute Resolution
AIDS	Acquired Immune Deficiency Syndrome
CAF	County Assembly Forum
CALCs	County Assets and Liabilities Committees
CARPS	Capacity Assessment and Rationalization of the Public Service
CBK	Central Bank of Kenya
CCA	Climate Change Adaptation
CEC	County Executive Committee
CGA	County Government Act
CIDPs	County Integrated Development Plans
CRA	Commission on Revenue Allocation
CoG	Council of Governors
CoK	Constitution of Kenya
CBA	Collective Bargaining Agreement
DRM	Disaster Risk Management
DRR	Disaster Risk Reduction
DORB	Division of Revenue Bill
ECDE	Early Childhood Development Education
EMCA	Environmental Management and Co-ordination Act
HIGDA	Health Informatics Governance and Data Analytics
HIV	Human Immune Deficiency Virus
IEBC	Independent Electoral and Boundaries Committee
IBEC	Intergovernmental Budget and Economic Council
IATC	Inter-Agency Technical Committee
IAS	Inter-Agency Secretariat
IFMIS	Integrated Financial Management Information System
IGRTC	Intergovernmental Governmental Relations Technical Committee
IGFs	Intergovernmental Forums
IATT	Inter-Agency Technical Team
JPSC	Joint Parliamentary Select Committee



KMPDU	Kenya Medical Practitioners and Dentists Union
KNUN	Kenya National Union of Nurses
KCSAP	Kenya Climate Smart Agriculture Project
KCM	Kenya Country Coordinating Mechanisms
KNAIP	Kenya National Agriculture Investment Plan
KeRRA	Kenya Rural Roads Authority
KURA	Kenya Urban Roads Authority
KeNHA	Kenya National Highways Authority
KICOSA	Kenya Inter-County Sports and Culture Association
MoDA	Ministry of Devolution and ASAL
MoH	Ministry of Health
MoU	Memorandum of Understanding
NARIGP	National Rural Inclusive Growth Project
RA	Recognition Agreement
RTWF	Return to Work Formula
PHC	Primary Health Care
SDGs	Sustainable Development Goals
SRC	Salaries and Remuneration Commission
SOCOA	Society of Crop and Agribusiness Advisors of Kenya
TA	Transition Authority
RSSH	Resilient, Sustainable Health Systems for Health interventions
UDC	Urban Development Committee
UNDP	United Nations Development Programme
THS-UC	Transforming Health Systems for Universal Care

2017/18 AT A GLANCE

In the Public Service Sector assessment of 2017/2018, the Council posted an overall score of 75%.

HEALTH, SDG 3



County Governments have recruited new health workers and increased the health workforce by 29% over the last four years, out of whom 883 were employed in 2017. Out of the total number of health workers, there are 5,000 clinical officers and about 26,000 nurses. Whereas last year we had 4,080 doctors serving in county health facilities.

EDUCATION, SDG 4



Public ECDE Centres: Public ECDE Centers augmented to 25,175 from 25,381 in 2016 and 2017 respectively, whereas the total number of private ECDE Centers increased from 16,073 in 2016 to 16,398 in 2017.

ECDE Enrolment: The pupil enrolment in the ECDE centres has increased from 3,199.8 in 2016 to 3,293.8 in 2017. This reflect to 2.9% growth.

Youth Vocational Training Centres: County Governments have overseen construction and registration of 142 public Vocational Training Centres which increased from 845 in the 2016/17 financial year to 987 in the 2017/18 financial year.

Enrollment: A decline in total enrolment to 89,598 in 2017 from 104,441 in 2016.

GENDER, SDG 5



- Governors: 3 women, 44 men
- Deputy Governors: 8 women, 39 men
- County Executive Committee Members (CECMs) the representation of women and men is 32.41% against 67.59%.
- Chief Officers representation of women and men is 30.19% and 69.81% respectively
- COG Secretariat
- COG Senior Management 3 women, 1 man (75% women in Senior Management)

INFRASTRUCTURE AND ENERGY, SDG 7 AND 9



County Energy Planning Framework to guide Counties in the development of these plans. Currently, eight (8) Counties have developed these Energy Plans.

WATER FORESTRY AND MINING, SDG 6, 13 AND 15



Kenya’s water coverage currently stands at 55 per cent against a 2015 National Water Services Strategy (NWSS) target of 80 per cent. Over the last 6 years, the forest cover has increased from 6.99% to 7.3%.

URBAN DEVELOPMENT PLANNING AND LANDS, SDG 11

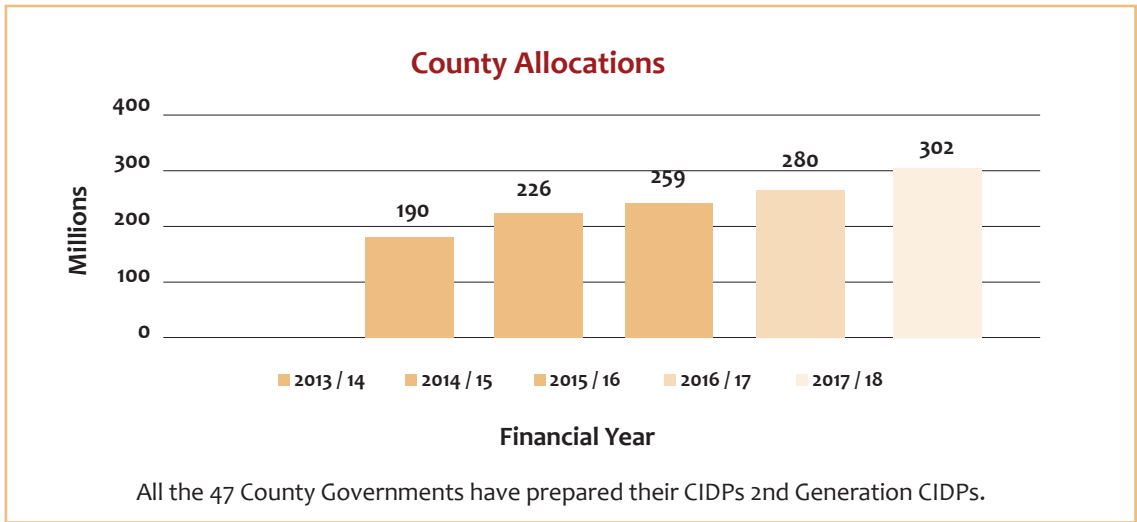


1 County Has a County Spatial Plan, 29 counties are at different stages of developing their County Spatial Plans.

FINANCE AND PLANNING, SDG 17



County Governments have received cumulative of Ksh 1.25 trillion shillings as equitable share with an expected Ksh 314 billion in the 2018/19 financial year. Additionally, allocations from the National Government share of revenue as grants has been pegged at Ksh 66.9 billion with an expected addition of Ksh 17.2 billion in the 2018/19 financial year.



Foreword from the Chairman

The Council of Governors (CoG) is in its fifth year of existence. Its mandate is anchored in section 20 of the Intergovernmental Relations Act 2012 (IGRA). Over the years, CoG has become the mouthpiece for articulating matters of interest to County Governments. CoG has been allowed County Governments to speak in one voice on

various policy and legal issues including allocation of resources, transfer of functions and governance at the County level. CoG has moulded itself as the central institution in the devolution space that coordinates the forty-seven (47) Counties, in line with the functions enumerated in section 20 of the IGRA. Additionally, CoG is on most occasions the focal point for National Government ministries, departments and agencies when the latter want to reach out to Counties. The Secretariat has been the technical and administrative arm of the CoG.

The Financial Year (FY) 2017/2018 has seen the CoG experience transition from one regime to another. After the August 2017 elections, we welcomed new Governors. Of great mention is the fact that CoG received its first women Governors from Bomet, Kitui and Kirinyaga Counties. We see this as a remarkable milestone in Kenya's devolution story. CoG now has four (4) Governors who were former Senators; three (3) Governors who served previously as Cabinet Secretaries; three (3) Governors who served previously as Members of Parliament; and there are other Governors who were long time senior public servants. This diversity in competencies, skill and experiences has enriched and enhanced cooperation and dialogue with other key institutions.

The year under review has been eventful for me as the Chair of the CoG. We lost one of our members in a tragic car accident, the late Dr. Wahome Gakuru former Governor Nyeri County. The country went through an election process twice, in August 2017 and in October 2017. The economy experienced stagnation due to the heightened political environment. The one-hundred (100) day health workers strike later in 2017 almost paralysed health services in the country. But in early 2018, the political truce between H. E President Uhuru Kenyatta and



Rt. Hon. Raila Odinga heralded a new phase of harmony and reconciliation across the political divide.

Despite the challenges that came with transition, the CoG was able to attain some significant milestones. We held a successful Induction for Governors and Deputy Governors which was presided over by H.E. President Uhuru Kenyatta and recorded 100% participation from the Governors and Deputy Governors.

The National Government ministries the Senate, Commissions, the Private Sector and other intergovernmental institutions participated in the induction

CoG also held the Fifth Annual Devolution Conference which was the first devolution conference held through sectors which were aligned to the President's direction of the Big 4 Agenda. This was also an opportune moment for the CoG to lay the foundation for the second generation County Governments. The presence of the leaders from both political divides was a show of good faith for the prosperity of the country and devolution at large. It was also a great honour to have H.E William Samoei Ruto launch the Inaugural Speeches Book of the second generation of Governors 2017-2022; which is not just any book, but an accountability tool for the forty-seven (47) Governors.

I would like to commend County Governments for working so hard in translating individual Governors' visions, into practical plans through the County Integrated Development Plans (CIDPs). Up to this moment, we have twenty (20) approved CIDPs out of the forty-seven (47) expected CIDPs. The remaining twenty-seven (27) Counties are in the last stages of approval by the County Assemblies.

As we forge ahead to the next year, my heart is full of expectation that devolution will continue to transform the lives of Kenyans. To my peers, let us move ahead with passion, zeal and confidence to ensure we deliver on our promises to the people of Kenya.

H.E. Josphat Koli Nantoh

Chairman, Council of Governors

Acknowledgement from the Chief Executive Officer

Excellency Governors,

Let me start by sending a congratulatory note to the 22 newly elected Governors and the 25 re-elected Governors who now form the second Council of Governors (CoG). Receive a special welcome from the Secretariat team. My hope is that CoG continues speaking in one voice in all matters that affect County Governments.

This report focuses on the first year of implementation of the CoG Strategic Plan (2017 – 2022) which builds upon the experiences and lessons learnt from the implementation of the 2014-2017 plan. This coincides with a critical time when the country is at the second cycle of County Governments under the new Constitution. Despite operating in a highly political environment, the Secretariat has ensured that CoG operations are run in a non-partisan manner and that the organization remains true to its mission and vision. Likewise, we are encouraged that we are the most consistent advocates in defending the interest of Counties.

The strategic plan identifies five (5) Key Performance Areas (KPA) that will enable the CoG to strengthen its mechanisms for contributing towards improving the enabling environment for Counties to implement the devolved functions and enhance the delivery of services to citizens.

- KPA 1: Good governance;
- KPA 2: Adequate resourcing for devolved functions;
- KPA 3: Building a strong Council of Governors;
- KPA 4: Knowledge driven performance and;
- KPA 5: Sustainable intergovernmental relations.

In the year under review, County Governments' voices on matters of policy and legislation have consistently been heard. CoG has a functioning Maarifa Center, the knowledge management hub, that facilitates sharing of best practices and innovations amongst Counties. And the secretariat continues to be the 'oil in the engine' that coordinates and supports Counties perform their functions and exercise their powers.

The Secretariat would like to express its deepest appreciation to the CoG Leadership: the Chairman, Vice Chair and the Whip; and all Excellency Governors for their guidance which has been key in ensuring the mandate of the CoG is achieved.



Furthermore, our sincere gratitude goes to all stakeholders who have supported the secretariat technically, materially or by other means. The secretariat reserves special thanks to our development partners for continuously believing in us, and these include the United Nations Development Program (UNDP); United States Agency for International Development (USAID) through the Agile and Harmonized Assistance for Devolved Institutions (AHADI) Program, USAID's Health Informatics Governance and Data Analytics (HIGDA) Project; UN-WOMEN; International Development Law Organization (IDLO), DANIDA and Symbiocity-Kenya. Not forgetting the National Government, Independent Commissions, civil societies, media and private sector. The various activities reported herein were made possible through their continued collaboration, guidance, financing and intervention.

Adequate resourcing for the CoG secretariat activities has been a big challenge in the year under review. The financial allocation from National Government for the CoG dropped from Ksh. 107 million to Ksh. 103 million. At the same time most County Governments were not able to make their yearly contribution to the running of the Secretariat. This had adverse effects on the planned activities.

However, the financial challenges notwithstanding, the secretariat staff put their best foot forward and achieved a lot under section 20 of the IGRA. Therefore, I would like to recognize the efforts of my team throughout the year. Your dedication and love for devolution will propel the CoG to higher heights. Special recognition is made of Maarifa/ M&E Unit, Legal Department, Sectoral Committee Leads and the Senior Management.

Finally at the secretariat, we look forward to working with all devolution partners and stakeholders in ensuring efficient service delivery in the Counties. We look forward to fully supporting and laying a concrete foundation for the second generation County Governments as well as working towards the delivery of the Second Generation CoG Strategic Plan 2017-2022.

Jacqueline Mogeni

Chief Executive Officer



National Governors Association Forum.



Deputy Governors Annual Forum.

1.1 Background

This report contains the activities carried out by the Council of Governors during the Financial Year 2017-18 (FY 17/18) running between, July 2017 to June 2018. It is the first report for the Second Council of Governors. The mandate of the Council and the day to day activities of the Council are administered by the Secretariat of the Council which is the technical arm of the Council. It is comprised of both technical and support staff. The Executive team of the Council, the respective Committee Chairs and the full Councils provide policy and strategic guidance to the Secretariat.

The functions of the Secretariat are as follows:

- a) To implement the decisions of the Council and the Committees;
- b) To constantly share information with the Counties;
- c) To process requests from Counties and offer policy advice where necessary;
- d) To convene, in every quarter, County Executive Committee Members so that they develop positions on legislative and policy issues that affect County Governments;
- e) To convene other officers such as Chief Officers, County Attorneys and Directors also for deliberation of matters affecting County Governments;
- f) To coordinate capacity building initiatives for Governors, Deputy Governors, County Executive Committee Members, Chief Officers, County Attorneys, Chiefs of Staff, County Secretaries and other County officials;
- g) To rigorously protect the interests of Counties at policy level by for instance participating in inter-agency meetings, committees and taskforces;
- h) To ensure that County resources are safeguarded in all negotiations on upcoming projects;
- i) To coordinate sectoral intergovernmental forums between the Counties and the National Government;
- j) To receive and document best practice to promote learning between the Counties; and
- k) To support and link with the office of the Deputy Governors.

The activities documented herein have been spearheaded by the Council's Secretariat and others implemented jointly with the support of National Government and its agencies as well as development partners.

1.2 Mandate of the Council of Governors

The Council of Governors is a statutory body established under section 19 of the Intergovernmental Relations Act (IGRA) 2012. The mandate of the Council is canvassed in section 20 of the IGRA as a forum for:

- a) consultation amongst County Governments;
- b) sharing of information on the performance of the Counties in the execution of their functions with the objective of learning and promotion of best practice and where necessary, initiating preventive or corrective action;
- c) considering matters of common interest to County Governments;
- d) dispute resolution between counties within the framework provided under the IGRA;
- e) facilitating capacity building for governors;

- f) receiving reports and monitoring the implementation of inter-county agreements on inter-county projects;
- g) consideration of matters referred to the Council by a member of the public;
- h) consideration of reports from other intergovernmental forums on matters affecting national and county interests or relating to the performance of counties; and
- i) performing any other function as may be conferred on it by this Act or any other legislation or that it may consider necessary or appropriate.

1.3 The Structure of the Council

The Council is headed by an Executive team comprising of: the Chairperson; Vice-Chairperson; and Whip, who are elected from amongst the members. The Executive serves for a term of one (1) year and are eligible for re-election for one further term of one (1) year.

The Council works through eighteen (18) committees as below:

- a) Agriculture
- b) Arid & Semi-Arid Land (ASAL)
- c) Cooperatives & Enterprise Development
- d) Education, Gender, Youth, Sports, Culture & Social Service
- e) Finance, Commerce & Economic Affairs
- f) Health
- g) Human Resources, Labour & Social Welfare
- h) Information, Technology & Communication
- i) Infrastructure & Energy
- j) Resource Mobilization
- k) Intergovernmental Relations.
- l) Legal Affairs & Human Rights
- m) Rules and Business.
- n) Security & Foreign Affairs.
- o) Tourism & Wildlife.
- p) Trade, Industry & Investment.
- q) Land, Planning and Urban Development
- r) Water, Forestry & Mining

The Committees are both of a sectoral and operational nature. Each committee consists of a chair, a vice chair and committee members who give guidance on policy and legal issues relating to their committee. The Rules and Business Committee is constituted by all the Chairpersons of all the Committees. This Committee is responsible for assisting the Council Chairman in decision-making by coordinating, supporting and guiding the i) management and operations of the Council's Secretariat and ii) the operations, policies and mandates of all Committees.

Technical staff at the Secretariat provide support for the specific committees. The Secretariat also has the following departments and Units to manage its operations and support the mandate of the Committees: Administration; Protocol; Finance; Procurement; Information & Technology (IT), Human Resource, Citizens Engagement Unit, Sustainable Development Goals Unit and the Maarifa Centre which provides a platform for knowledge sharing and peer to peer learning among the 47 County Governments.

CoG Activities For Fy 2017/18



2.1 Key Outputs

In line with the Council of Governors mandate on sharing information on Performance of County Governments and Capacity Building for Governors , the Council achieved the following:

- a) Induction for Governors and Deputy Governors
- b) Induction for County Executive Committee Members
- c) The 5th Annual Devolution Conference

2.1.1 Induction for Governors and Deputy Governors

The induction meeting for the 47 Governors and 46 Deputy Governors was held from 13th to 17th December, 2017 at the Diani Reef Beach Resort, Kwale County. The induction forum was themed “Better Governance and Accountability for Ultimate Devolution Dividends to all Kenyans” provided a forum where County Leadership were sensitized on the County systems and structures that have been established by legislation; intergovernmental relations; the practice of running County Governments; and the expected challenges therein.

The induction programme also provided a platform where the Council elected its Executive Officials to provide leadership f as follows:

- a) H.E Josphat Koli Nanok-Chairman
- b) H.E Anne Waiguru-Vice CHairperosn
- c) H.E Mohammed Mahmoud-Whip

The Governors also elected Chairpersons of the various committees as outlined below:

COMMITTEES

Health
Agriculture
Tourism and Wildlife
Water, Forestry and Mining
Human Resources, Labour and Social Welfare
Finance and Economic Affairs
Trade, Industry and Investment
Cooperatives and Enterprise Development
Information Technology and Communication (ICT)
Intergovernmental Relations
Security and Foreign Affairs
Legal Affairs and Human Rights Committee
Infrastructure and Energy
Arid and Semi-Arid Lands Committee
Urban Development Committee
Education, Gender, Youth, Sports, Culture and Social Services
Resource Mobilization
Rules and Business Committee
All chairpersons of the committees and the Executive

CHAIRPERSON

H.E Dr. Mohammed Kuti
H.E Okoth Obado
H.E Samuel Ole Tunai
H.E Kiraitu Murungi, EGH
H.E James Ongwae ,CBS,EBS,OGW
H.E Dr. Joyce Laboso
H.E Wycliffe Wangamati
H.E Fahim Twaha
H.E Alex Tolgos
H.E Stephen Sang
H.E Martin Wambora
H.E Prof. Kivutha Kibwana
H.E Francis Kimemia , E.G.H, C.B.S, H.S.C
H.E Moses Kasaine
H.E Waititu Baba yao

H.E Prof. Paul Chepkwony
H.E Muthomi Njuki

2.1.2 Induction of the County Executive Committee Members (CECMs)

The Council organised the induction of the County Executive Committee Members and County Attorneys within the month of December, 2017. The overall objective of the orientation was to provide basic information to the CECMs from across the 47 Counties on the CoG's mandate, governance structure and modes of operation to improve service delivery. It also provided useful information to the new county officials to help them transition smoothly and find a good space to tap information when needed.

All the CoG Technical Committees and the respective sector CECMs and County Attorneys also held break away meetings to deliberate on sector specific issues that affect the various sectors and presentations were made to highlight the broad objectives of Devolution and give an expertise scorecard on the achievements made so far by County Governments.

The CECMs were sensitized on the mandate of COG, progress made so far and challenges faced in implementation of devolution. The CECMs used the platform to elect new officers for their respective CECMs Caucuses forums which included the Chairpersons, Secretaries and Treasurer as well as for the leadership for the overall CECMs caucus.

Additionally, various external experts and stakeholders were also invited to give insight in the various sectors to CECs including Kenya Private Sector Alliance (KEPSA), Water Service Providers Association (WASPA), County Assemblies Forum (CAF), Kenya Association of Manufacturers (KAM). A few selected outgoing CECMs were also invited to share experience with the new CECMs on experience, challenges and lesson learnt in the first phase of county governments. An election was also carried out for the sectors as well as for the overall CECMs caucus.

2.1.3 The Fifth Annual Devolution Conference

The 5th Annual Devolution Conference was held at Kakamega High School, Kakamega County between 23rd to 27th April, 2018. The theme of the conference was "Sustainable, Productive, Effective and Efficient Governments for Results Delivery". The conference also focused how to promote implementation of devolution by enabling the two levels of government and key players to dialogue on challenges and solutions. This conference was unique since it featured sectoral thematic discussions in Health, Agriculture, Trade, Urban Planning, Energy and Infrastructure and focused also on the Big Four and how devolution can facilitate achievement of results in this regard. The overall objective of the conference was to safeguard the gains, enhance the understanding and appreciation of devolution. The stakeholders discussed among other things the extent to which devolution can enhance achievement of the Big Four and specifically the extent to which devolution would change the living conditions of the citizens.

For the first time, both level of government and arms of government effectively participated in the meeting. It was the first Inclusive Conference since the start of annual conventions. The conference brought together a total of 5664 participants with 4724 conference delegates (Female=1417, Male=3370) participating in plenary discussions. The delegates included: H.E President Uhuru Kenyatta of Kenya who addressed the Conference via a conference link, H.E William Ruto, the Deputy President of the Republic of Kenya who closed the conference, The Former Prime Minister of the Republic of Kenya, The Chief Justice, the Speaker of the Senate, 47 Governors (44 male, 3 female), 47 Deputy Governors (41 male and 6 female), 67 Senators (47 members directly elected by their Counties, 16 women nominated by the political parties, 2 representing youth, 2 representing persons with disabilities), 20 Members of Parliament, 1450 Elected Members of the County Assemblies, 722 Nominated MCAs and other 2,366 participants consisting of; National Government representatives, other County representatives, Development Partners, Civil Society Organizations, private sector, and other partners. There were also International delegates, Ambassadors and Heads of Delegations.

H.E. Uhuru Kenyatta, the President of the Republic of Kenya highlighted key issues relevant to devolution and urged the County Governments to support his Government developmental agenda of



5th Devolution Conference 2018.

the Big Four agenda. This was further corroborated by H.E. William Ruto, the Deputy President of the Republic of Kenya closed the Conference.

From a survey conducted after the Conference, 95% of the participants agreed that the Conference was useful in ensuring that devolution becomes a success in the Country.

2.2 Maarifa Center

The Maarifa Centre is the knowledge sharing and learning platform for capturing lessons and experiences for the 47 County Governments. The Centre was established as a strategy for implementing the Council's mandate on sharing of information on the performance of the counties in the execution of their functions with the objective of learning and promotion of best practices.

The vision of the Centre is 'to be Kenya's premier knowledge sharing platform for effective governance and service delivery for sustainable development'.

In the period under review, the Maarifa Centre which hosts the M&E Unit managed to undertake the following activities:

2.2.1 Knowledge Management & Sharing

- a) Maarifa centre in partnership with the World Bank developed the digital platform that acts as a one stop shop for devolution, the platform is a digital repository for best practices, innovations, flagships, models and service delivery initiatives within the Kenya devolution space. The platform also holds all the information and geo-data on counties as well as hosts the communities of practice
- b) Established and launched the first communities of practice on public participation process and model for service delivery
- c) The Unit has also been sensitizing the Counties on the need to document the success stories in counties and sharing to promote peer to peer learning and scale up
- d) In collaboration with the agriculture committee, supported Phase I of Training of Trainers Program for setting up agribusiness incubation centres in counties.



Courtesy Call by the Devolution Steering Committee to the Speaker of the Senate Rt. Hon. Kenneth Lusaka.

2.2.2 Monitoring and Evaluation

- a) The Unit was involved in the Semi Annual Review and Annual Review to guide in the implementation of the COG Mandate and the COG Strategic Plan 2017-2022. The review led to the development and adoption of an online performance management dashboard to track timely implementation of COG activities.
- b) The Unit led the follow-up of the implementation of the communique for the 4th Annual Devolution Conference with the various actors which led to the development of the Status of Action points report. The status of action points guided the Devolution Steering Committee in development of the concept and theme for the 5th Annual Devolution Conference
- c) Supported counties in the development of CIDPs through providing guidelines on review of the previous CIDP and with a robust Monitoring and Evaluation Framework.
- d) Provided technical support on Performance Management, Monitoring and Evaluation to the following Regional Economic Blocs: Jumuiya ya Kaunti za Pwani and Lake Region Economic Bloc. The technical support outlined linkage of CIDP to the regional bloc strategies.
- e) Provided technical support for all the 47 County Governments to establish Performance Management Unit to implement Performance Management Framework and also implement Performance Contracting Guidelines in collaboration with the Public Service Performance Management Unit in the Executive Office of the President.
- f) Inter-County HIS/M&E Peer to Peer Learning: In promoting the concept and maximizing on existing opportunities, COG umbrella of the established regional blocks including Jumia Ya Kaunti Za Pwani implemented HIS/M&E capacity development using a peer to peer learning model, documenting lessons learnt to inform scale up. In implementing its coordination mandate the COG is strategically placed to advocate and influence the implementation of this model. In this regard, the Health Committee of the COG and the JYKP regional block convened the first Inter-County per to peer learning activity in Mombasa County where three Counties of Kwale, Kilifi and Mombasa Counties

actively participated. The meeting was held between 3rd-6th June, 2018 where sharing of experiences and problems took place. The meeting convened under the Maarifa of the COG with the coordination support from the JYKP provided the participating Counties and partners the opportunity to share best practices in data management, HIS, /M&E for evidence-based decision. At the end of the Inter-County learning, the focussed Counties developed action plans which will guide future learning and practices.

2.2.3 Data & Research

- a) The unit has partnered with the United Stated International University to do a research on the knowledge management systems and structures in counties
- b) Development of sectoral data templates which guided the State of Devolution Address outlining the progress made in implementation of Devolution.

2.3 Intergovernmental Consultations

One of the core functions of the Council is to facilitate consultations amongst County Governments as espoused in Section 20(1) of the IGRA. In line with the aforementioned provision, the Council continues to offer a platform for consultation and coordination between the County and National Government, and amongst County Governments in matters devolution. Some of the intergovernmental forums which the Council participated in during the period under review includes:

2.3.1. National and County Government Coordinating Summit

The National and County Government Co-ordinating Summit (Summit) is established under section 7 of the Intergovernmental Relations Act, 2012 as the apex body for intergovernmental relations in the Country.

It is in the Summit that the heads of National and County Governments meet to deliberate and address emerging challenges in the implementation of devolution. The Summit is expected to meet at least twice every year. However, due to the political nature of the year 2017, the summit was unable to meet.



Remarks by the CEO CoG during the Semi Annual Review at Sawela Lodge.

In FY 2017/2018, the Sixth Ordinary Session of the National and County Governments Coordinating Summit was held on Friday 22nd June, 2018 at State House in Nairobi in which a number of important issues were discussed. The key issues deliberated during the summit meeting include;

a) How County Governments can Support the National Big 4 Agenda

- The Council of Governors fully supports the Universal Health Care programme.
- That the 2nd generation CIDPs be reviewed and aligned to the Big Four agenda through the County Annual Development planning framework
- Ministry of Devolution and ASAL will build the capacity of county employees in reviewing the CIDPs to incorporate the Big Four agenda
- IGRTC will, when so required, develop Memorandum of Understanding (MoUs) between the two levels of government to facilitate the implementation of programs related to the Big Four.
- That a harmonised framework for implementation of the Big Four be developed

With regards to fiscal matters, it was reported that the framework for short term borrowing by County Governments had been developed and implemented although some county governments had utilised the facility and that the a policy framework for own source revenue had been developed to guide revenue collection in counties.

It was also reported that the National Treasury had developed a circular to guide on flow of conditional grants to county governments pursuant to the provisions of regulation 130,131 and 132 of PFM Act, 2012.

It was therefore agreed as follows, that the National Treasury:

- Endeavours to ensure that funds earmarked for county governments are disbursed to County Governments on time;
- Establishes a steering committee to oversee the effective use of IFMIS and that the Council of Governors be represented in the steering committee; and
- That the Cabinet Secretary for ICT to fast-track the rolling out of internet connectivity to the sub-county and village level.

2.3.2 Intergovernmental Budget and Economic Council (IBEC)

The Council engaged in the 10th ordinary session of the Intergovernmental Budget and Economic Council meeting held on 6th February 2018 at the Deputy President's office in Karen, Nairobi. The following are the issues deliberated on:-

a) Pending bills

It was resolved that:

- Internal audit be conducted by all County Governments by April 2018. Where irregularities are uncovered from the internal process, the Auditor general should be engaged further.
- Counties to factor in payment of the verified bills in their supplementary budgets by April 2018 and the balance in the first quarter of the next financial year 2018/2019.
- Controller of budget to issue a circular to Counties communicating the deadlines
- Where the bills are from county affiliates and other statutory bodies, the County leadership to agree on a framework of consolidating the bills with those entities.

b) Implementation of the Big Four Agenda by County Governments Resolution

The National Treasury was to engage with Council of Governors to facilitate the implementation of the Big Four agenda as highlighted in the Budget Policy Statement and identify modalities of counties involvement.

2.4 Committee Reports

2.4.1 Health

The Health Committee considers all matters relating to health sector at the Council of Governors. It looks at the institutional structures and related laws, frameworks, policies and programmes on health.

The committee works with a portfolio of projects namely:

- Transforming Health System – for Universal Care Project (THS-UC)
- DANIDA UHC support to Devolved Governments
- USAID Health Informatics Governance and Data Analytics (HIGDA)
- USAID Human Resources for Health (HRH) Mechanism
- Medical Waste Management Project

a) During the year, the Committee considered the following matters of common interest to the County Governments

1. The year 2017 was characterized by persistent industrial unrest in the Kenya's Health Sector which affected delivery of health services for over 300 days. The nurses' strike lasted for 152 days (5 months) while the doctors lasted 100 days.

The Health Committee worked closely with the Human Resources and Legal Committees in addressing the issues raised by the health workers through the Negotiation Committee constituted by the Governors. The interventions included meetings, monitoring the impact on the strike service delivery across counties and dialogue with the unions. The signing of the Doctors Return to Work Formula on 14th March, 2017, resulted in their return to work and also paved way for negotiation and subsequently signing of the Doctors Recognition Agreement (RA) and finally the CBA, but the CBAs for the Nurses and Clinical Officers are still outstanding.

2. The Cuban Doctors issue was an Inter-Governmental activity which required the Health Committee to coordinate with the Ministry of Health, the HR and legal Committees and with the County Governments. The Committee convened meetings of all CECs, County Secretaries and Chief Officers of Health which resulted in agreement on how to share the Cuban Medical Specialists. A Memorandum of Understanding was signed between the Ministry of Health and the County Governments which led to a coordinated approach in managing the arrival, induction of the Cuban Doctors at the Kenya School of Government and eventual posting of 100 specialists to the Counties.
3. Universal Health Coverage (UHC): The Health Committee under the leadership of H.E. Dr Mohamed Kuti coordinated with the Ministry of Health, a series of consultative meetings towards the agenda of UHC as one of the Big 4 Presidential Agenda. These consultative meetings included the County Executive Committee Member and Governors to address issues related to county financing of UHC and health facility readiness assessments. In regard to financing the UHC, the Health Committee worked with the CECMs to generate an Advisory to the Governors which was adopted and resulted in the successful halting of the MoH plan to divert funds from the Transforming Health Systems for Universal Health Care (THS-UC) into funding the UHC pilot plan in 4 counties through NHIF.

b) Performance management framework in ensuring standards regulatory bodies on Inter-Governmental issues

During the year, the Health Committee of the COG also worked with the MOH in development of performance management framework in ensuring standards regulatory bodies on Inter-Governmental issues and facilitated issuance of Performance Management Guidelines for Medical Specialists by the Director of Medical Services to enable Counties monitor performance of the Cuban Doctors and local specialists.

c) Legislation and Policy Review

The Committee worked with the Legal department in preparation of Memoranda on Health Act 2017 which clearly advanced the COG position on the various concerns which touched on Transfers and posting of Doctors, promotion of Level 5 County Hospitals to Level 6, the relationship between the Director General of Health and the County Directors of Health without reference to the Governor and finally the powers of the Cabinet Secretary for Health to make Regulations on the Act without consulting the Governors.

d) Induction programme for the Health Committee

Excellency Governors who are Members of the Health Committee were inducted on the Committee Rules and procedures and also elected H.E. Peter Anyang' Nyong'o, EGH as Vice Chair. They were also inducted on projects under the committee.

The committee also supported the induction of the CECs, COHs, Directors and CHMTs. It was during the same time when the newly appointed CECs were also inducted on the CEC leadership protocols and procedures of coordination with the CoG. The induction forums and sensitization meeting also mapped out County HRH, health financing and governance as well as enable the Chief Officers of Health Forum to engage with the various constitutional commissions including the Public Service Commission, the Salaries and Remuneration Commission in dealing with policy issues touching on county health services.

e) Emergencies and Disaster Response

The Committee facilitated the development of frameworks in the health sector addressing emergencies at the County level.

As part of disaster mitigation, the committee played the coordination role by sharing out communications to the Counties on minimization of Risks. The Committee noted that there is a gap in Policy and adequate legislation to effectively manage the emergency and disaster response in the country and will be working with the Ministry of Health and County Governments to address it.





National Launch of Specialized Maternal Childhealth And Immunization Equipment.

f) Strengthening Health Informatics Systems and Monitoring and Evaluation

During FY2017/2018, committee supported the Counties in the Institutionalization of HIS/M&E in focused Counties. In responding to this, there was responsive strengthening of the M&E TWGs. This commenced by first conducting the HIS/M&E functionality status assessment which provided opportunity for establishment of gaps and responsive intervention including developing the TOR for these TWGs and development of the TWG work plans to ensure consistent scheduling and running of the TWGs in Kisumu, Siaya and Kwale.

Furthermore, the Committee facilitated County Governments and CoG Secretariat participation in the Monitoring and Evaluation System Strengthening (MEST) training by the National Treasury Global Fund Program Secretariat in preparation for the Global Fund flow of funds to the counties.

The Committee led in rolling out the implementation of the World Bank funded Transforming Health Systems for Universal Care (THS-UC) and DANIDA UHC projects. The Committee facilitated the implementation of the Inter-Governmental Partnership Agreement for the project, secured the approval by the National Treasury and the Central Bank of Kenya for the appointment of the Health and Finance County Executive Committee Members respectively as signatories to and the opening of the Special Purpose Account (SPA) into which funds were transferred from the County Revenue Fund (CRF) for each county. In collaboration with the National Ministry of Health, the CoG recruited a Project Coordinator and 4 Project Assistant staff to manage the THS-UC and DANIDA UHC projects. Upon induction and on-boarding, these staff were instrumental in conducting induction programs and training for all County CECs, Chief Officers of Health and County Directors of Health the Health Management Teams to facilitate a smooth take-off of the project implementation.

The period also witnessed the negotiation and subsequent approval of the Global Fund program grant for Tuberculosis, HIV/AIDS and malaria and the signing the agreement by the National Treasury on December 15th, 2017. This resulted in the commencement of negotiations with the National Treasury which is the Principal Recipient (PR1) for the public sector over the flow of funds to the county governments as a way of getting the implementation of activities to be aligned with devolved systems and structures.

g) Intergovernmental Forums

On 27th – 28th February, 2018 the Committee together with key Stakeholder forum held a 2days workshop to deliberate on Health Workers Strike, lessons learnt and measures to curb concurrence.

The discussions at the workshop highlighted that access to health care services has significantly improved since the advent of devolution. Since the year 2013, historical mile stones have been achieved and the expansion of healthcare services across counties has led to a significant reduction of maternal mortality rates. However, provision of health care services have over the years been undermined by monumental challenges ranging from Human resource deficiencies, industrial strife by healthcare service providers and lack of critical institutional infrastructure in place.

From the meeting the following recommendations were made:

- Need for political good will necessary for implementation of agreed decisions
- Training of all the parties on CBA and RTWF negotiations and mediations.
- Raise awareness of negotiating team on the labour laws and COK and industrial strike legal framework
- Need to develop and sign national and county specific minimum Service Level agreements.
- Develop a graduated strike actions model for partial service delivery other than shutdown by the unions to maintain essential services
- Plan for catch up health campaigns should strikes exceed a specific time frame
- Public awareness of strike issues by both employers and employees/unions
- Engagement and ensure active involvement of the Ministry of Labour in negotiations and provision of solutions
- Consider HRH budget beyond salaries in areas of occupational safety and health; staff rewards and motivation and proper Human Resources coordination.
- Ring fence salary funds upon disbursement from national treasury to ensure timely staff salary payment and statutory deductions
- Counties need to consider placing HR officers at the Health department to tackle the Health HR issues and also deploy a few to high volume facilities

2.4.2 Agriculture

The committee handles all matters relating to sustainable agricultural practices; poverty eradication by utilization of high value inputs and equipment; value addition for farmers; food security and drought management; production and marketing; fisheries development; and adoption of technological advancements in agriculture. The Committee also addresses matters related to agricultural levies and licenses, devolvement of agricultural projects to Counties, sharing of revenue for export abattoirs in Nairobi, intergovernmental Relations by developing mechanism for consultation and cooperation for the agriculture sector.

a) During the period under review the committee undertook the following:

1. Engaged the National Government and finalized the development of Youth in Agriculture Strategy.
2. Participated in the development of the Agriculture Sector Transformation and Growth Strategy.
3. Supported the setting up of the Joint Agriculture Sector Intergovernmental Secretariat.
4. Negotiated for funds for 3 Joint agriculture programmes: Agriculture Sector Development Support Programme, National Agriculture And Rural Growth Inclusive Project And The Kenya Climate Smart Agriculture Project
5. Engagement with privatization commission and the Ministry of Agriculture, Livestock and Fisheries and agreed on the modalities of privatization of sugar companies.



Consultative Meeting with stakeholders in the Agriculture and Water Sectors.

6. In Collaboration with Route To Food Supported Murang'a County to review their CIDP to mainstream Food and Nutrition Security
7. Engaged with the National Government on the implementation of Coffee and Tea Sector Reforms.
8. Formation of an Inter-Governmental Committee on fall army worm to spearhead strategic interventions aimed at curbing fall Armyworms spread
9. Participated in the development of upcoming joint programs such as the Aquaculture Business Development Programme (ABDP), Kenya Marine Fisheries and Socio-Economic Development Project (KEMFSED) and the ENABLE –Youth program.

b) Legislation and Policy Review

The Council of Governors Agriculture Committee in consultation with the County Governments through the County Executive Committee Members in charge of Agriculture reviewed, developed and presented legislative memorandums to the Bills below before parliament.

- The Irrigation Bill (National Assembly Bill No. 46 of 2017)
- The Warehouse Receipt System Bill, 2018 (NA Bill No. 2 of 2018)
- The Warehouse Receipt System Bill (Senate Bills No.10 of 2017)
- The Food Security Bill (Senate Bills No. 12 of 2017)
- The Statute Law (Miscellaneous Amendments) (No.2) Bill, (National Assembly Bill No. 13 of 2018)
- The Statute Law (Miscellaneous Amendments) Bill, (National Assembly Bill No. 12 of 2018).

The Committee also participated in the review of laws and regulations governing the Agriculture Sector in the Country through the JASCOM. In this regard the Committee reviewed the regulations pursuant to the provisions of the Crops Act to govern the development of the scheduled and also shared a memorandum over the same. The regulations reviewed are meant to guide in the development of the following sub-sectors among others:

- Coffee
- Tea
- Sugar
- Fibre Crops
- Horticulture

- Food crops
- pyrethrum

c) Other Key activities of the Committee

41 County CECs (8F & 33M) and 43 COs (18F & 25M) in charge of Agriculture met to review; Agriculture Growth and Transformation strategy, Coffee Regulations, Irrigation Bill, Food and Nutrition Policy Implementation Framework, Youth in Agribusiness Strategy.

An induction meeting was held for the 47 CECs (Female=8, Male=22) on the operation and mandate of the Council of Governors in the meeting leadership for the sector was also elected.

Nairobi Cluster County Consultative workshop on the IUCN Dryland Resilience Project was held on Mon.25th Sept.2017 at CORAT Africa-Karen and consolidated County submissions into a project proposal to be submitted to Global Climate Fund board for possible funding.

Strategic review of SDG 2 Implementation in Kenya (Towards Zero hunger situation) held on 27th and 28th Sept.2017 at Simba Lodge, Naivasha. The meeting developed a draft document on the strategic review of SDG implementation in Kenya for submission to the advisory board on ending hunger situation in Kenya.

Engaged with the IBEC Technical Committee on Unbundling of functions of the sugar companies which agreed that the privatization process should be carried out in phases, and on a case by case basis to leverage on useful lessons and to inform the subsequent processes.

An intergovernmental National Fodder Value Chain Conference was successfully held on 26th October 2017 at Nakuru.

Consultative meeting to review the modalities of handing over the movable assets of Kenya Agriculture Productivity Program (KAPP) to the County Governments held on Mon.25th September 2017 at IGRTC offices. The KAPP assets were handed over to County Governments and MoUs on modalities of transfer signed were signed by all project beneficiary Counties.

The Committee is part of the ASTGS Taskforce which has developed the draft Agriculture Sector Transformation and Growth Strategy and National Agriculture Investment Plan. The new strategy takes into account the many developments in the sector and recognizes that agricultural growth and transformation strongly depends on the collaborative efforts of multiple stakeholders- MoALF, national sector players and 47 county government players, private sector, civil society, policy research institutions, and development partners- with a clear delineation of roles and a coherent strategy. Under the implementation framework, the lead organization is the Food Security and Nutrition Council chaired by the His Excellency the President. The CoG proposed the inclusion of amendments adopted in the latest version of the Food and Nutrition Policy Implementation Framework whereby the CoG Chairs of the Agriculture and Health Committees were members.

The Committee in collaboration with the Joint Agriculture Secretariat and the Ministry of Agriculture and Irrigation participated in the development of the JASCOM Legal Notice aimed at legalizing the Joint Agriculture Sector Intergovernmental Cooperation mechanism.

d) Resource Mobilization/ Partnerships with Development Partners

The NARIGP project is funded by World Bank at a tune of 200 million USD and will be implemented across 21 Counties in 5 years starting from the FY 2017/18. The conditions for project implementation include; ring-fencing of project funding, budgeting of the counterpart financing and operationalization of Project CPCUs.

The IFAD Aquaculture Business Development Programme (ABDP) to increase production of fish farming in Kenya. The potential of fish farming in Kenya is considered of high potential, this is because statistically in 2009 the annual aquaculture stagnated at 1000MT but with the GoK ESP intervention

production rose to 50,000 MT per year valued at about Ksh 18 billion. Aquaculture has proved to be the only sustainable alternative to bridge the fish deficit.

The Agriculture Sector Development Programme (ASDSP II) programme which aims to Develop Sustainable Priority Value Chains for Improved income, food and nutrition security.

Jointly with National Government developed programmes that will give conditional grants to counties to support agriculture. These include; Drought resilience project to support 2 counties, the Fisheries development Project targeting coastal and lake region counties, The enable youth programme targeting 47 counties and the East and Central Africa agriculture Transformation programme.

Jointly with AAIN in the process of developed a programme to support 14 Counties to start agribusiness incubation centres.

Technical workshop to develop the concept note of the Eastern and Central Africa Agriculture Transformation Project (ECAATP) seeks to build from the successes of the East Africa Agriculture Productivity Project (EAPP) which was implemented in the period (2010 to 2015) across the 47 Counties. A multi country project identification mission took place on April 2-13 at Entebbe Uganda. The workshop agreed on the project components for the and financing for the Project Preparation activities (PPA).

AfDB is rolling out ENABLE project set to be implemented over a period of 5 years in 8 beneficiary counties. The total project cost is estimated at 24.2 M USD. The program targets to train and empower 2080 agripreneurs in 8 agribusiness incubation centres across the Country through incubation and acceleration.

e) Peer to Peer learning - Participation in National, Regional and International Conferences, Workshops, Webinars and Seminars

Banana Value Chain Conference held on Thursday 4th October 2017 at Kisii, with 21 county governments in Kenya and in collaboration with key banana stakeholders including farmers, cottage processors, industrial-scale processors, exporters, traders, and researchers for purposes of sharing achievements



of the on-going banana activities, highlighting investment opportunities in the banana value chain, and drafting evidence based approaches to resolving challenges limiting profitability of banana value chain.

Fruits and Vegetables Conference held on 14th Thurs, at KSMS which agreed that the Fresh Produce Exporters Association of Kenya (FPEAK) will support counties in the development of the CIDPs and fastrack inclusion of conference recommendation.

Scenario guided review of the Climate Smart Agriculture Strategy 2017-2026 held on Wed.18th and Thurs.19th at Qaribu Inn, Loresho to review the strategy using scenario guided approach in order to identify and propose solutions to challenges in the implementation of the strategy. The Climate Smart Agriculture Strategy is expected to be the overarching blueprint that will inform mainstreaming of climate change mitigation actions whilst enhancing adaptive capacities of sector players to vulnerabilities as a result of climate change. The strategy is expected to be domesticated by all Counties in their CIDPs and implemented in the year 2017-2026 to a tune of 500 Billion.

2.4.3 Infrastructure and Energy

The Roads, Infrastructure and Energy Committee oversees activities related to transport, infrastructure development and energy in the 47 Counties so as to ensure better service delivery to the citizens of Kenya as per the principles of devolution enshrined in the Constitution of Kenya.

The committee offers technical support in terms of information, research, policy analysis, and resource development for County Governments across a range of policy issues targeting the development of transport, infrastructure and energy for increased accessibility to all parts of the Country.

a) In the period under review the committee undertook the following:

- 1) Consultative meeting with the CECs in charge of roads to discuss the Roads Bill, 2017 on 9th January, 2018 which resolved that The Road Maintenance Levy Fund should be increased from 10% to 57% to cater for the additional 31, 000KM of unclassified roads were allocated to County Governments. The proposed RMLF allocation (20%) would be able to cater for the maintenance of these roads.
- 2) Consultative meeting with CECs in charge of roads to discuss the County Planning (Roads, Pavements and Parking Bays) Bill, 2018 and other matters arising on 31st July, 2018 which noted the need to re-evaluate the duties placed on County Executive Members in charge of roads under the Bill, especially on matters touching on access ways, construction of pavements and setting of standards in the development of access ways and parking bays.
- 3) Continued partnership with UNDP through Sustainable Energy for All (SE4ALL) programme initiative aiming at improving energy efficiency and doubling the share of renewable energy in the global energy mix by 2030.
- 4) Counties sensitized on energy resources and Sustainable Energy planning. The counties reached were: Laikipia, Meru, Samburu, Garissa, Tana River, Mandera, Nairobi, Makueni, Bomet and Mombasa.
- 5) Development of the County Energy Planning Framework in collaboration with the Ministry of Energy and GIZ. The Council of Governors in collaboration with the Ministry of Energy, County Governments and other stakeholders developed a draft County Energy Planning Framework that sought to guide the use and highlight the energy resources available in each County. The draft County Energy Planning Framework was validated by the County Executive Committee members in charge of energy and they gave their comments which were incorporated in the draft document.
- 6) The Ministry of Energy and Petroleum with the support from the World Bank and the Council of Governors launched a US\$155 million solar project that will enable majority of the residents in the arid and semi-arid regions in the country have access to electricity. The five year Kenya Off-grid Solar Access Project (KOSAP) is designed to scale-up electrification in households, market centres, schools, community facilities and enterprises in the furthest corners of Kenya which lack grid networks.



b) Sharing of Good practices

- 1) Nyamira County Government signed an MOU with National government and Contracted Ministry of Infrastructure (Public Works) to construct roads using its own personnel and equipment. The aim was to reduce cost involved in outsourcing private contractors and ensure prompt completion of contracts.
- 2) Kilifi County has constructed a dual-purpose system consisting of a solar-driven pump; reservoir tank and 4 tap watering point. 24 solar panels installed strategically to power the pump to fill the stand by water tank. With a contribution of Ksh 900 per month per household, the water is able to reach over 5000 households.

c) Legislation and Policy Review

- The Petroleum (Exploration, Development and Production) Bill no. 40 2017 which provides that sharing of petroleum revenue shall be apportioned between the national government, county government and the local community.
- The Energy Bill (National Assembly Bill No. 41 of 2017) which seeks to consolidate the laws relating to energy, align the legal and regulatory framework of the energy sector with the Constitution of Kenya, 2010.
- The Nairobi Metropolitan Area Transport Authority Bill (National Assembly Bill No. 43 of 2017) which provides framework for the establishment of the Nairobi Metropolitan Area Transport Authority concerning County governments of Nairobi, Kiambu, Machakos, Kajiado and Muranga.
- The Kenya Roads Bill, 2017 that provides for the classification, management, construction and maintenance of public roads; to establish the Kenya National Highways Authority, Kenya National

Urban Roads Authority and Kenya National Secondary Roads Authority; and to provide for their functions and powers; and for connected purposes.

- The Local Content Bill (Senate Bill No.13 of 2016) which seeks to provide a framework for the development and adoption of local content through ownership, control and financing of activities connected with the exploitation of gas, oil and other mineral resources by local persons and local enterprises.

2.4.4 Urban Development, Planning and Lands

The Land, Planning and Urban Development Committee (UDC) consider all matters relating to urban development and regulations; investment and urban planning policies. Due to the magnitude of the urban challenges and in recognition of the importance of strategic partnerships with competent agencies and authorities, the committee is keen to harness the knowledge and best practices that exist in the urban development sphere to inspire an era of urban regeneration.

In addition, the committee provides technical assistance in terms of information, research, policy analysis, and resource development for County Governments across a range of policy issues targeting the growth of urban areas as engines of county economy.

The committee has held various consultative meetings with different stakeholders who play a key role in the sector as highlighted below.

1. On 15th and 16th November, 2017, the Lands, Planning and Urban Development Committee in collaboration with the SDGS and COG M&E/Performance management unit held a two-day workshop with an overall objective to build capacities of the counties to prepare quality 2nd generation CIDPs that incorporates and mainstreams SDGs, gender, ending drought emergencies, disaster risk reduction, climate change, and HIV/AIDS. The following Counties participated in this meeting; Embu, Laikipia, Kisii, Kitui, Migori, Kirinyaga, West Pokot, Muranga, Narok, Nyeri, Machakos, Bomet, Makueni, Nyandarua, Taita Taveta, Kilifi, Kiambu, Garissa, Kericho, Kakamega, Vihiga, Nakuru, Nyamira, Wajir, Nandi, Siaya, Meru, Tharaka Nithi, Kwale, Mombasa, Uasin Gishu.
2. On 18th and 19th October 2017, the Committee organized a training for County Directors in charge of Lands, Planning and Urban Development on spatial planning process in Naivasha with the theme 'Towards Stronger and more efficient County Spatial Planning'. Key areas addressed were issues concerning; the spatial planning framework in Kenya, the place of Geographical Information System in County Planning, Spatial Plan Delivery Mechanisms (In-house capacity, partnerships, Outsourcing) and Mainstreaming Climate Change into County planning.
3. The National Government has been advancing the Big Four Agenda with Housing being one of them. In this regard, the committee organized for a consultative meeting with the County Executive Committee Members from all the 47 County Governments on 29th May 2018 to discuss some of the mechanisms of implementing the affordable housing agenda. The outcome of the meeting was amendment of provisions of the MOU that was to be signed between the State Department of Housing and the County Governments to initiate the affordable housing program to the effect that the National and County Governments will source for a developer and that Counties should avail County Land for construction. Additionally, the national Government was to act as a guarantor for the Counties.
4. The Council of Governors facilitated a three-day meeting with all the CECs and COs in charge of Lands, Planning, Housing and Urban Development with the objective of sensitizing them on the key institutions supporting devolution and their respective mandates as outlined in the Constitution of Kenya 2010 and subsequent laws as well as sharing experiences including good practices, challenges and solutions sought in the first phase of implementing devolution.

The meeting which brought on board other key stakeholders in the sector including the State department for Housing and Urban Development, Ministry of lands and physical planning, National Land Commission, Survey of Kenya, Civil Society Urban Development Programme(CSUDP) resolved as follows:

- The Ministry of Lands and Physical Planning to revise the different institutional frameworks proposed in the National Spatial Plan and the National Land Use policy for ease of implementation.
- The National Ministry in collaboration with COG to finalize development of the National Planning Handbook which details collection of instructions for users to refer on the processes, procedures, standards and general guidelines for plan preparation and implementation.
- The National Planning Department to work in collaboration with relevant County departments in preparing and implementing national plans especially for mega projects. E.g in mapping out /zoning areas for resort cities, trunk roads, industries etc.
- Counties need to prioritize urban planning to optimize the effectiveness of a community's land use and infrastructure
- Revision of National Land Commission Act to include sec 14 reinstate powers of the commission to revoke tittle deeds.
- County Governments to collaborate closely with the national Government to ensure land adjudication
- Need to seek for review of supreme court decision on land registration role that it gave to the ministry of Lands and Physical Planning
- COG to submit list of county surveyors to Department of survey for them to be recognized as government surveyors
- Urgent need to review the survey act since it is redundant and unconstitutional - survey of Kenya to share with Counties the draft survey bill
- The cabinet secretary to circulate a circular to counties clearly stating the roles of county governments and national governments in survey work
- IGRTC to share with CECs in charge of Lands, Planning Housing and Urban Development through COG the unbundling report
- County CECs in charge of Lands, Planning, Housing and Urban Development to follow up with their Counties to ensure that assets and liabilities in their dockets are captured in the report

b) World Urban Forum in Malaysia

The Council of Governors through its Land, Planning and Urban Development Committee coordinated participation of county governments in the National Urban forum that was held on 15th and 16th of January in Nairobi County. This was a forum for stakeholders especially those in the urban sector to review and provide inputs to the already prepared Country report that was to inform and guide Kenya's participation in the 9th session of the World Urban Forum in Kuala Lumpur Malaysia. The theme for the 9th session is; *Cities 2030, Cities for all; Implementing the new Urban Agenda. This will be the first global session to focus on implementation of the New Urban Agenda since its adoption in 2016.*

The meeting underpinned the critical role of the County Governments as key implementers of the new urban agenda which calls for the provision of adequate, affordable, accessible, resource efficient, safe, resilient, well-connected, and well-located housing with special attention to the proximity factor and the strengthening of the spatial relationship with the rest of the urban fabric and the surrounding functional areas. He urged the two levels of government to work in harmony so as to deliver this good agenda to the citizens in the Counties.

c) Legislation and Policy Review

- Development of Land Act and Land Regulations
- Memorandum on the Physical planning bill submitted to the National Assembly for consideration. This restored the mandate of approving County Spatial Plans to the County Assemblies as it is in the County Governments Act.
- Review and submission of memorandum on the Urban Areas and Cities Act 2012.



World Urban Forum 2018.

- Review and submission of the memorandum on the Land Value Index Bill.
- Development of a model charter for municipalities on establishment of the various categories of urban areas and cities under Section 9 of the Urban Areas and Cities Act. Wajir has become the first County to use the charter to confer Wajir Town the Municipality status.
- Development of the County Spatial Planning Guidelines with support of UNDP and DFID aimed at providing direction and a quick reference frame to the counties in discharge of the spatial planning function.

2.4.5 Tourism and Wildlife

The committee considers all the matters relating to Tourism and Wildlife Management, tourism being a significant sector and a driver of Kenya's economic development as an Economic Pillar of Vision 2030, therefore the committee has the responsibility of formulating the intergovernmental framework of engagements with the National Government through the Intergovernmental working groups, identifying the key issues in tourism, providing the legislative and administrative actions and consolidating the best practices from Counties in collaboration with the stakeholders.

The committee undertook the following:

a) Induction meeting of the CECs in charge of Tourism and Wildlife:

The committee held the first induction meeting for the CECs in charge of Tourism and Wildlife with 22 (7 females and 15 males) County Executive Committee members attending the meeting. The meeting discussed and made recommendations on the Technical Committee of the Council can improve the coordination and proper manage activities of the within the sector with the CECMs.

b) Best Practice Sharing among Counties

1. Ushanga Kenya Initiative

Ushanga initiative conceptualizes the bead making into a commercial activity amongst the pastoral communities in seven identified counties namely; Baringo, Kajiado, Samburu, Narok, West Pokot, Samburu, Marsabit and Turkana County.

2. Cultural Festivals

Counties have been able to host cultural festivals in their counties. Some of the successful cultural festivals include;

- **Tobong’u Loree in Turkana county** is an annual Turkana tourism and cultural festival, which brings together people from all over the country but also from neighbouring countries of South Sudan, Ethiopia and Uganda, popularly referred to as “the ateker cluster”- comprising of communities within the region that share a common history, cultural values and practices. Tobong’u Loree festival doubles as a premium, highly effective strategy for promoting peace in the region.
- **Tucokie Rui Mukaro in Nyeri County:** Literally, “Tucokie Rui Mukaro” means “Going back to our roots”, and showcases the region’s rich cultural and historical heritage ranging from traditional dance performances, traditional attire, songs, traditional cuisine, artefacts and the hospitality of the Nyeri people.
- **Siaya County** organizes an annual Got Ramogi festival dubbed “Duog uru dala nyikwa ramogi ajuang”, which holds a significant cultural heritage for the Luo community, and promotes community conservation of forests.
- **Camel Derby in Samburu County**, which is Kenya’s best known and most prestigious camel race, attracting both local and international competitors.
- **Lamu cultural festival in Lamu County**, which started in 2001 and is the longest running cultural festival in the country, and has played a key role in marketing Kenya globally.
- **Marsabit-Lake Turkana Cultural Festival and Half Marathon** held in Loiyangalani, Marsabit County.



4th Edition of Tobung’ulore (welcome back home) festival.

c) Legislations and policy reviews

The Committee participated in the development and the launch of the National Tourism Blue Print 2030 and National Wildlife Strategy 2030 in conjunction with the Ministry of Tourism. This planning framework will guide the tourism sector in sustainable strategic development. The blueprint is anchored on the four pillars Ecosystem species, engagement of all Kenyans, research & innovation and sustainability. The County Governments will be expected to develop their policies and plans borrowing from the blueprint.

d) Consultative Forum for CECs and Directors in Charge of Tourism

A consultative meeting was held with the CECs and Directors in charge of Tourism on 31st January 2018 at the Sarova Panafric Hotel. In attendance was the Ministry of Tourism, Tourism Fund and the Kenya Tourism Board. The agenda of the meeting aimed to discuss the joint coordination framework for The Tourism Sectors, Regional Tourism Boards, Tourism sector standardization, safety and security, tourism product development, management of taxes and levies and marketing of the counties. There were a total of 40 CECs and County Directors present in the meeting. In gender distribution, we had a representation of 15 females and 25 males. The Committee partnered with Tourism Fund who contributed Ksh 1.5 Million towards Intergovernmental Forums between the National Government Agencies and County Executives in charge of Tourism.

2.4.6. Water, Forestry and Mining

The Committee considers all matters relating to sustainable water management; mining; climate change; environment management and conservation; forestry; natural resources; pollution and waste management.

In the FY 2017/2018, the Committee activities were as follows:

a) Consultative Meetings among Counties

- The Committee held a sensitization for the Governors and County Executives in the committee to take them through the role of COG and the current activities the Committee is undertaking in different sectors which include: findings of the Mining Policy Brief, fast tracking of the operationalization of the Inter-governmental Water Sector Consultation and Cooperation Framework, operationalizing the Transition Implementation Plans (TIPs) and follow up with the National Environment Management Authority (NEMA) to support in developing policies on Solid Waste Management and training and gazettement of Environment officers.
- During the year COG in collaboration with the Water Service Providers Association (WASPA), organized the first Kenya Water Summit which brought together 300 Actors in the water sector to deliberate on the issues facing the sector. Other forums included the Inaugural Council of Governors Extractives Forum held on 4th - 6th April, 2018 which was attended by 40 participants (17 females and 23 males) and also organized a multi-Agency Consultative meeting held in May to discuss the flooding situation in the country which was attended by 20 participants (6 females and 14 males).

b) Best Practice Sharing among Counties

- The committee shared experiences from Makueni, Wajir, Kitui, Garissa and Isiolo on developing and passing policies on climate change funds which provides for allocation of a percentage of their county budget on climate change interventions.
- Nakuru and Uasin Gishu have provided for collection of revenue from farm forest materials in their County Finance Policies.
- Narok County, which has the largest community forest (Maasai-Mau) has a joint enforcement for protection of the forests by Paramilitary Forest Guards of up to 500 working in collaboration with Kenya Forest Service and Kenya Water Towers Agency.

- Kilifi County has gazetted Environmental Inspectors to address environmental challenges including noise pollution.
- Participated in the Kenya Forest Service tree planting awards that saw Counties get awarded for their conservation and mitigation initiatives in the Country.

c) Legislations and Policies reviewed

- The Committee has supported the development of memorandums on policies and frameworks such as the Draft National Water Policy 2018, Disaster Risk Management Bill, National Climate Change Action Plan II (2018-2022), Reducing Emissions from Deforestation and Forest Degradation (REDD+), National Solid Waste Management Bill 2017, E-waste Management Policy, Non-revenue water policy, PFM National Climate Change Fund Regulations; Water Towers Policy, National Biodiversity Strategy and Action Plan(NBSAP) and the National Environment Action Plan(NEAP).

d) Thematic Capacity Building

- Kenya RAPID County Capacity Build Fund (CCBF). The programme will fund Capacity building with a focus on increasing the knowledge and upgrading skills of staff, increasing operational capacity of county government institutions, strengthening organizational structures and systems and building long term measures to sustain new capacities in water, livestock and rangeland management sectors.
- Inaugural training program for County officials on climate change policy, planning and budgeting at National and County level to enhance the capacity of National and County Governments to address threats posed by climate change.

e) Resource Mobilization

- Organization of the first Development Partners meeting with the Water Sector Technical working group (WSTG) which brought together over 27 partners (15 males and 14 females). It was agreed that a Member of the Water, Forestry and Mining Committee CECM caucus will join and participate in the regular Meetings of the Water Sector Technical Working Group for better coordination, information sharing and cooperation.
- Water Towers Protection and Climate Change Mitigation and Adaptation, to support the eradication of poverty through enhancing the productivity of ecosystem services in two of Kenya's five water towers – Mt Elgon and Cherangany and its ecosystems covering eleven counties. The programme is a six years programme with a duration from 2014-2020 and with a total support of €31,000,000 corresponding to KES 3.6 billion.
- Participation in the Kenya Green Climate Fund Proposal Development which will provide funds for adaptation and mitigation initiatives.

f) Intergovernmental Forums

- Signing of the Inter-Governmental Water Sector Cooperation Mechanism. The goal of the water sector framework is to steer the attainment of a robust and sustainable water sector in Kenya through the coordination of the attainment of policy goals and standards in the Sector. It also will be the liaison between the National Government and the County Governments through the provision of a platform for dialogue and engagement of critical stakeholders in the sector.
- Initial development of an intergovernmental mechanism to coordinate issues related with Climate Change with the Climate Change Directorate.

g) Memorandum of Understanding

- Memorandum of Understanding on pet waste management in Kenya between Kenya association of manufacturers (KAM) and Council of Governors. The purpose of the collaboration is to cooperate with the purpose of addressing PET Waste in the environment by ensuring that KAM members

comply with the environmental principles on waste management in Kenya and support County Governments to deliver on their mandate of conserving the environment at the County level.

- Memorandum of Understanding between Kenya Forestry Research Institute (KEFRI) and The Council of Governors (COG) to collaborate in research and development on environmental conservation and forestry in the 47 county governments of Kenya.

g) Peer to Peer learning

- The Council of Governors and the Ministry of Environment and Forestry convened the Kenya Climate Action Learning conference dubbed “Climate action (SDG 13): Kenya’s journey and the path ahead “ between 9th -10th May, 2018 to share experiences of the Counties that have established County Climate Change Fund Regulations and beneficiaries of the Strengthening Adaptation and Resilience to Climate Change in Kenya (StARCK+).
- Participated in COP 23 in Bonn Germany in November whereby 3 Governors and one technical staff from the Council participated in the panel discussions that sought to understand what the sub-national Governments have done in terms of helping the local communities to build resilience to the escalating shocks and stresses of climate change and therefore deliver more effective and efficient climate solutions as well as also on the role of the Government on implementation of adaptation under the Paris Agreement.
- Participated in a Wind Energy training in India that saw 9 county officials attend the training and one COG representative. The objective was to train and provide information on Wind turbine technology and its applications for implementation by the County Governments.

2.4.7 Cooperatives and Enterprise Development Trade, Industry and Investments

The Trade, Industry and Investment Committee was constituted to consider all matters relating to trade development and regulations; and investment and divestiture policies. The Cooperatives committee was constituted to consider all matters relating to cooperatives development and regulations.

a) Trade Sector CECs Consultative meeting at Safari Park Hotel

The Trade Sectoral Meeting was the first since the August 8th 2017 general elections and was convened to introduce the newly appointed and reappointed Trade County Executives to the Trade, Industry and Investment technical committee under CoG. The aim being to strengthen and deepen the relationship between them.

The CoG trade technical committee had the opportunity to highlight the current state of Trade in Kenya and present the progress on key initiatives currently under implementation by the committee. This also provided an avenue for the Trade County Executives to share their experiences and challenges in developing trade in their respective counties. The meeting was attended by 30 counties namely; Kitui, Vihiga, Migori, Nakuru, Homa Bay, Kajiado, Nyeri, Nandi, Makueni, Kisii, Meru, Samburu, Kirinyaga, Nyandarua, Laikipia, Taita Taveta, Baringo, Muranga, Bomet, Siaya, Bungoma, Kiambu, Embu, Marsabit, Uasin Gishu, Mandera, Kisumu, Busia, West Pokot and Machakos.

b) Launch of the National Export Development Strategy

The Committee was involved in mobilization of CECs in charge of Trade and also participated in the consultative meetings that developed the strategy. The National Export Development Strategy has identified eight (8) critical sectors to feed the export system in the medium term, to the year 2022 and, to support achievement of national goals; the Big Four Agenda; the Kenya Vision 2030; the United Nations Sustainable Development Goals and the Strategic Plan of the Export Promotion Council, 2018-2022.



Each of the identified sectors has specific value chains that are to generate wealth for Kenya and has also identified bottlenecks that need to be dealt with in the following value chains:

- Manufacturing
- Agriculture,
- Livestock,
- Fisheries,
- Services,
- Emerging Sectors,
- Handicrafts, and
- Cross Cutting Issues.

The National Export Development Strategy was launched during the 2nd Kenya Trade Week and Exposition, 2018 at KICC.

c) Development of the Draft regulations of the Retail Sector and Code of regulations

The State Department of Trade embarked in a consultative process of developing the Retail Sector Regulations and Code of Practice for the sector. The Council of Governors was incorporated as a member of the technical committee that is developing the regulations. The objective of the regulations is to provide for self-regulations within the sector at the same time giving both levels of Government responsibility in the sector.

The Council has since been able to give its reservation on some sections of the regulations which will be consolidated during CECs and COs consultative meeting. The consultative meeting is scheduled for the first quarter of the FY2018/19.

d) Inter-governmental trade sector consultative meeting

The Ministry of Devolution and Asal organized for various intergovernmental meeting for devolved sectors one of which being the Trade sector intergovernmental meeting. The following issues were the key issues raised by the County Governments in the meeting;

- 1) There is need to have a proper intergovernmental meetings bringing together all state departments at National Government responsible for Trade and Investments issues to ensure that we have a consolidated discussion on issues affecting the sector;
- 2) The Joint Loans Boards which was being administered by the State Department of Trade was discontinued and there is need to handover the resources and procedure for support of SMEs by County Governments;
- 3) There was discomfort from some Counties that some departments at the National Governments are still constructing markets and there was need therefore to hand over the same to the respective County Governments or have a discussion on the matter; and
- 4) Legislative and policy environment needs to be adequately operationalized consultatively.

e) The 2nd Kenya Trade Week and Exposition

The committee participated in the plenary and session discussions that were conducted during the Trade Week and in collaboration with Communication department and Maarifa Centre exhibited in the Trade Week at KICC. The Council of Governors Chair Trade, Industry and Investment Committee participated in the AGOA plenary on day one and High Level Plenary on the role of County Governments in the Big Four Agenda focusing on Trade While the Chair Council of Governors gave opening remarks during the official opening ceremony. The CECs in Charge of Trade, Chief Officers and Directors attended the week long meeting where the CECs were able to share County interventions on improving the Ease of Doing Business.

f) Legislation and Policy Review

The Council of Governors Trade, Industry and Investment Committee, Cooperatives Committee and Legal Committee in consultation with the County Governments through the County Executive Officers in charge of Trade and Cooperatives reviewed, developed and presented legislative memorandums to the Bills below before parliament.

- 1) The Statute Law (Miscellaneous Amendments) (No.2) Bill, 2018 The Privatization Act, 2005 (No. 2 Of 2005);
- 2) The Public Private Partnerships (Amendment) Bill, 2017;
- 3) The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 - The Public Private Partnerships Act, 2013;
- 4) The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018-The Micro and Small Enterprises Act 2012 (No. 55 of 2012);
- 5) The Statute Law (Miscellaneous Amendment) (No. 2), Bill, 2018 (National Assembly Bill No. 13 Of 2018) - Cooperatives Societies Act (Cap 470);
- 6) The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 - The Sacco Societies Act (No. 14 of 2008); and
- 7) The Sacco Societies (Amendment) Bill, 201

2.4.8 Education, Gender, Youth, Sports, Culture and Social Services

The Education, Gender, Youth, Sports, Culture and Social Services Committee is tasked with considering, reviewing and monitoring policy and legislation on matters relating to education, gender, youth, sports, culture and social services and making relevant recommendations.

- The Committee developed and presented legislative memoranda on the Statute Law (Miscellaneous Amendments) Bill, 2018 before parliament on the following Act:
 - The Kenya Institute of Curriculum Development Act, 2013 (No. 4 of 2013).
 - The Children's Act, 2001 (No. 8 of 2001).
- In addition, the committee together with the County Attorneys reviewed and submitted a memorandum to the Ministry of Labour and Social Protection on the following draft Bill:
 - The draft Community Groups Registration Bill, 2018
- The committee further reviewed the following draft policy and forwarded comments to the Ministry of Education:
 - The Draft Policy on Provision of Education and Training for Learners and Trainees with Disabilities
- The Committee also monitored through daily review of Gazette notices, Parliamentary Order Papers and Hansard Reports to ensure that the concerns of County Governments are considered and addressed.

a) Resource Mobilization

The gender committee technical officers drafted the UN Women/COG cost Extension (October 2017-February 2018) and LOA for FY 2018/19 project document which was funded to a tune of 40 million. These funds will go into deepening of gender mainstreaming efforts to institutionalize gender functions at the county level.

b) Facilitating capacity building for Governors

An inaugural meeting for the members of the Kenya Network of Women Governors and Women Deputy Governors was organized. The objective of the meeting was to; create a platform for the Women Governors and Women Deputy Governors to interact and share experiences and to agree on the future and modality of carrying out operations for the caucus. During the meeting, the members identified key focus areas in relation to the objectives of the caucus and also requested the Council of Governors to organize for a meeting with potential donors who would be willing to support gender equality initiatives in their Counties.

c) Thematic Capacity building initiatives

- The Council of Governors in partnership with the National Treasury – AGPO Secretariat and PPRA conducted onsite Monitoring visits to Mombasa, Kericho and Bungoma Counties as a follow up of the sensitization forums conducted earlier. The visits aimed at sensitizing the officers on the P&R Scheme and tracking the progress of the implementation of the resolutions of the high level seminars regarding the acceleration of the uptake of access to government procurement opportunities for women, youth and persons with disabilities by the Procurement Officers in select Counties.
- The gender committee with the support of UN Women is implementing a mentorship programme which is designed to engage twenty (20) women interns for a duration of six (6) months. This programme aims at attracting and retaining high-potential talent and accelerate leadership development and readiness. Currently, there are 10 young women placed in the offices of Women Governors and Women Deputy Governors.

d) Consultative meetings among Counties

- The Council of Governors in partnership with other stakeholders undertook to sensitize County technical officers on the CIDP guidelines and how to mainstream cross cutting issues including gender in the development of the second generation County Integrated Development Plans (CIDPs.) This exercise targeted the directors of planning and economic affairs as well as the Chief Officers in



Commission for Status of Women 2018.

charge of planning from all the forty-seven County Governments. During the forums, the gender mainstreaming guidance note was presented with an aim of guiding the County officers in ensuring the CIDPs are gender responsive. It was noted that there is need for public participation at all levels of the CIDP development process and it is imperative to ensure that women are adequately represented in the process.

- The gender committee organized for a two-day meeting targeting the CECs and Chief Officers in charge of gender from all the 47 Counties. These meetings aimed at ensuring smooth transition from the last administration to a new one. The meeting also geared at equipping the new officers with the practical information they need in order to ensure continuity in the various processes and projects previously initiated in advancing the gender equality and women's empowerment agenda at the County level.

e) Capacity Building initiatives

- As part of deepening the gender mainstreaming efforts at the County level, Gender Round Tables (GRT), organized by the Council of Governors in partnership with the UN Women were conducted in Nyamira and Kirinyaga Counties. The gender roundtables were expected to provide a platform for the engagement of women, youth and persons with disabilities an opportunity to interact with the duty bearers at the county level. This is with the aim of enhancing the empowerment of women and girls in key impact sectors namely health, education and social services, trade and agriculture among others.
- The Council of Governors through the gender committee participated and co hosted a side event during the 62nd Session of the CSW. Thus, the resolutions made at the conference are part of the ongoing work being implemented by the Council. These resolutions aim at actualizing gender equality and women empowerment in the Country.

EDUCATION

a) Considering matters of common interests to County Governments

Scheme of service for ECDE Teachers

- The Technical Working Committee finalized on the scheme of service for ECDE Teachers.
- The Scheme of service is currently in draft state awaiting full adoption by the Council and implementation by County Governments.
 - Competency Based Curriculum (CBC)
 - County Directors in charge of ECDE trained as Trainer of Trainers for the CBC
 - Curriculum rolled out in pre-primary 1 level
 - All counties have procured curriculum designs
 - Vocational Training Centers (VTCs):
- Subsidized Vocational Education and Training Conditional Grant (2 billion disbursed) to County Governments
- Implementation guidelines for effective utilization of the Grant sent to County Governments
- County Governments acknowledged receipt of the grant

b) Mombasa County

- Model ECDE centres constructed (9) from which 5 are complete and furnished with child friendly teaching and learning materials.
- ECDE learners provided with school diaries
- Free school milk provided for all ECDE learners in all public ECDE Centres (97)
- Peer to peer learning
- Education committee participated capacity assessment workshop for County Directors in charge of ECDE

c) Peer to peer learning

Capacity assessment workshop for County Directors in charge of ECDE which agreed on the need to strengthen communication and collaboration between National and County Governments for effective delivery of Pre-primary Education

Pan African High Level Conference on Education which attracted 600 delegates from 53 African Union member states. The meeting recommended the following:

- Need for adequate Teacher recruitment and deployment, Motivation and professional support for teachers across the continent.
- Strengthened teacher training and professional development programmes at all levels across the continent
- Global Education meeting to be held in Addis – Ababa in December 2018

School Meals Conference and Launch of School Meals and Nutrition Strategy in which the Government agreed to fully take over feeding Programme from World Food Programme (WFP) come 1st July, 2018 while WFP will continue offering Technical and material support when need arises.

The County Governments also committed to domesticate the National School meals and Nutrition strategy.



YOUTH AND SPORTS

a) Development of the Proposal on the Identification and Nurturing of Sporting Talent



In the wake of the successful IAAF World U18 Championships held in Kasarani Stadium in July 2017, H.E. President Uhuru Kenyatta tasked H.E. Governor Prof. Paul Chepkwony and Education Cabinet Secretary Dr. Fred Matiangi to develop a proposal on strategies to develop sporting talent in the country. In partnership with Athletics Kenya, the Committee provided technical support to the taskforce in the development of the proposal. It focused on talent development in learning institutions across the country by tackling systemic challenges including poor sporting infrastructure, lack of consistency in talent development, inadequate policy and legal frameworks for sports development (technical and financial), inadequate resources for sports development in the country, among others.

b) Kenya Youth in Sports Association Games

The Committee gave technical input and supported the planning process of the 2018 Kenya Youth in Sports Association Games held in Wote Town, Makueni County in April 2018 which brought together 21 participating Counties.

c) Review of the National Youth Policy

The Directorate of Youth Affairs and the Council of Governors in partnership with various stakeholders engaged the youth countrywide in the review of the Kenya National Youth Policy in March – May 2018. The Policy, developed in 2006, has not been reviewed to identify arising matters affecting youth empowerment, including the devolved system of governance. The Committee engaged the Ministry



and gave input towards the review of the Policy as a member of the Technical Committee. This included: a harmonized approach towards youth mainstreaming at the National and County Governments, emphasis on equal opportunities for marginalized youth and youth from minority groups.

d) Development of the National Youth Mainstreaming Strategy

As part of the initiatives to mainstream youth in development and governance initiatives at the National and County levels, the Committee partnered with the Commonwealth Secretariat and the Directorate of Youth Affairs in the Ministry of Public Service, Youth and Gender Affairs in a needs assessment exercise to identify areas of partnership and interventions for the development of a National Youth Mainstreaming Strategy. This culminated in a workshop to highlight possible areas of partnership in youth empowerment initiatives within the Commonwealth.

SOCIAL PROTECTION

a) National Street Family Census

The Committee gave technical support to the State Department of Special Programmes towards conducting the National Street Family Census between January and May 2018 and the validation of the report in June 2018. This was to document the number of street families in the country, in partnership with the County Directors in charge of Social Services. The survey involved various stakeholders including UNICEF, Kenya National Bureau of Statistics, Ministry of Health, Ministry of Interior and National Co-ordination, Ministry of Labour and Social Services

b) The 2018 Social Protection Conference

The Committee in partnership with the Social Protection Secretariat in the Ministry of Labour and Social Services coordinated the Counties' participation in the Social Protection Conference held at the Kenya School of Monetary Studies on 19th – 23rd March 2018. The Conference which was the second after the 2015 Conference, was to consolidate the gains that the County and National Governments have made in social protection programming in the country. These included social welfare services including Cash Transfer to Orphans and Vulnerable Children (CT-OVC), Older Persons Cash Transfer Programme (OPCT), Cash Transfer to Persons with Severe Disabilities (PWSD-CT) and Hunger Safety Net Programmes.

2.4.9 Finance, Planning and Economic Affairs

In the FY 2017/2018, the Committees activities were as follows:

a) Consultative Meetings among Counties

- The Committee held 6 consultative meetings between July 2017 and June 2018 with the newly appointed CECs in charge of Finance and Chief Officers, first to induct them and secondly to train them on the wider scope of public finance. Additionally some of the consultations were to review pieces of legislation namely; Ward Equalization Development Fund Bill, County Own Source Revenue Policy, County Revenue(Raising Regulations) Bill, Budget Policy Statement 2018, Division of Revenue Bill 2018 and the County Allocation of Revenue Bill 2018.
- Memorandums on all the reviewed legislations were submitted to Parliament for consideration.

b) Best Practice Sharing among Counties

The Committee jointly with the Commission on Revenue Allocation held a training workshop for Counties the need to establish and operationalize the County Budgets and Economic Forums. Through the Financial year, 20 counties had established and operationalized these forums which will act as citizen centered forums to interrogate and feed into county policies and budgets.

Additionally One County has signed an agreement with EU on the disbursement of the EU-ideas funds. Disbursement is due to the continuous technical support by the Committee & SDGs Unit. This is a best practice considering that this agreement was formally signed in September 2014 and no disbursement has been made to any County. The developed conditional grants framework shall apply in the disbursement and monitoring of the project implementation.

c) Legislations

The Committee reviewed and presented on various pieces of legislation including; the Ward Equalization Development Fund Bill, County Own Source Revenue Policy, National Budget Policy Statement 2018, Division of Revenue Bill 2018, County Allocation of Revenue Bill 2018, Public Finance Management Amendment Bill 2017.

Key issues affecting the operations of Counties such as the amount of equitable share of revenues to counties were part of the issues looked into and a push for increase from the original proposed Ksh 291 billion by the National Assembly was successful to a new allocation of Ksh 302 billion. Additionally as part of recommendations on the County Own Source Revenue Policy, a study is being undertaken on Counties to help establish each's own source potential. This will help in making sound revenue forecasts and counties achieving their revenue targets.

d) Thematic Capacity Building

The Committee jointly with National institutions undertook the following capacity building initiatives:

- 1) Trained 47 county new accounting officers on the budgeting process. Done jointly with the National Treasury.
- 2) Training done for all CECs Finance on IFMIS and E-procurement. Jointly done with CRA & NT.

e) Resource Mobilization

The Committee through a joint agreement with the Capital Markets Authority developed framework for resourcing County Governments through capital markets. This is meant to augment the already limited sources of revenues to county governments. Capital markets is one of the new fronts that counties must now focus on to get resources to sustain the development projects they are undertaking.

2.4.10 Human Resource, Labour and Social Welfare

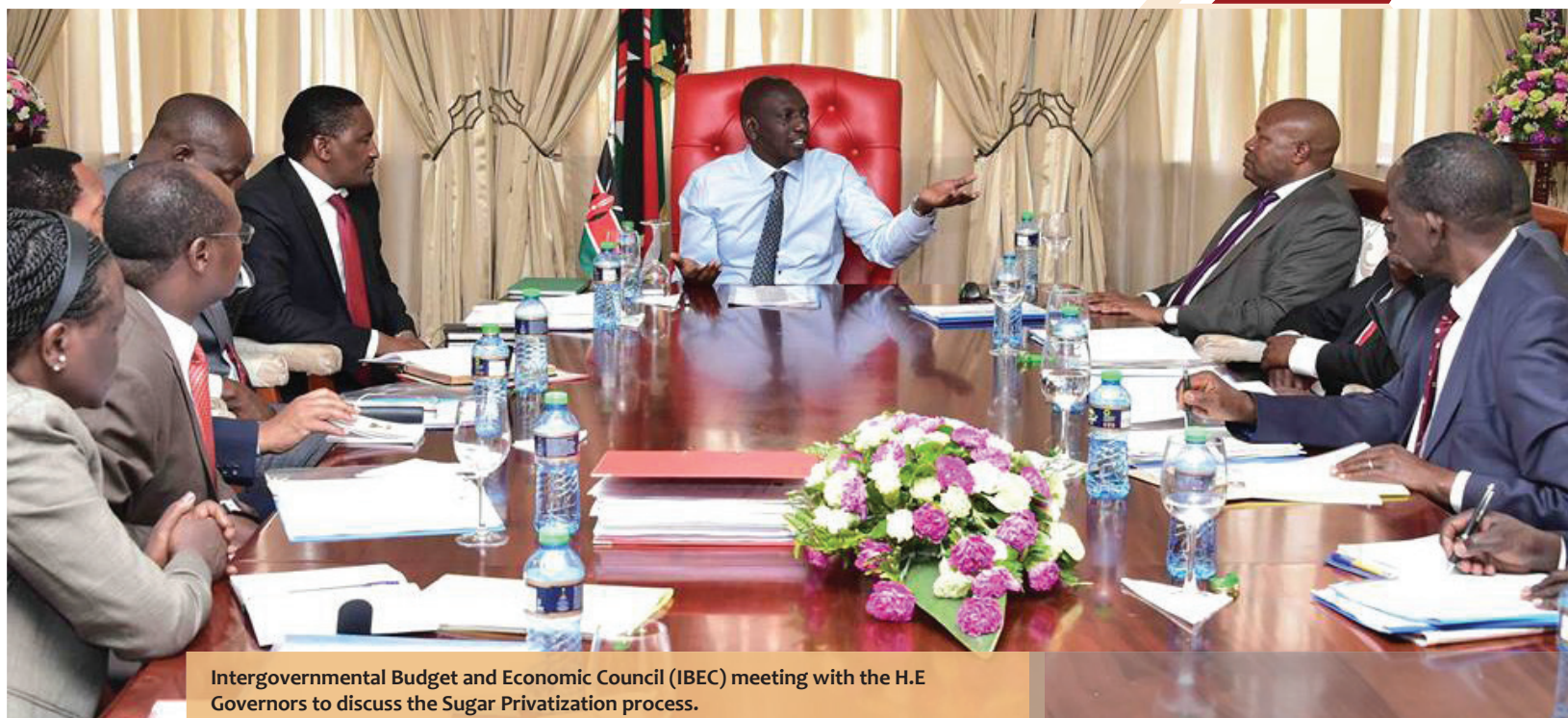
The Human Resources committee handles all matters relating to Human Resource, Labour and Social Welfare of workers in Counties. The Human Resource, Labour & Social Welfare division covers issues in the areas of Pensions, Capacity Development, quality of Public Service Delivery, promotions and remuneration of workers, transfers and rights and policies in human resource.

On another level, the committee provides technical assistance in terms of information, research, policy analysis and capacity building for County Governments across a range of Human Resources policy issues.

a) Engagement with Stakeholders in the Counties

The committee facilitates and coordinates committee meetings of Human Resources issues in the Counties and develop reports after the meetings. The Committee engages with County Governments through:

1. County Secretaries,
2. County Public Service Board (CPSBs),
3. Chief of Staff,
4. CECs Public Service and Administration,



5. Chief Officers Public Service and Administration,
6. Directors Human Resources.

Stakeholders at National Government is through Ministry of Public Service Youth and Gender, Ministry of Labor & Social Protection, Salaries & Remuneration Commission and Public Service Commission.

The Committee has held various consultative meetings with different stakeholders who play a key role in the sector as highlighted below.

b) Induction Meeting FOR CECs for Public Service and Administration and County Secretaries

The Committee held its first induction meeting for CECs Public Service and Administration on 11th December, 2017. The objective of the meeting was to elaborate the relationship between County Governments and Council of Governors and orient the CECs on their role in devolution and also to enhance understanding of Performance management in Public Service delivery.

A follow up induction meeting for County Secretaries was also held on 22nd and 23rd February, 2018. The objective of the meeting was to elaborate the relationship between County Governments and Council of Governors and orient the county Secretaries on their role in devolution.

The discussions in these induction meetings and way forward was that:

- CoG to circulate COG Calendar of events with the CECs for planning purposes
- COG to plan for CPSBs, County Secretaries and the CECMs joint meeting purposely to define clear roles of each office.
- Need to urgently address the issue of structures for the Public Service & Administration
- Urgent need to harmonize contracts for Public Service & Administration at the Counties i.e. make all the contract period same
- The County Attorneys should be trained for better performance
- COG to organize for an induction for specifically the CECs for Public Service and administration to be held at KSG and invite experts to take them through the process
- Uniform standards when handling issues especially Human Resources issues at the Counties

- The CECs agreed to get all the information from relevant references i.e. manuals, the Constitution of Kenya, past reports, policies etc. before executing their duties.

c) Implementation of Performance Management

2nd – 7th April, 2018 the Committee together with the Monitoring and Evaluation Unit and the SDGs Unit of the Council with the support of UNDP, AHADI and Performance Management and Coordination in the Office of the President held a 5days sensitization workshop on County Performance Management. The objective of the workshop was to discuss the progress made so far on the implementation of Performance Management Framework, undertake sensitization on Performance Management, share experience on implementation of Performance Contracts and recommend a way forward for the 2nd generation Performance Management Cycle.

4th – 8th June, 2018 the Committee together with the Monitoring and Evaluation and the SDGs Unit and support from UNDP, AHADI and Performance Management and Coordination in the Office of the President and the County Governments held a 4days workshop to review the Performance Contracting guidelines for the 2nd generation Performance Management Cycle for County Governments.

d) Capacity Assessment and Rationalization of the Public Service Programme

The Committee together with other Inter ministerial Agencies through the Ministry of Public Service Youth and Gender discuss Human Resources issues affecting Public Service in the context of Capacity Assessment and Rationalization of Public Service.

24th – 29th June 2018, The Committee together with other relevant inter Agency technical Committee reviewed and finalized the guidelines for implementation of the CARPS Programme.

29th June 2018 Committee Chair being the Co-Chair of Intergovernmental Steering Committee (IGSC) held a meeting to review the various components of the CARPS Programme as directed by the Summit.

The key recommendations arising from the meeting include:

1. Development of norms and standards for harmonization of Human Resources Practice in Public Service
2. Implementation of Voluntary Separation (Staff exit /Early Retirement).
3. Development of mechanism for implementation of CARPS recommendations
4. Completion/conclusion of transfer and operationalization of the devolved functions and human resource
5. Adoption of a unified human resource and payroll number generating system for the Public Service
6. Development of a National Master Plan for high priority and scarce skills as well as a succession management strategy and career development
7. Common Pension Scheme for County Government Employees
8. Managing recurrent budget against the development budget
9. Serving in the Public Service on Contract terms of service

From the IGSC meeting the Technical Committee were guided to review all the CARPS components and update them to suit the current status of affairs and give resolutions for next Summit.

e) Legislations and Policy Review

The Committee has supported the development of memorandums of the County Pension Scheme and has also taken part in the development of the National Wage Policy in collaboration with the Ministry of Labor and Social Protection.

The Committee supported Salaries and Remuneration Commission in data collection from Counties and State Corporations for the development of a Public Wage Bill.

2.4.11 Legal Affairs and Human Rights

a) Consultation amongst County Governments;

- The Legal Committee prepared for and coordinated six (6) Council meetings in the FY 2017/2018. Of the 6 Council meetings, 3 were held in 2017 i.e. 31st August 2017, 7th and 15th December 2017 while the other 3 were held in 2018, i.e. 23rd January 2018, 5th March, 2018 and 4th June, 2018. The meetings mainly focused on discussing the various issues that impact all the forty-seven (47) Counties.
- The Committee organized and coordinated two (2) County Attorneys meetings. The first meeting was held on 15th March, 2018 and through this meeting, the Forum managed to elect its officials.

The second meeting was held on 7th and 8th June, 2018. The meeting focused on sensitizing the County Attorneys on the following areas: (i) Managing the Human Resource of County Attorneys and upholding good governance and accountability in a County Law Office; and (ii) Management of Enforcement Officers and Publication of County Laws. In addition, the meeting provided a platform to share the challenges that County Attorneys experience in the exercise of their duties and forge a way forward to ensure smooth implementation of their roles and responsibilities.

- The Committee supported the induction programme for the new Governors and Deputy Governors held on 13th to 17th of December 2017 by developing presentations touching on the legislative agenda of Counties. .

b) Sharing of information on the performance of Counties in the execution of their functions with the objective of learning and promotion of best practice, and where necessary, initiating preventive or corrective action.

- The Committee commissioned a study in June 2018 to map out all County policies and laws supporting performance of all the fourteen (14) functions and other statutory and administrative functions. The vision of the Chair of the Legal Affairs and Human Rights Committee is that by the end of this second phase of devolution, all Counties will have requisite laws on all the 14 functions. For this to be achieved, it was important that a mapping exercise of County legislation and policy be undertaken to answer the following questions: how many policies and laws does each County Government have in relation to their functions; what is missing from each County; and what policy and legislation needs to be developed to fill this gap.
- The optimal performance of the fourteen (14) Constitutional functions by County Governments will be determined by their ability to develop enabling policy, legislation and/or regulations. The report is aimed at informing interventions such as support on legislative drafting to the Counties and further, it will assist Counties to know what policies and laws their counterparts have in order to promote peer to peer learning. It will also assist internal technical teams to identify entry points in supporting Counties in the various sectors.
- Representation of the Council in litigation matters.

The Committee, on behalf on the Council, has instituted several petitions to challenge legislation, policies and administrative actions that undermine devolution. The Council has received positive judgments and orders in favor of devolution. The Committee, on behalf of the Council, also enjoined in matters instituted by other agencies where those matters were affecting devolution. For instance, in the period under review, in Nairobi High Court Petition No. 97 of 2016: Kenya Pharmaceuticals



Association –Vs- County Government of Nairobi and Other 46 County Governments, the court held that functions of County Governments include Trade Development and Regulation (excluding regulation of professions). The Court noted that pharmacy is a profession but to the extent that it also involves selling of pharmaceutical products denotes that it is a trade. Therefore it could not be said that County Governments were regulating or controlling the profession by asking for payment of trade licenses for business premises.

c) Considering matters of common interest to County Governments;

- The Committee developed and disseminated various legal advisories touching on the transition of County Governments from one regime to another following the General Election of August 2017.
- Reviewed various Bills and developed legislative memoranda that were either submitted orally or in written form before various Committees of the Senate and the National Assembly. Annexed herewith is a list of the bills reviewed and the appearances made in the period under review. The submissions were made by various Governors accompanied by the CoG secretariat technical teams.
- Weekly update on the Parliament Order Papers, Bill Trackers, Hansard Reports and Gazette notices. In the period under review, the Committee continuously monitored Parliamentary activities through examining Gazette Notices, Order Papers, Bill Trackers and Hansard reports. The Committee developed summaries for internal consumption and also for dissemination to the various Technical Committees as well as the County Governments on a weekly basis..
- Legal Audit

The Committee, and KLRC supervised and coordinated the legal audit of National and County Policies and Laws which commenced in September 2017. The audit focuses on seven (7) key thematic areas: Agriculture, Health, Natural Resource Management, Land and Physical Planning, Urban Development, Trade and Investment and Public Finance Management. The main objectives of the legal audit are:

- i. To analyse and confirm the compliance of County policy and legislation with the Constitution;
- ii. To examine and confirm the compliance of National policy and legislation to the devolved system of governance; and
- iii. To identify the gaps and challenges in the above and propose remedies

The consultants engaged to undertake the exercise have finalized on the interim reports and six (6) sectoral forums and one (1) national stakeholder engagement were successfully held to review the report. The finalization of the master legal audit report is underway and will be finalized in FY 2018/2019.

d) Consideration of matters referred to the Council by a member of the public/ public participation

- Participation in the Legal Awareness Week by the Law Society of Kenya in September 2017
- The Committee put up a booth during the Legal Awareness Week at Milimani Law Courts, whose aim was to sensitize the public on the CoG mandate and activities. The booth was visited by 104 citizens who visited the High Court of Kenya in Milimani, Nairobi. CoG publications and other communication materials were shared during this activity.
- Justice Cup 2017

The Council participated in the 2017 Law Society of Kenya Justice cup tournament held on 29th July, 2017 themed, 'free and fair elections; our role as Kenyans'. The members of staff of the Council's Secretariat were sensitized on the importance of participating in a free and fair election as well as maintaining peace throughout the August 2017 general elections. Members were also encouraged to vote for leaders with integrity and who will ensure that there is better service delivery in the Country. This forum also provided an opportunity for the secretariat staff to also sensitize other institutions on the CoG mandate and its activities.

e) Dispute resolution between counties within the framework provided under the IGRA;

- CoG, through the Legal Committee, was represented in the steering and technical committees that developed the ADR regulations that will provide the legal framework for alternative dispute resolution management for intergovernmental relations disputes. The regulations are ready and await Summit approval.
- The Committee intervened in the dispute resolution case of the Siaya Agricultural Training Centers by generating an advisory which emphasized that agriculture is a devolved function and that the centers had already been transferred vide a Legal Notice. This dispute was resolved and the matter was settled.

The Committee participated in the mediation of Constitutional Petition 252 of 2016: Council of Governors vs. Attorney General & Others which challenges the division of revenue between the two levels of governments and seeks for a constitutional interpretation on the definition of 'national interest' and 'conditional' grant. To that effect, 9 meetings were convened to deliberate on the matter and a mediation report prepared. The report will be filed in Court for final determination.

f) Consideration of matters referred to the Council by a member of the public

The Committee received complaints from suppliers who are owed by Counties and these were disseminated to Counties and follow ups made.

- The Committee also received complaints from various companies regarding double taxation in the Counties where they conduct their business. The Council intervened with respect to the claims by providing the necessary information to the concerned companies. The Committee also wrote to the concerned Counties to address the issues.

g) Consideration of reports from other intergovernmental forums on matters affecting national and county interests or relating to the performance of counties

On 11th April, 2018, the Council received a report from the Ethics and Anti-Corruption Commission (EACC) on the integrity verification and clearance of persons seeking appointment to State or Public

Office under Chapter Six of the Constitution of Kenya. The report highlighted the Counties that were yet to submit names of the nominees of CECs and Chief Officers for Integrity verification. In the spirit of cooperation, the Committee liaised with the respective Counties that had not complied to submit the names to enable EACC complete this exercise. A report was generated and shared with EACC.

2.4.12 Intergovernmental Relations

1. The Committee participated in the Pan African Council (PAC) meeting of the United Cities and Local Governments of Africa (UCLGA) in November 2017, Grand-Bassam, Cote d'Ivoire. The Council is a member of UCLGA . PAC oversees the work of the UCLGA in between the three years before the meeting of the General Assembly. PAC elects the five (5) members that form the Financial Management Committee; which committee meets at the eve of every PAC meeting.
2. The Committee, through the representation of the Deputy Governor of Kisii County, participated in the Commonwealth Local Government Forum (CLGF) Conference in Malta in December 2017.
3. The Committee, through the representation of H.E. Wilbur Otichillo, participated in the Oru Fogar Summit on Bio-diversity in March 2017.
4. The Committee also hosted a two (2) day Eastern Region UCLGA meeting in April 2018 at the Intercontinental Hotel. The meeting brought together representatives from fourteen (14) countries namely- Kenya, Uganda, Tanzania, Burundi, Rwanda, South Sudan, Eritrea, Somalia, Djibouti, Ethiopia, Seychelles, Comoros, Mauritius and Madagascar. UCLGA operates through its regional offices in Eastern, Western, Northern, Southern and Central regions.
5. The Committee hosted the East African Local Governments Association (EALGA) meeting from 28th May to 29th May, 2018 at the Windsor Hotel. The meeting managed to hold elections to select the new Chair and Vice-Chair- Tanzania and Burundi respectively. The Council further hosted the East African Local Governments Forum (EALGF) meeting from 30th May to 31st May, 2018, which brought together ministers in charge of decentralization/devolution dockets from the East Africa region.
6. The Council, through this Committee and the SDGs unit, has participated in two Webinars hosted by the Network of Regional Governments for Sustainable development (Nrg4SD).

2.4.13 Security and Foreign Affairs

1. The Committee reviewed the Kenya National Migration Policy and presented its views at a consultative meeting in July 2017 in Naivasha.
2. The Committee engaged with the Kenya NiWajibu Wetu (NIWETU) program on possible partnership with the Council and the Counties. Terms of reference for an expert in Countering Violent Extremism were developed and the same may be considered in the next Financial Year. This is aimed at supporting Counties who have initiatives in this area.
3. Participation in the Senate Induction Meeting of the National Security, Defence and Foreign Relations Committee. The Council made a presentation on possible areas of collaboration between the Senate and the Council in matters related to security.

2.4.14 Resource Mobilization

In the FY 2017/2018, the Committees activities were as follows:

a) Consultative Meetings among Counties

The Committee held an introductory meeting with Donor Liaison Officers from the County Governments. The purpose of the meeting was to find out the experiences and challenges faced by counties in the resource mobilization activities. It arose that counties faced difficulties in project implementation due to slow disbursement of funds as well as pre-determined activities from donors that do not meet the counties' development needs.

b) Resource Mobilization

Support for the Induction of Governors and Deputy Governors Meeting and the 5th Annual Devolution Conference:

The committee met with development partners, the private sector civil society groups, MDA's and County Governments through various round table meetings. The committee was able to raise Ksh 13,030,000/- for the Governors and Deputy Governors Meeting and Ksh 141,872,487/- for the 5th Annual Devolution Conference.

c) Intergovernmental Forums

The Committee took part in the Development Effectiveness Group with the various stakeholders responsible for development programmes. From the meeting it was found best that Development Effectiveness Secretariat and Development Partners Group Secretariat reviews and standardizes the joint Sector Working Groups terms of reference so as to have the membership expanded to include the Council of Governors, civil society groups, private sector and academia. It was also resolved that systems and process for disbursement and flow of funds to National & County Governments for externally financed programmes with a view to increase the absorption and capacity of official development assistance.

2.4.15 Information, Technology and Communication

The Access to Information Act obligates government bodies to proactively disclose information within their areas of operation in order to encourage accountability, transparency and good governance. During the period under review, the COG used its online platforms to share key information for the public knowledge. The COG website www.cog.go.ke remains a key repository for information touching on all sectors. Equally useful in disseminating information has been the social media pages (Twitter and Facebook) where candid discussions on matters touching the everyday Kenyan are discussed. An assessment of County Websites and Social media pages revealed that 64% of the Counties complied in sharing information regularly and timely. In the next financial year, the Council will put measures to ensure full compliance with the law.

a) Considering matters of common interest to County Governments;

ICT is critical to the attainment of the Government's Big 4 Agenda as well as Vision 2030. In recognition of this, the ICT committee improved intergovernmental relations with the Ministry of Information Communication and Technology as well as the Parliamentary and Senate Standing committee on ICT. The Committee held four consultative meeting with both teams to review the National Government Plans for the Sector with the aim of harmonizing ICT projects in the Counties. The senate and the National Assembly agreed to deliberate on ways to intervene in the increase of budget allocation for ICT from the National Budget allocation since the sector was deemed poorly funded. Additionally, in readiness for the implementation on the Big 4 Agenda, the team visited the Konza Technopolis. From the visit, both levels of government agreed to work together in order to create more awareness in counties on the technological development in Konza Technopolis City.

b) Legislation (Policies and legislations reviewed/court injunctions obtained in protection of devolution)

The committee was instrumental in the review of the Data Protection Bill, Film and Stage Play Act. Additionally, the Committee was involved in the development of the sourcebook and guidelines on the Access to information Act as spearheaded by the office of the Ombudsman. The development of the guidebook seeks to improve timely process of information by institutions as well get an in depth understanding on the Access to Information Act.

c) Thematic Capacity building initiatives undertaken and the envisioned impact

As part of the CoG's mandate to build the capacity of County Staff to be able to carry out their activities effectively and efficiently, the CEC's and Directors of IT and Communication respectively went through an induction training to bring them up to speed regarding the changing environment in both fields as well as their role in supporting devolution.

In partnership with the Public Relations Society of Kenya, the 47 Directors of Communication were trained in Communication Strategy development with the view of improving how Counties communicate the successes of devolution. It is envisioned that counties will begin development of their communication strategies during the next Financial Year.

2.4.16 ASAL

The committee is chaired by H.E Moses Lenolkula Kasaine Governor Samburu County. The committee initially supported the 23 ASAL counties, which constituted about 88% of the country's land mass. Of the 23 counties, 9 of them are classified as arid (Baringo, Garissa, Isiolo, Mandera, Marsabit, Samburu, Tana River, Turkana and Wajir) and 14 as semiarid (Embu, Kilifi, Kwale, Laikipia, Lamu, Makueni, Meru, Narok, Nyeri, Taita Taveta, Tharaka Nithi, Kitui, Kajiado and West Pokot.)

a) Support to FCDC regional economic block

During this period, the Consultant hired by CoG to support the development of an FCDC policy and strengthening of ASAL committee at CoG continued to deliver on various planned interventions.

During this period the consultant has facilitated meetings for the ASAL counties, governors and county executive committee members (CECMs) in charge of food and nutrition security and supported coordination with National government on matters relating to ASAL areas particularly on emergency response during drought.

b) ASAL consultative meeting

The consultative meeting with ASAL stakeholders was held at CoG office on 8th May 2018. The meeting was chaired by the Chairman ASAL committee at CoG H.E Moses Lenolkula Kasaine Governor Samburu County. The meeting was attended by KEFRI, FCDC, NDMA, NEMA, MODA and Pastoralist Parliamentary Group (PPG). The meeting resulted in better understanding of the current initiative in ASAL counties by different players such as KEFRI, FCDC, NDMA, NEMA, MODA, Pastoralist parliamentary group (PPG).

CoG also established contacts with key stakeholders in the ASAL thematic area and forged a strong network with stakeholders in the ASAL sector. From the meeting the CoG established a strong contact with FCDC and were better informed on the status of development of an FCDC policy with the development of a Bill in progress.

From the engagements it was recommended that the CoG should develop policy guidelines for strengthening collaboration and engagement with National institutions, Donors, Private Sectors, Service providers, and other key ASAL stakeholders.

The County Assemblies in FCDC Counties were also encouraged to pass laws legalizing Frontier Counties Economic Block (FCEDB) in order to facilitate and accelerate development of the ASALs region. This will also provide a platform for productive investment by regional and international investors.

2.4.17 Sustainable Development Goals Unit

a) SDGs bulletin developed and disseminated to the Governors during the induction meeting for County Governors



A bulletin has been developed to sensitize County Governments on SDGs and guide them on how the SDGs are related to County functions. The bulletin also highlighted the SDGs targets and what the county governments should do to ensure implementation of the SDGs. One thousand copies of the bulletin were published and disseminated to the Governors and deputy governors during the induction meeting held in Kwale County in December 2017

b) Capacity strengthening for County Governments on CIDP development and mainstreaming of SDGs, Gender, and Climate change, EDE, DRR, HIV/AIDS and PWDS held at Sawela Lodge on 15th and 16th November 2017

The workshop sensitized the County officers on how to mainstream cross cutting issues like SDGs, gender, climate change, HIV/AIDS, ending drought emergencies, and disaster risk management in the CIDPs. The meeting was attended by participants from 32 counties. The counties included: West Pokot, Laikipia, Kirinyaga, Migori, Muranga, Narok, Nyeri, Embu, Machakos, Bomet, Makueni, Nyandarua, and Taita Taveta, Kilifi, Kiambu, Garissa, Kericho, Kisii, Kakamega, Vihiga, Nakuru, Meru, Kitui, Wajir, Nyamira, Kwale, Mombasa, Uasin Gishu, Tharaka Nithi, Nairobi, Nandi and Siaya.

Through the capacity strengthening workshop, there is Informed County officials on CIDP guidelines and how to mainstream cross cutting issues like SDGs, Climate change, and gender, EDE, DRR, HIV/AIDS and PWDS. The capacity building has resulted in Counties developing good quality of CIDPs. The workshop was attended by 61 males and 14 females.

c) Capacity strengthening for Busia County Directors on CIDP development and Mainstreaming of SDGs, Gender and Climate Change held in Amagoro on 30th November and 1st December 2017

A capacity strengthening workshop was held for Busia County Government directors on development of second generation CIDPs and mainstreaming of SDGs, climate change and gender. The workshop objective was to guide the county directors on the CIDP guidelines and how to mainstream SDGs, gender, food security, disaster risk reduction and climate change in the CIDPs. Arising from the workshop, Busia County has been able to mainstream SDGs targets in the CIDP programmes. The county has also adopted the SDGs indicators to support monitoring of CIDP programmes.



The Chairman ASAL Committee and Governor Samburu County H.E Moses Lenolkula Kasaine making his remarks during the meeting.

Busia County undertook public consultation on the CIDP and adopted a more inclusive approach to CIDP development bringing on board representative of the senator, County commissioner's office, County consultations on the, representative of the Member of Parliament, various national government ministries at the county level. The workshop was attended by 70 participants (57 male and 13 Females).

d) Kenya National Climate Change Fund Task force

CoG was part of the Kenya National Climate Change Fund Task Force. The role of the task force was to develop regulations that would operationalize the Kenya Climate change fund as provided in the Kenya Climate Change Act 2016. The task force has finalized its task in June 2018 and developed Kenya National Climate Change Fund Task Force regulations, Resource mobilization strategy and Monitoring and evaluation framework. The draft regulations have been shared with stakeholders for their input.

Devolution sensitization on social media on SDGs with 1035 engagements which led to enhanced understanding on SDGs during live tweet session on SDGs held on 6th October 2017

CoG holds a live tweet sessions every Friday 8.00Am – 9.00Am. The initiative is aimed at engaging citizens on topical issues affecting the Council of Governors based on Media trends of the week.

The topics are informed by the daily media monitoring. Every Thursday, the communication department shares a brief on the topic with the highest frequency to ensure that the Committee involved is abreast with the issues of Concern.

A live tweet session was held on 6th October 2017 on Sustainable development goals. The aim of the session was to inform the public on the SDGs and why they matter to the County governments. Some of the issues that emerged from the public was how CoG would ensure the youth are aware of the SDGs and how they link to the CIDPs. The need for more advocacy and sensitization of communities on the global goals was also emphasized.

e) Sensitization of the general public on SDGs during the devolution week held at Kencom stage Nairobi on 6th, 7th and 8th December 2017

Three day public Sensitization Forum was held to sensitize the public on who CoG is, what it does and how it functions. The forum was also used to sensitize the general public on SDGs. The forum took place on 6th, 7th and 8th December 2017 at Kencom Bus Stop, Nairobi.

Some of the recommendations from the forum were the need for CoG SDGs Unit in collaboration with the MoDP and the relevant partners to ensure the SDGs materials are translated in Swahili and the need for Ministry of Education to ensure that students and pupils are well sensitized on the SDGs. During the sensitization the SDGs desk was visited by 400 people out of which 124 were women and 276 Men majority of which were youth.

The SDGs Unit at the Secretariat has partnered with the National NGOs Council Secretariat - **ACTION ON SDGS COALITION** to ensure effective and efficient mainstreaming and implementation of SDGs to the citizens at the Counties.

COG Secretariat



3.1. Finance

The key role of the finance department is to coordinate and ensure proper and efficient use of resources given to the CoG Secretariat.

In the FY 2017/18, the Council did receive support from the National Treasury through the Ministry of Devolution. The Secretariat did also receive financial support from development partners, private sector and County Governments. Notably, the Swedish Embassy, USAID, AHADI, UNDP, UNICEF, UNFPA, UNWOMEN, WORLD BANK and Big Win Philanthropy were among the key partners that walked with the Council in the year under review.

Below is a summary of the receipts and payments.

RECEIPTS	2017-8 Kshs	2016-7 Kshs
Transfer From Government Entities	216,014,999	361,259,779
Proceeds From Domestic and Foreign Grants	155,195,573	78,549,775
Grants From Ministry of Devolution	132,000,000	101,193,624
Grants From Symbiocity Project	-	52,009,000
Donations In-Kind	33,846,534	73,427,547
TOTAL RECEIPTS	537,057,106	666,439,725
PAYMENTS		
Compensation of Employees	105,656,054	60,227,174
Use of Goods and Services	456,012,220	517,978,440
Acquisition of Non-Financial Assets	1,668,116	9,879,015
SymbioCity Kenya Programme Payments	45,857,133	24,470,975
Payments In-Kind	33,846,534	73,427,547
TOTAL PAYMENTS	642,290,381	685,983,151
SURPLUS/(DEFICIT)	(105,233,276)	(19,543,426)

3.2. Public Participation Activities

The Council, in accordance with its mandate under Section 20 of the IGRA, is expected to consider matters referred to it by the public. The Council engages the public through the Citizens Engagement Unit and also the Communications Department. In this regard, the Council engaged in the following activities:

a) Consultative Meetings among Counties

- In collaboration with the Commission on Revenue Allocation (CRA), held consultative meeting with CEC Finance on revamping the County Budget Economic Forums (CBEF). As a result forty two (42)

counties have been trained on the establishment and running of the CBEFs. Twenty Six (26) Counties, to date, have established these.

- Consultative meeting with Director of public participation on the draft report on county innovations and progress on public participation, the guidelines for preparing citizen budgets and further sensitization on the County Public Participation Guidelines

b) Best Practice Sharing among Counties

- The development of the Citizen Engagement fact sheet as an induction tool for all sectors to facilitate transition in the Counties
- Supported coordination and capacity building initiatives that facilitated political transitions/change processes including facilitating the CEC's induction meeting including the Governors induction on the 'Role of Citizen in Intergovernmental Relations'

c) Legislations and Policy Review

- The Council of Governors developed positions and memorandums on Policies, legislations and action plans namely; National Policy on Public Participation 2017 and The Senate Bill on Public Participation 2018

d) Thematic Capacity Building

- Development of the Guidelines for the development of the Citizen Budget. The Citizens Budget is a shortened and simplified version of the budget that explains the contents of the Budget in a simple and easily understood language. This is to ensure that all Mwananchi, at all levels have a better understanding of the contents of the Budget.
- Organisation of Participatory Budgeting Design Workshop for the 14 counties i.e West Pokot, Kwale, Makueni, Elgeyo Marakwet, Baringo, Nakuru, Embu, Laikipia, Trans Nzoia, Turkana, Siaya, Taita Taveta, Mandera and Kajiado organized by World Bank. Participatory Budgeting is the process of directly involving local people in making decisions on the priorities and spending for a defined amount of the public budget. The uniqueness of Participatory Budgeting, is that decisions that citizens make on the defined portion of the budget are final, and included in the budget.

e) Resource Mobilization

- Support towards the Kenya Devolution Support Program (KDSP) is a 20 billion Kenya shilling initiative of the National and County Governments in collaboration with the World Bank for all 47 County Governments for four years that has been running from 2016. The program will benefit County Governments through Capacity Building and Technical Assistance support among others Civic Education and Public Participation.

f) Devolution Sensitization Week

- In order to realise the key objectives of devolution, section 19 of the Intergovernmental Relations Act established the CoG to provide a mechanism for consultation amongst County Governments as well as share information on performance of counties in the execution of their functions. In this light, the CoG held the first devolution Sensitization Week on 29th Nov- 1st December, 2017 at Kencom Bus Stage, Nairobi County. The event was officially opened by H.E. Governor Mike Sonko who urged Kenyans to keep Counties on their toes for the services to be delivered.
- The devolution sensitization week will be rolled out in other Counties as well.



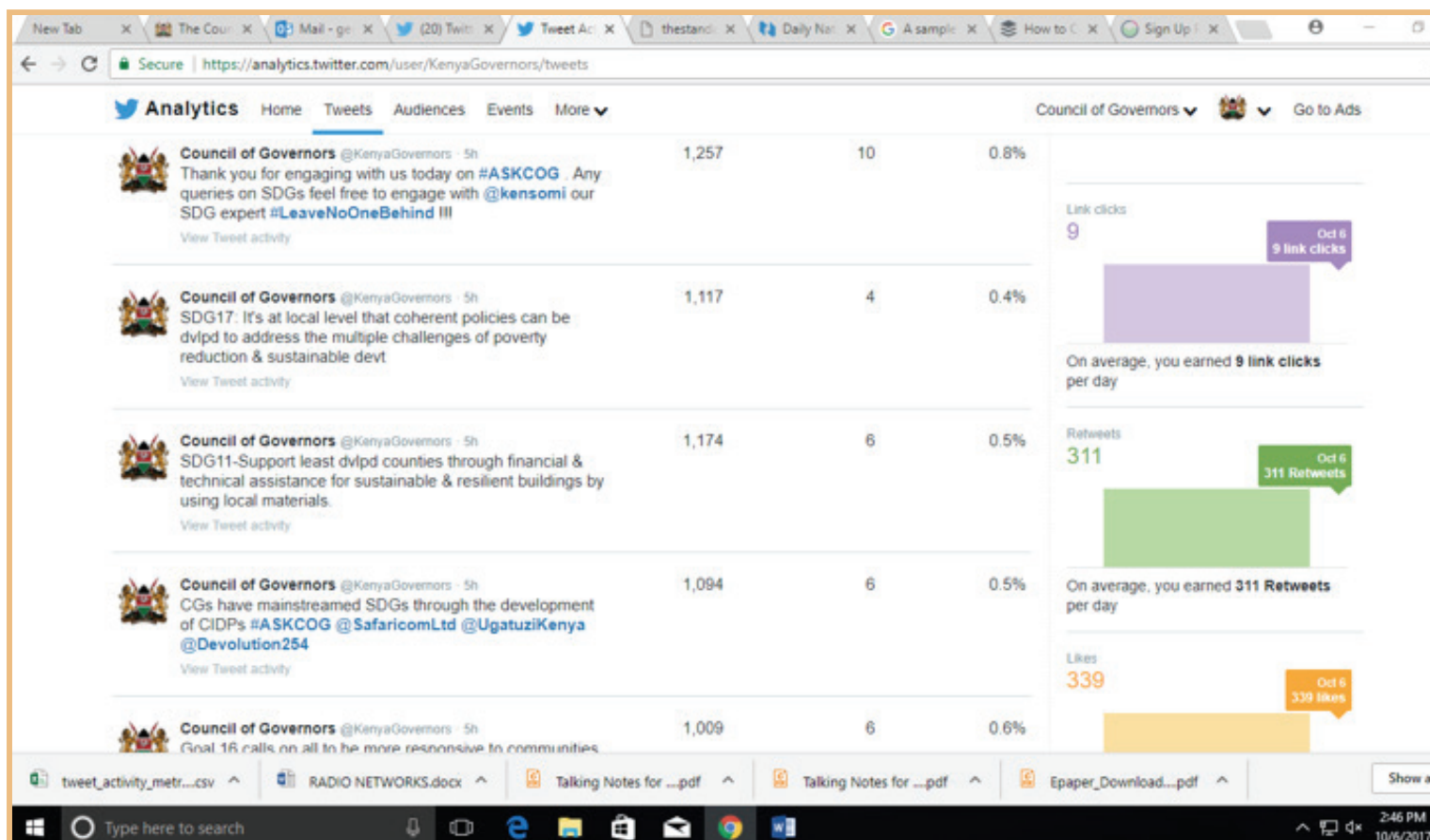
Friday Live Tweet Session.

g) Live Tweets

- Every Friday, 8am -9am the Council Secretariat engages the public in a live tweet session. The session is an open “forum” to engage the public on topical issues that directly affect the Council and on a broader spectrum, devolution in Kenya.
- The Live tweet sessions are informed by the daily newspaper review that highlights on issues that have the widest coverage in media. The topic of discussion can also be informed by the weekly topics on social media and electronic media (Television and Radio).

h) E-newsletter

The “Council E-Newsletter is a monthly online publication that is shared with the Council’s partners and devolution stakeholders to keep them abreast with Council activities. The newsletters gives a highlight of COGs event and meetings and their outcomes. It is distributed monthly to stakeholders. The publication is equally available via CoG website (www.cog.go.ke).



Sample webpage with the tweets.

Challenges and Recommendations

4

4.1. Challenges

In fulfilling its mandate under the IGRA, the following challenges were experienced in the period under review:

1. There was lack of adequate funding from the National Treasury which meant that the Council is not able to support Counties fully in a manner that is desired.
2. There was lack of adequate intergovernmental consultations between the two levels of government leading to the Council to institute court matters to have certain policy and legislative issues resolved.

4.2. Recommendations

1. The Secretariat of the Council needs to be anchored in law so that they can receive adequate funding from the Exchequer.
2. The two levels of government must respect the Constitution and consult on all matters. This will mitigate conflicts.
3. The Summit must endeavour to meet at least twice a year, in accordance with the

Annexes: Annex 1

Agriculture Committee

Senate



Bill	Who was consulted and how	Action taken	Committee(s) Involved.
The Warehouse Receipt System Bill (Senate Bills No.10 of 2017)	The Bill was shared with CECs in charge of Agriculture through an email on 2 nd March, 2018. The CoG Technical Team reviewed the Bill and developed memorandum.	The Bill and Memorandum developed shared with Counties and the Senate on 9 th March, 2018. Communication made to Counties via an email on 13 th April, 2018 where the Bill passed by Senate had incorporated most of the comments proposed by CoG.	Agriculture
The Food Security Bill (Senate Bills No. 12 Of 2017)	The Bill was shared with CECs in charge of Agriculture through an email on 2 nd March, 2018. The CoG Technical Team reviewed the Bill and developed memorandum including input from Counties.	Memorandum developed and shared with the Senate on 9 th March, 2018.	Agriculture ASALs

NATIONAL ASSEMBLY

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Irrigation Bill (National Assembly Bill No. 46 of 2017)	CECs in charge of Agriculture consulted through a meeting held on 18 th March, 2018 at the CoG offices.	Memorandum developed and shared with Counties on 5 th February, 2018. The final memorandum was shared with the National Assembly on 23 rd February, 2018	Agriculture ASALs
The Warehouse Receipt System Bill, 2018 (NA Bill No. 2 of 2018)	The Bill was shared with Counties on 21 st February, 2018. CECs in charge of Agriculture consulted through a meeting held on 18 th March, 2018 at the CoG offices.	Memorandum developed and shared with Counties for further input. The memorandum was shared with both the Senate and National Assembly on 9 th March, 2018. Final memo shared with all Counties and National Assembly on 3 rd August, 2018.	Agriculture

Finance Committee

Senate

Bill	Who was consulted and how	Action taken	Committee(s) involved
The County Wards Development Equalization Fund Bill (Senate Bills No.5 of 2018)	The CoG technical committee reviewed the Bill and shared the same with Counties on 22 nd June, 2018.	Memorandum developed and submitted to the Senate on 4 th July, 2018.	Finance, Commerce & Planning
The County Statistics Bill (Sen. Bill No. 9 of 2018)	Memorandum developed by the CoG technical team and Bill shared with Counties on 14 th May, 2018	Memorandum developed and submitted to the Senate on 30 th May, 2018	Legal Affairs Finance, Commerce & Planning

National Assembly

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Public Finance Management (Amendment) Bill (National Assembly Bill No. 51 of 2017)	The CoG technical committee reviewed the Bill and shared the same with Counties on 27 th February, 2018.	Memorandum prepared and submitted to the National Assembly on 6 th March, 2018.	Finance, Commerce & Planning
Division of Revenue Bill (Amendment) Bill (Senate Bills No.14 of 2018)	The CoG technical committee reviewed the Bill.	Memorandum not prepared as the Bill was as a result of a request from CoG to amend the DoRA to include conditional allocation on the Kenya Urban Support program among others.	Finance, Commerce & Planning Agriculture Health Urban Development, Planning and Land

Health Committee

National Assembly

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Health Laws (Amendment) Bill, 2018 (NA Bill No. 14 of 2018)	The CoG technical committee reviewed the Bill and developed memorandum.	Memorandum developed. The same was shared with the National Assembly and Counties on 25 th July, 2018.	Health
The Pharmacy and Poisons (Amendment) Bill, 2018	The CoG technical committee reviewed the Bill and developed memorandum.	Memorandum developed and shared with the National Assembly and Counties on 25 th July, 2018.	Health

Human Resource Committee

Senate

Bill	Who was consulted and how	Action taken	Committee(s) involved
The County Government Retirement Scheme (Senate Bills No 6 of 2018)	The COG Technical Team reviewed the Bill and developed a draft memorandum which was shared with Counties on 18 th March, 2018.	Oral Submission/appearance made on 23 rd April, 2018 with H.E James Ongwae, H.E Wycliffe Wangamati in attendance and the memorandum shared with Senate and Counties on the same date.	Human Resource
The County Governments (Amendment) Bill (Senate Bill No. 13 of 2018)	The Bill was reviewed by the COG Technical Committee and a memorandum developed.	Letter shared with the Senate on 1 st August, 2018 supporting the Bill	Legal Affairs Human Resource

National Assembly

Bill	Who was consulted and how	Action taken	Committee(s) involved
The County Pension Scheme Bill (National Assembly Bill No. 49 of 2017)	Bill shared with Counties on 14 th February, 2018 for their input and comments. Committee Chair, H.E James Ongwae, H.E Wycliffe Wangamati, National Treasury and CPF consulted on 19 th March, 2018.	Oral Submission/appearance made on 23 rd March, 2018 by H.E James Ongwae, H.E Wycliffe Wangamati in attendance. Memorandum thereafter shared with Counties and the National Assembly.	Legal Affairs Human Resource
The County Government Retirement Scheme Bill, 2018 (NA Bill No. 10 of 2018)	Bill and draft memo sent to Counties for their further input on 23 rd April, 2018. The COG technical Committee developed memorandum.	The legislative memorandum was shared with the National Assembly on 26 th May, 2018.	Legal Affairs Human Resource

Infrastructure and Energy Committee

Senate

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Local Content (Sen. Bill No. 10 of 2018)	The CoG technical committee discussed the Bill with the extractive hub and the Bill shared with Counties on 25 th May, 2018.	The Committee has developed a draft memorandum.	Infrastructure and Energy
The Energy Bill (National Assembly Bill No. 50 of 2017)	The Bill was shared with the Counties. The COG Technical Committee is still reviewing the Bill.	Memorandum is yet to be developed	Infrastructure and Energy Legal Affairs
The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 48 of 2017)	The Bill has been shared with the Counties. The COG Technical Committee is still reviewing the Bill.	Memorandum is yet to be developed	Infrastructure and Energy Legal Affairs
The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)	The Bill passed by the National Assembly was shared with Counties on 4 th July, 2018.	The legislative memorandum shared with the Senate on 17 th July, 2018.	Infrastructure and Energy Legal Affairs

National Assembly

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Petroleum (Exploration, Development and Production) Bill (National Assembly Bill No. 48 of 2017)	The Bill was Shared with Counties on 13 th February, 2018. The Bill was reviewed during a consultative meeting with CECs held within the month of March, 2018. The memorandum was shared with Counties on 8 th March, 2018.	Oral submissions/ appearance made by H.E Francis Kimemia on 15 th March, 2018 before the National Assembly Departmental Committee on Energy. Memorandum developed and shared with Counties and with the National Assembly on 21 st March, 2018.	Infrastructure and Energy Legal Affairs

Infrastructure and Energy Committee (Cont'd)

National Assembly (Cont'd)

Bill	Who was consulted and how	Action taken 2018.	Committee(s) involved
The Energy Bill (National Assembly Bill No. 50 of 2017)	<p>The Bill was Shared with Counties on 13th February, 2018.</p> <p>The Bill was reviewed during a consultative meeting with CECs held within the month of March, 2018.</p>	<p>Oral submissions/appearance made by H.E Francis Kimemia on 15th March, 2018 before the National Assembly Departmental Committee on Energy. Memorandum developed and shared with Counties and the National Assembly on 21st March, 2018.</p>	<p>Infrastructure and Energy</p> <p>Legal Affairs</p>
The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)	<p>Discussed during a consultative meeting with the CECs in charge of roads on 9th January, 2018.</p> <p>The CoG technical committee developed a memorandum and shared with the Senate and the Counties.</p>	<p>The Memorandum and the Bill was shared with Counties on 16th January, 2018.</p> <p>H.E. Francis Kimemia made the oral submissions on 30th January, 2018 and the Final memorandum was also shared with the National Assembly on the same day.</p> <p>A Press release by the CoG chairman was made on 21st May, 2018 registering the Council's displeasure with the National Assembly for not including our comments.</p>	<p>Infrastructure and Energy</p> <p>Legal Affairs</p>

IT & Communication Committee

Senate

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Data Protection Bill (Sen. Bill No.16 of 2018)	The CoG technical team reviewed the Bill and shared the same with the Counties	Letter shared with the Senate on 10 th July, 2018 Supporting the Bill.	IT & Communication

Legal Affairs and Intergovernmental Committees

Senate

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Office of the County Attorney Bill (Senate Bills No 3 of 2018.	The Bill was shared with Counties on 18 th Mach, 2018. County Attorneys consulted through a meeting held on 18 th April, 2018 at the CoG offices. Bill and draft memo sent to Counties on 20 th April, 2018 and comments received.	Memorandum developed by the County Attorneys and Legal Committee of CoG. Oral submissions/ appearance made on 19 th April, 2018 by H.E. Amason Kingi together with County Attorneys Forum representatives	Legal Affairs & Intergovernmental Committee
The Public Participation Bill (Senate Bills No.4 of 2018)	The Bill was shared with Counties on 18 th Mach, 2018. County Attorneys consulted through a meeting held on 18 th April, 2018 at the CoG offices. Bill and draft memo sent to counties on 21 st April, 2018.	Memorandum developed and shared with the County Attorneys and the Senate for consideration on 14 th May, 2018.	Legal Affairs & Intergovernmental Committee Citizen Engagement Unit
The Office of the County Printer Bill (Sen. Bill No.7 of 2018) The Impeachment Procedure Bill (Senate Bills No. 15 of 2018)	County Attorneys consulted through a meeting held on 18 th April, 2018 at the CoG offices. Bill reviewed and shared with Counties on 26 th July, 2018	Letter written to the Senate in support of the Bill on 10 th May, 2018. Oral submissions made on 30 th July, 2018 by the chair of the Legal Affairs Committee H.E Prof. Kivutha Kibwana and the Chairperson of the County Attorney's Forum, Mr. Timothy Kariuki.	Legal Affairs & Intergovernmental Committee Legal Affairs
The Retirement Benefits (Deputy President and designated State Officers) Amendment Bill, 2018 The County Governments (Amendment) Bill (Senate Bills No.11 of 2017)	The Bill was reviewed by the CoG technical committee and discussed with the Governors during the Council meeting held on 3 rd April, 2018. The Bill was discussed during a Council meeting held on 23 rd January, 2018. Bill reviewed by the CoG technical committee incorporating the Comments from the Council meeting. The Bill was also shared with Counties together with the Memorandum.	Memorandum developed and shared with the Senate on 23 rd July, 2018 Written memorandum prepared and shared with Counties. Oral submissions made on 13 th March, 2018 by the chair of the intergovernmental Committee H.E Stephen Sang'	Legal Affairs Legal Affairs
The Assumption of Office of the County Governor Bill (Senate Bill No. 1 of 2018)	Bill reviewed and shared with Governors during the Council meeting held on 23 rd January, 2018 and the same was shared with Counties.	Written memorandum prepared and Oral submissions made on 13 th March, 2018 by the chair of the intergovernmental Committee H.E Stephen Sang'	Legal Affairs & Intergovernmental Committee
The Impeachment Procedure Bill (Senate Bills No. 15 of 2018)	Bill reviewed and share with Counties	Written memorandum prepared and made Oral submissions on 30 th July, 2018 by the chair of the Legal Affairs Committee H.E Prof. Kivutha Kibwana and the Chairperson of the County Attorney's Forum, Mr. Timothy Kariuki.	Legal Affairs

Legal Affairs and Intergovernmental Committees

National Assembly

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Statute Law (Miscellaneous Amendments) Bill, 2018 (National Assembly Bill No. 12 of 2018)	The technical committees of the Council reviewed the respective Bill vis-à-vis the parent Act being amended.	Written Memoranda prepared and submitted to the respective departmental committees of the National Assembly on 11 th May, 2018.	Agriculture Finance Legal & Human Rights Trade Industry & Investment Tourism & Wildlife Cooperatives & Enterprise Water, Forestry & Mining Infrastructure & Energy Urban Development, Planning & Lands Education, Youth, Sports, Gender & Culture
The Statute Law (Miscellaneous Amendments) (No. 2) Bill, (National Assembly Bill No. 13 of 2018)	The technical committees of the Council reviewed the respective Bill vis-à-vis the parent Act being amended	Written Memoranda prepared and submitted to the respective departmental committees of the National Assembly on 11 th May, 2018.	Agriculture Finance Legal & Human Rights Trade Industry & Investment Tourism & Wildlife Cooperatives & Enterprise Water, Forestry & Mining Infrastructure & Energy Urban Development, Planning & Lands Education, Youth, Sports, Gender & Culture
The County Governments (Amendment) Bill (Senate Bills No.11 of 2017)	Bill reviewed by the CoG technical committee and shared with Counties together with the memorandum.	Letter written to the National Assembly supporting the Bill attaching the memorandum submitted to Senate which incorporated the Council's comments.	Legal Affairs & Intergovernmental Committee
The County Governments (Amendment) (No.2) Bill (Senate Bills No. 7 of 2017)	The Bill was reviewed by the Technical Committee	The Committee is in support of the Bill hence no memorandum prepared.	Legal Affairs & Intergovernmental Committee
The National Flag, Emblems and Names (Amendment) Bill (Senate Bills No. 8 of 2017)	The Bill was reviewed by the Technical Committee	The Committee is in support of the Bill hence no memorandum prepared.	Legal Affairs & Intergovernmental Committee
The Assumption of Office of the County Governor Bill (Senate Bill No. 1 of 2018)	Bill reviewed and shared with Governors during the Council meeting held on 23rd January, 2018 and the same was shared with Counties.	Letter written to the National Assembly supporting the Bill attaching the memorandum submitted to Senate which incorporated the Council's comments.	Legal Affairs & Intergovernmental Committee

Security Committee SENATE

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Disaster Risk Management Bill (Sen. Bill No. 8 of 2018) No. 8 of 2018)	<p>The Bill was shared with Counties on 18th April, 2018.</p> <p>The COG Technical Committee reviewed the Bill and prepared legislative memorandum was shared with H.E. Martin Wambora, H.E Amason Kingi and H.E. Dr. Dhadho Godhana on 15th May, 2018</p>	<p>Written memorandum prepared.</p> <p>Oral submissions made on 17th May, 2018 by H.E. Martin Wambora, H.E Amason Kingi and H.E. Dr. Dhadho Godhana</p>	Security Final memorandum shared with the Senate

Trade and Investment Committee National Assembly

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Sacco Societies (Amendment) Bill (National Assembly Bill No. 01 of 2018	<p>The Bill was shared with Counties on 1st February, 2018.</p> <p>The CoG Technical Committee reviewed the Bill and prepared legislative memorandum incorporating comments from Counties</p>	<p>Oral submissions made on 23rd March, 2018 by H.E. Fahim Twaha who also presented the CoG memorandum.</p> <p>The Legislative memorandum was shared with the National Assembly on 26th March, 2018</p>	Trade and Investment Cooperatives
The Public Private Partnerships (Amendment) Bill (National Assembly Bill No. 52 of 2017)	<p>The Bill was shared with Counties on 14th February, 2018.</p> <p>The Bill was also discussed during a Council meeting held on 5th March, 2018.</p> <p>The CoG Technical Committee reviewed the Bill and prepared legislative memorandum incorporating comments from Counties</p>	<p>Oral submissions made on 23rd March, 2018 by H.E. Wycliffe Wangamati who also presented the CoG memorandum.</p> <p>The Legislative memorandum was shared with the National Assembly on 26th March, 2018</p>	Trade and Investment Legal Affairs

Urban Development, Planning and Lands Committee National Assembly

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Physical Planning Bill (National Assembly Bill No. 34 of 2017)	The Bill was shared with Counties 11 th October, 2017 and a consultative meeting with CECs was held on 29 th November 2017 at CoG offices to review the Bill. The technical committee prepared the legislative memorandum.	The legislative memorandum shared with the National Assembly and counties on 12 th January, 2018. Oral submissions made on 23 rd March, 2018 with H.E. Ferdinand Waititu and H.E. Stephen Sang' in attendance and final memorandum shared with the National Assembly and Counties.	Urban Development and Lands
The Land Value Index Laws (Amendment) Bill, 2018 (NA Bill No. 3 of 2018)	The Bill was shared with Counties on 27 th February, 2018. A consultative meeting with CECs was held on 26 th February, 2018 at CoG offices to review the Bill. The technical Committee prepared the legislative memorandum incorporating comments from Counties	Oral submissions made on 27 th March, 2018 by H.E. Stephen Sang'. The final legislative memorandum shared with the National Assembly and Counties on 28 th March, 2018	Urban Development and Lands
The Urban Areas And Cities (Amendment) Bill (Senate Bills No. 4 Of 2017)	The technical Committee is reviewing the Bill vis-à-vis the legislative memorandum to ascertain whether proposal was incorporated.	Memorandum yet to be shared.	Urban Development and Lands

National Assembly

Bill	Who was consulted and how	Action taken	Committee(s) involved
The Urban Areas And Cities (Amendment) Bill (Senate Bills No. 4 Of 2017)	The Bill was shared with Counties on 11 th October, 2017. Discussed during a CECs consulted through a meeting held on 29 th November, 2017 at the CoG offices.	Memorandum developed and shared with Counties and the Senate on 9 th March, 2018. Oral submissions made on 8 th March, 2018 by H.E. Stephen Sang.	Urban Development and Lands Legal Affairs
The County Boundaries Bill (Senate No. 6 of 2017)	CECs consulted through a meeting held on 18th April, 2018 at the CoG offices.	Written memorandum prepared. Oral submissions made on 13 th March, 2018 by the chair of the intergovernmental Committee H.E Stephen Sang'	Urban Development and Lands Legal Affairs
The Physical Planning Bill (National Assembly Bill No. 34 of 2017)	The technical Committee is reviewing the Bill vis-à-vis the legislative memorandum to ascertain whether proposal was incorporated.	Memorandum yet to be shared	Urban Development and Lands Legal Affairs

Annex 2

Status of litigation matters involving the Council of Governors

CASE NUMBER	CASE STATUS
High Court of Kenya at Nairobi:- Petition No. 489 of 2014: Council of Governors & Others vs The County Assembly of Makueni & Others	The petition filed concerns County Assembly removal proceedings against County Executive Committee Members of Makueni. Counsel instructed to withdraw the matter in view of the fact that it has been overtaken by events.
Impeachment Proceedings against Makueni Governor, H.E. Kivutha Kibwana: Constitutional Petition No. 500 of 2014	The petition concerns impeachment of the Makueni Governor H.E Kivutha Kibwana. Counsel instructed to withdraw the matter in view of the fact that it has been overtaken by events.
High Court of Kenya at Nairobi Petition No 124 of 2015, Okiya Omtatah & Anor V Council of Governors & 2 Others	This Petition was filed seeking a declaration that 'Executive Order No. 6 of 2015 issued by the President is Constitutionally valid and binds all public officials irrespective of whether they are elected or appointed. Fresh dates are to be taken at the court's registry.
Supreme Court No 2 of 2017 Council of Governors vs Attorney General and 7 others Supreme Court case on Intergovernmental contributions	The Council of Governors is seeking for an interpretation at the supreme court on whether the intergovernmental contribution to the Council by counties is legal.
Petition 272 of 2016: COG vs AG & 2 others Equalization Fund	The matter was filed to seek court orders declaring the guidelines on the administration of the Equalization Fund unconstitutional and an order prohibiting the Controller of Budget from approving any withdrawals from the Equalization Fund before the Cabinet Secretary of Finance consults the affected counties.
Labour Cause No. 387 of 2015: KNUN –V- CS, Ministry of Labour, Social Security and Services, AG, Union of Kenya Civil Servants & Council of Governors,	The Memorandum of Claim was filed by the KNUN seeking orders that the Council of Governors and the 4 th Respondent – Union of Kenya Civil Servants, should not implement the Kenya Gazette Supplement No. 19 dated 20 th February 2015 upon members of the Claimant Union. The Judgment is to be delivered on notice from the registry.
Petition No 1025 of 2015 KNUN Vs CS, Ministry of Health, Council of Governors & 3 others	The memorandum of claim was filed seeking an order directing the 1 st , 2 nd , 3 rd & 4 th Respondents namely; CS, Ministry of Health, NHIF Board of Management, Council of Governors, CS Ministry of Devolution & AG respectively to stop implementing the new NHIF contributions inter alia. The Application for interlocutory orders was denied. Letter written to the registry to request for a hearing date.
ELRC Petition No. 62 of 2015 PSC, Ministry of Labour, Social Services & Others vs Trade Union Congress of Kenya & Others	The Council was enjoined as an interested party in this suit where National Government is seeking injunctive orders restraining the unions from striking over increment of NHIF rates.
Kericho Petition No. 18 of 2014: The Governor Kericho County vs KTDA & 27 others	The case involves the KTDA and the Tea Directorate, and the petitioners are seeking to stop these two agencies from collecting agricultural cess from farmers since Agriculture is fully devolved.
Petition 119 of 2016: Council of Governors Vs. Privatization Commission (now Consolidated Petition 187 of 2016)	The Petition challenges the constitutionality of the privatization of the five sugar companies.
Constitutional Petition no. 418 of 2015: Rowlands Ndegwa & Others –Versus- County Government of Nyeri & Others.	This Petition was filed in the High Court at Nairobi seeking inter alia declarations that the licensing of scheduled crops (coffee) is the mandate of the national government and that county governments have no licensing power with regards to scheduled crops such as coffee, and accordingly the purported issuance of a license with respect to scheduled crops by a county government is null and void.

Status of litigation matters involving the Council of Governors (Cont'd)

The Omnibus Petitions. (PT 552 of 2015- COG v AFFA and 13 Others: Agriculture Petition)	The proposed Petition seeks to sue over 73 state corporations that are funded to undertake devolved work with a view to declare the underlying legal framework unconstitutional.
Petition 178 of 2016 Wanjiru Gikonyo & Cornelius Oduor Opuot vs National Assembly & Others	The Petition is challenging the allocation of funds to NGCDF as contemplated by the Division of Revenue Bill, 2016. The Application is seeking to bar the Cabinet Secretary Treasury from releasing funds allocated to NGCDF for the Financial Year 2016-2017.
High Court of Kenya:- Petition No. 328 of 2016 Council of Governors Vs Salaries and Remuneration Commission	The suit challenges the Salaries and Remuneration Commission for excluding the Deputy Governors from receiving housing allowances.
Petition 252 of 2016: Council of Governors vs Attorney-General- Division of Revenue suit	The Petition challenges the division of Revenue between the National and County Governments and seeks for a constitutional interpretation on the definition of 'national interest' and 'conditional grant'.
ELC Petition 598 of 2016: Council of Governors vs. Cabinet Secretary, Lands Ministry	The Petition challenges the constitutionality of the powers of the land control boards and indeed the entire Land Control Act itself.
Constitutional Petition No. 447 of 2016 Samuel Kahiu and 242 others versus the Betting Control & Licensing Board, Ministry for Interior and Co-ordination of National Government, the Inspector General of Police, hon. Attorney general, Director of Public Prosecutions and two others	The Petition contends that on account of assignment of functions under the Fourth Schedule of the Constitution, the Betting Control and Licensing Board has no powers or authority over the betting activities falling within the jurisdiction of County Governments.
High Court of Kenya Constitutional Petition No. 523 of 2016: Council of Governors v The Attorney General & Another (Constitutionality of the Water Act, 2016)	This is a Petition challenging the constitutionality of the Water Act, 2016.
Petition No 35 of 2017: Kelly Malenya vs The AG& CS Lands , CoG Interested Party	This is a Petition challenging the constitutionality of the Land Laws (Amendment) Act.
Petition No 32 of 2017: Kelly Malenya vs The AG& CS Lands , CoG & National Lands Commission, 1 st & 2 nd Interested Parties	This is a Petition challenging the constitutionality of the Community Land Act 2016.
Omnibus Petition Nairobi Constitutional Petition No. 277 of 2017 Council of Governors VS Water Resources Authority & 16 others	This matter involves water management between the National Government and the County Governments.
Omnibus Petition Nairobi Constitutional Petition No. 278 of 2017,Council of Governor VS Ministry of sports & 19 others	This matter involves the assignment of the function of culture, trade and planning from the National Government to the County Governments.
Omnibus Petition Nairobi Constitutional Petition No. 279 of 2017 Council of Governors VS Energy Regulatory Commission & 7 others	This matter challenges the functions related to the energy sector.
Omnibus Petition Nairobi Constitutional Petition No. 280 of 2017 Council of Governors VS National Environmental Management Authority & 6 others.	This matter challenges the functions relating to the environment sector.

Annex 2

Status of litigation matters involving the Council of Governors (Cont'd)

Omnibus Petition Nairobi Constitutional Petition No.281 of 2017 Council of Governors VS Ministry of Health & 3 others.	This matter challenges the functions relating to the health sector.
Misc. Civil App No. 69/2017 Dr. Evans Kedogo & Another Vs Salaries & Remuneration Commission & 4 others	The Applicants through chamber summons applied to the Employment and Labour relations Court seeking that the doctor's allowance in the 14th March, 2017 RTWF with emergency call allowance (ECA) to the detriment of the Applicants be quashed and the decision in the circular directing the National and County Governments to exclude doctors not serving in hospitals from being paid ECA as contained in the RTWF be quashed.
Petition No. 24 of 2018 The A.G VS County Assemblies of Kisumu & 14 Others & CoG (Interested Party)	The AG has filed a petition against the County Government of Kisumu and 14 Others stating that the 15 County Governments that have established People's Assemblies are in violation of the Constitution and spending public resources on unlawful activities. The A.G further states that the People's assemblies are not envisaged by the architecture and framework of the Constitution of Kenya. The Council of Governors has been enjoined as an interested party.
Petition No. 35 of 2018 Maendeleo Chap Chap Vs Cog & Others	Maendeleo Chap Chap, a political party has filed a petition against the Council and 15 County Assemblies stating that the establishment of the People's Assemblies have no legal basis in Kenyan law and the same amounts to contravention of Article 1(3) of the Constitution and the same is null and void.
Constitutional Petition No. 15 of 2018 Gerald Njenga Vs Betting Control And Licensing Board & Others	The Petitioners are operators of gaming machines within Nairobi Central Business District. They have filed the petition challenging the decision by the Cabinet Secretary Ministry of Interior and Coordination of National Government ordering the closure of gaming/betting businesses being operated in both rural and urban centres throughout the republic of Kenya.
Civil Appeal No. 135 of 2018 The Senate Vs Wycliffe Oparanya & Others	The appeal emanates from Nairobi Petition No. 561 of 2015 Governor Wycliffe Oparanya vs DPP& Senate which was delivered by Odunga J and it emphasizes the centrality of devolution under Article 125 of the Constitution which gives the Senate powers to summon Governors to appear before it. The Senate has since moved to the Court of Appeal to challenge the decision of the High Court.



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