



COUNCIL OF GOVERNORS

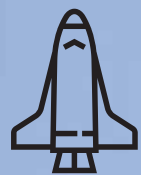


ANNUAL STATUTORY REPORT **2019/2020**



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

ADC	Annual Devolution Conference	KNUN	Kenya National Union of Nurses
ADPs	Annual Development Plans	KCSAP	Kenya Climate Smart Agriculture Project
BRACED	Building Resilience and Adaptation to Climate Extremes and Disasters	KSG	Kenya School of Government
CAF	County Assemblies Forum	KNAIP	Kenya National Agriculture Investment Plan
CALCs	County Assets and Liabilities Committees	KeRRA	Kenya Rural Roads Authority
CARPS	Capacity Assessment and Rationalization of the Public Service	KURA	Kenya Urban Roads Authority
CCA	Climate Change Adaptation	KeNHA	Kenya National Highways Authority
CEC	County Executive Committee	KICOSA	Kenya Inter-County Sports and Culture Association
CECM	County Executive Committee Member	KISP II	Kenya Informal Settlement Programme II
CGA	County Government Act	KPA	Key Performance Area
CIDPs	County Integrated Development Plans	KRA	Kenya Revenue Authority
CRA	Commission on Revenue Allocation	KRA	Key Result Area
CSP	County Spatial Plan	LREB	Lake Region Economic Bloc
CoG	Council of Governors	LSK	Law Society of Kenya
CoK	Constitution of Kenya	M&E	Monitoring and Evaluation
CBA	Collective Bargaining Agreement	MoDA	Ministry of Devolution and ASAL
DRM	Disaster Risk Management	MoH	Ministry of Health
DRR	Disaster Risk Reduction	NARIGP	National Rural Inclusive Growth Project
DORB	Division of Revenue Bill	NDC	Nationally Determined Contributions
EACC	Ethics and Anti-Corruption Commission	RA	Recognition Agreement
ECDE	Early Childhood Development Education	RTWF	Return to Work Formula
EMCA	Environmental Management and Co-ordination Act	PHC	Primary Health Care
FY	Financial Year	SDGs	Sustainable Development Goals
GDP	Gross Domestic Product	SRC	Salaries and Remuneration Commission
IBEC	Intergovernmental Budget and Economic Council	SOCAL	Society of Crop and Agribusiness Advisors of Kenya
ICT	Information Communication Technology	SUED	Sustainable Urban Economic Development Programme
IATC	Inter-Agency Technical Committee	RSSH	Resilient, Sustainable Health Systems for Health interventions
IAS	Inter-Agency Secretariat	UN	United Nations
IGRA	Intergovernmental Relations Act	UDC	Urban Development Committee
IGRTC	Intergovernmental Governmental Relations Technical Committee	UNDP	United Nations Development Programme
IGFs	Intergovernmental Forums	UNGA	United Nations General Assembly
IATT	Inter-Agency Technical Team	TA	Transition Authority
JASCCOM	Joint Agriculture Sector Consultation and Cooperation Mechanism	THS-UC	Transforming Health Systems for Universal Care
KMPDU	Kenya Medical Practitioners and Dentists Union	T&NRM	Tourism and Natural Resource Management
		UCLGA	United Cities and Local Governments of Africa
		UNGA	United Nations General Assembly

FOREWORD FROM THE CHAIRMAN



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The COVID-19 pandemic brought with it several changes. Some of these challenges were good, and some were bad. I will only speak to the good ones. On the positive side, County Governments have managed to improve the health care infrastructure, improve food stocks and ensure access to clean water for all its citizens.

What began as a promising Financial Year for County Governments proved to be a very challenging year for the whole world with the onset of the COVID-19 pandemic. That notwithstanding, County Governments were still able to provide services despite this global challenge. Many County Governments had to adopt technology and work remotely.

In the year under review, County Governments were not able to receive money for the whole of the first quarter due to the deadlock in the mediation committee of parliament. The County Governments resolved to take this matter to court to enable the court provide direction and settle this issue once and for all. In the Supreme Court Advisory Reference No. 3 of 2019, the court affirmed that recommendations of the Commission on Revenue Allocation are not mere suggestions and have to be accorded serious consideration by both houses when deliberating the Division of Revenue Bill. Additionally, the court held that should an impasse occur, the National Assembly shall authorize withdrawal of 50% of funds as provided in the Division of Revenue Act of the preceding year from the Consolidated Fund for the purposes of meeting the expenditure necessary for running of County Governments.

The COVID-19 pandemic brought with it several changes. Some of these challenges were good, and some were bad. I will only speak to the good ones. On the positive side, County Governments have managed to improve the health care infrastructure, food stocks and ensure access to clean water for all its citizens. Over and above this, they have fought the invasion of locusts, flooding, police brutality and what has been dubbed the shadow pandemic, gender based violence all while adjusting to the new normal brought about by the pandemic.

Also, in the year under review, there was enhanced intergovernmental relationship between the National Government and County Governments. From March to July 2020 a record of three (3) Summit Meetings were held to discuss among others how to handle the COVID-19 pandemic. IBEC also met three (3) times to develop consensus on fiscal matters. This is a clear reflection of improved relationship between the Council and other Intergovernmental bodies in a bid to work together to ensure success of devolution.

The year under review witnessed intensive engagement at the Summit level and this accelerated critical decision making and fast tracked delivery of results on key issues of national importance thus effectively promoting the objects of devolution. Moving forward, we expect to continue with the same spirit of engagement at all levels in addressing outstanding challenges in achieving positive growth in devolution.

In the past year the Council in line with its mandate addressed itself to matters of corruption with a lot of seriousness. In October 2019, the Council held a consultative meeting with the EACC resulting in a Joint Communiqué to support Counties implement corruption risk mitigation measures. We await to hear from the EACC on the performance of County Governments on this index.

Unfortunately, this is also the Year where the two houses of parliament were unable to agree on resources to be allocated to each level of government. This led to an impasse on Division of Revenue for resources to be allocated to County Governments. We hope that in subsequent financial years, the formula will be developed in time so that the flow of resources to the Counties is not compromised.

I wish to acknowledge and thank key institutions that have been instrumental in ensuring the success of devolution; the National Government, Senate, Judiciary, Development Partners, Private Sector and the Civil Society. As the African proverb says, if you want to go fast, go alone, but if you want to go far, go with others. These partners enabled us to go far in the financial year 2019/20.

We remain grateful for all the support.

H.E. Hon. FCPA. Wycliffe Ambetsa Oparanya, EGH, CGJ
Chairman, Council of Governors

NOTE FROM THE CHIEF EXECUTIVE OFFICER



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Despite the challenges brought about by the pandemic, it provided an enabling environment for positive intergovernmental cooperation between the two levels of government. The Council also received immense support from development partners during this period. I would like to appreciate the President of the Republic of Kenya, His Excellency Uhuru Kenyatta for his leadership during the pandemic period.

The Council of Governors continues to deliver its mandate as provided for in section 20 of the IGRA. Devolution in Kenya is now seven years old whereas there are a myriad of challenges, the achieved milestones overshadow the real and perceived challenges. To ensure that the organization implements optimal staffing requirements for effective and efficient service delivery, the Council adopted a new structure which was developed with technical support from the Ministry of Public Service. This was also followed by a comprehensive mid-year review of the Council's strategic plan for the period 2017-2022.

The Council is awake to the fact that the COVID-19 pandemic has changed the way the public service works and delivers services. The Council like all other governmental institutions has re-engineered its ways of working internally and externally. The review of the strategic plan came at an opportune time to ensure that we re-engineer our processes, procedures and approaches in the role of coordinating, facilitating and networking all the stakeholders serviced by the Council.

Despite the challenges brought about by the pandemic, it provided an enabling environment for positive intergovernmental cooperation between the two levels of government. The Council also received immense support from development partners during this period. I would like to appreciate the President of the Republic of Kenya, His Excellency Uhuru Kenyatta for his leadership during the pandemic period. The Chairman of the Council as the vice-chairman of the Summit was able to provide the support needed to enhance collaboration between the two levels of government at the onset of the pandemic.

I would also like to thank KIPPRA and the CoG Socio-Economic Strategy team that worked to develop a Re-engineering and Socio-Economic Strategy to inform planning in the new financial year. The entire team was led by H.E. Prof. Anyang' Nyong'o, H.E. Prof Kivutha Kibwana and H.E. Ndiritu Mureithi. The strategy will enable Counties to integrate proposals made into the review of the CIDPs and development of annual plans to fast-track full integration of the specific recovery and re-engineering strategies during the County planning processes.

Lastly, I would like to appreciate our partners for their collaboration and support during the period under review. At a difficult time of the pandemic, the partners heeded to the call to support the COVID-19 Secretariat which has been an anchor in strengthening operations at the Council during the pandemic. In no particular order I would like to appreciate; The National Government and its Departments and Agencies, County Governments, Development Partners, Private Sector and Civil Society Organizations for their contributions in making 2019/20 FY a success.

Jacqueline Mogeni, MBS
CEO, Council of Governors

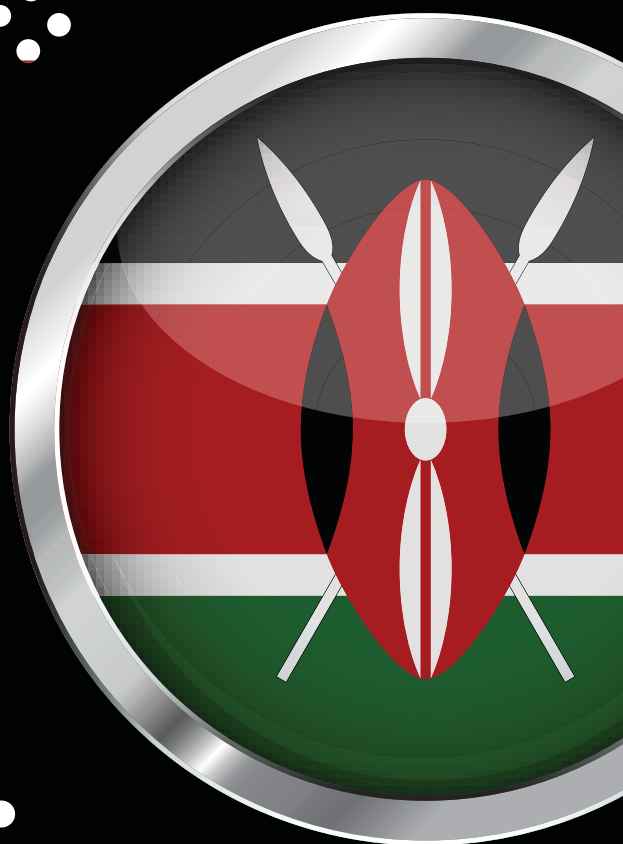
ACKNOWLEDGEMENTS

The Council is grateful to all its stakeholders for the support accorded in the 2019/20 Financial Year. This has been one of the most unique year for the Council and the country at large. The Council extends gratitude to His Excellency the President of the Republic of Kenya for demonstrating and providing leadership during the most difficult time to the two levels of Government. Similarly, the support provided by all leaders of all levels of government is appreciated.

We would also like to appreciate the Departments and Agencies of the National Government, Counties, Development Partners, Private Sector, Civil Society organizations, Research Institutions and the Academia and their officials for the diligence they have shown in the year under review. Further, the Council acknowledges the unwavering support and commitment by its stakeholders during this season of the pandemic.

The Council wishes to thank all the Development Partners who deployed staff to the COVID-19 Secretariat and without following any order of preference we would like to mention, UNDP, World Bank, Thinkwell, USAID-WASH-FIN, UN Women, Bill & Melinda Gates Foundation, CIFF, UNFPA, WHO, UNICEF, WFP and the County Government of Kisii among many other.

The Council also extends its gratitude to the Council of Governors staff who through the years put in a lot of effort in ensuring that the Council delivers on its mandate and this year was not an exception. Though the pandemic came during the last two quarters of the year, this did not deter staff from delivering on the Council mandate. The staff of the Planning Unit; Eunice Fedha, Ken Oluoch and Clemency Dorah were very instrumental in compiling and editing the report. Lastly, the valuable contribution from the Management Team and all Technical Committee Leads who made contribution in the preparation of this report is appreciated.



1.0 CHAPTER ONE: INTRODUCTION

1.1 Background

This report covers activities undertaken by the Council for the period 2019/20 Financial Year from July 2019 to June 2020.

The mandate of the Council and the day to day activities of the Council are undertaken by staff of the Council. The Executive team of the Council, the respective Committee Chairs and the full Council provide policy and strategic leadership to the staff. The Council has been working through twelve (12) Committees since January 2019, when the committees were reorganized through a Council resolution from the previous eighteen Committees.

The activities documented herein have been implemented by the staff of the Council with support from National Government agencies as well as development partners and other stakeholders.

1.2 Objective of the Report

The objective of the Annual Statutory Report is to provide a comprehensive assessment of the programmes and activities of the Council in the FY 2019/20 while highlighting successes, challenges, lessons learnt and opportunities for implementation of devolution.

1.3 Mandate of the Council of Governors

The Council of Governors is a statutory body established under section 19 of the Intergovernmental Relations Act (IGRA). The mandate and specific responsibilities of the CoG are spelt out under section 20 of the IGRA 2012. The Council provides a forum for:

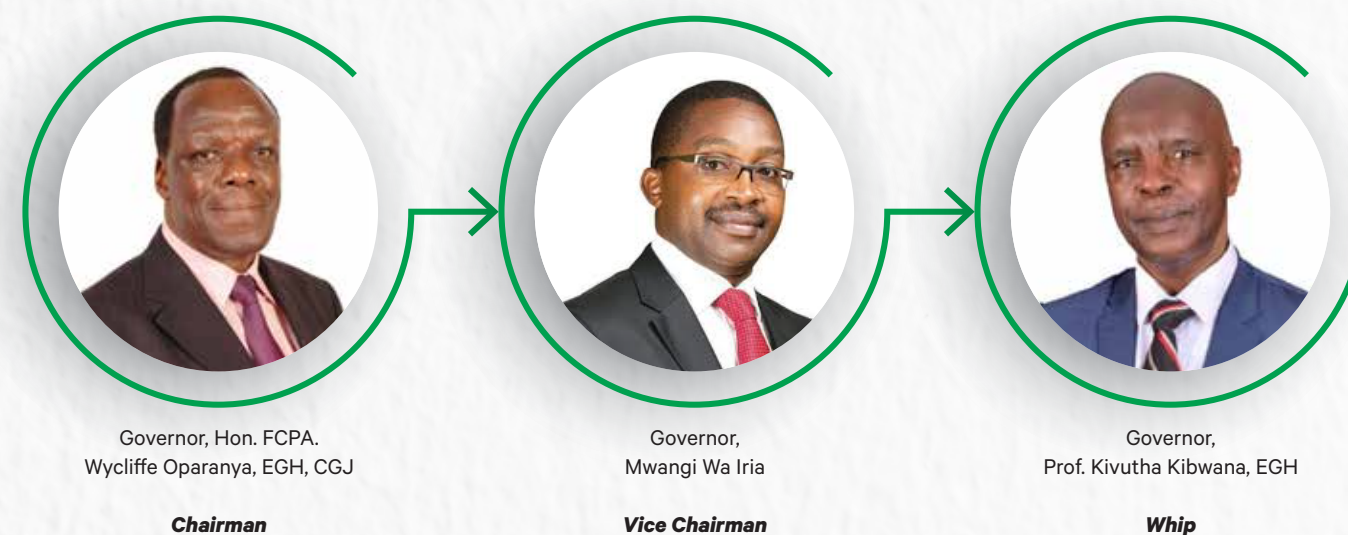
- consultation amongst County Governments;

- 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;
- considering matters of common interest to County Governments;
- dispute resolution between counties within the framework provided under the IGRA;
- facilitating capacity building for governors;
- receiving reports and monitoring the implementation of inter-county agreements on inter-county projects;
- consideration of matters referred to the Council by a member of the public;
- consideration of reports from other intergovernmental forums on matters affecting national and county interests or relating to the performance of counties; and
- 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.

1.4 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 is currently working through twelve (12) committees as shown below. Each committee consists of a Chair, a Vice-chairperson and committee members who provide guidance on policy and legal issues relating to the respective committee(s) as demonstrated below:



Committee	Chairperson
Liaison, Management and Resource Mobilization	H.E. Hon. FCPA. Wycliffe Ambetsa Oparanya, EGH, CGJ
Agriculture	H.E. Muthomi Njuki
Health	H.E. Dr. Mohammed Kuti, EGH
Education	H.E. Edward Mutahi Kahiga
Tourism and Natural Resource Management (T&NRM)	H.E. Samuel Ole Tunai, EGH
Arid & Semi-Arid Land (ASAL)	H.E. Moses Kasaine, CBS, EBS
Human Resources, Labour and Social Welfare	H.E. James Ongwae, CBS, EBS, OGW
Finance, Planning, Economic Affairs and Information, Communication and Technology	H.E. Dr. Wycliffe Wangamati
Urban Development, Housing, Planning, Energy, Infrastructure and Lands	H.E. Hon. Lee Kinyanjui
Gender, Youth, Sports, Culture and Social Services	H.E. Prof. Paul Chepkwony
Trade, Investment, Manufacturing and Cooperatives	H.E. Martin Wambora, EGH
Legal Affairs, Human Rights, Intergovernmental Relations, Security and Foreign Affairs	H.E. Hon. Amason J. Kingi, EGH

The Technical staff are responsible for administrative and technical support to the committees under the guidance and direction of the Chief Executive Officer and a Management Team. The following departments manage operations of the Council: Administration; Protocol; Finance; Procurement; Information & Technology (IT); and Human Resource, Communication, and the Maarifa Centre which provides a platform for knowledge sharing and peer to peer learning among the 47 County Governments. The Chief Executive Officer is the accounting officer.

2.0 CHAPTER TWO: THE COUNCIL OF GOVERNORS ACTIVITIES FOR FY 2019/20

2.1 Intergovernmental Consultations

2.1.1 National and County Government Coordinating Summit

The National and County Government Coordinating Summit is established under section 7 (1) of the Intergovernmental Relations Act (IGRA), 2012. The Summit is the apex body for intergovernmental relations. It is headed by the President, the vice-chairman is the Chairman of the Council of Governors and all the 47 County Governors are members.

It is in the Summit that the heads of National and County Governments meet to deliberate and discuss the progress being made in the implementation of devolution. As per section 9 of the IGRA, the Summit is required to meet at least twice a year. Although this has not been the case for the last six (6) years. Nevertheless, in the FY 2019/20, the Summit met once in February but this changed after the COVID-19 pandemic happened. The Summit met three times in a span of three months from March to June, 2020. The Eighth Summit held in February 2020 approved the Intergovernmental Alternative Dispute Resolution Regulations that will assist in resolution of intergovernmental disputes.

2.1.2 Intergovernmental Budget and Economic Council (IBEC)

IBEC was convened three times in this Financial Year. The IBEC meetings mainly discussed matters to do with disbursement of funds to County Governments, repayment of pending bills, consultation on debt framework for County Governments and Public Investment Management guidelines.

At the last IBEC meeting the membership resolved to raise the allocation to counties to Ksh 316.5 billion in FY 2019/20 from Ksh 316 billion in the FY 2018/19. The meeting also resolved that counties needed to prioritize payment of pending bills through First in First Out (FFO) method and the External Borrowing framework for County Governments was approved.

The Council was part of the Task Force that developed a mediation report with regards to Petition 252 of 2016: CoG Vs. A.G & Others. This petition sought to have the court provide a definition of what should be considered as National Interest in the context of division of equitable share between the two levels of government and allocation of conditional grants. This was in line with the Court ruling dated 28th November 2018 that directed that some of the unresolved issues needed to be submitted to the Intergovernmental Budget and Economic Council (IBEC). The Council position is that National interest transcends both levels of government as it benefits the entire country. Therefore determination of national interest should be a consultative process between the National Government and County Governments. The mediation report which incorporated the Council's position was tabled and adopted during the IBEC meeting convened on 18th February, 2020.

The same was filed in Court and the matter is scheduled for delivery of judgment on September, 2020.

2.1.3 Intergovernmental Sector Forums

The various Committees at the Council have established Intergovernmental Forums which have been very instrumental in facilitating consultations between the National Government and County Governments with other stakeholders. Some of the Sectors with operational intergovernmental sector working forums include: Agriculture and water sector forums.

2.1.3.1 Agriculture

The Committee participated in the 3rd Joint Agriculture Sector Consultation and Cooperation Mechanism (JASCCOM) where the Kenya Agricultural Sector Transformation and Growth Strategy (ASTGS) 2019-2029 and the Kenya Youth in Agribusiness Strategy were launched for implementation by the National Government and County Governments. The Ministry of Agriculture, Livestock, Fisheries and Cooperatives and County Governments committed to implement the strategies in a view to help the country attain the 100% food and nutrition security.

2.1.3.2 Trade

The Committee coordinated two intergovernmental meetings with the State Department for trade which led to the development of a joint position on weights and measures, ease of doing business in the country, cross border challenges and joint loans board. This has resulted in the commencement of verification exercise of the joint loans board funds to enable the transfer of the fund to County Governments.

2.3 REGIONAL AND INTERNATIONAL ENGAGEMENTS

2.3.1 Regional Engagements

2.3.1.1 United Cities and Local Governments of Africa (UCLGA)

UCLG Africa is the umbrella organization and the united voice and representative of Local Governments in Africa. It was founded in 2005 in the City of Tshwane, South Africa as a result of the unification of three continental groups of local governments, namely the African Union of Local Authorities (AULA); the Union des Villes Africaines (UVA); and the Africa Chapter of the Unao dos Cidades y Capitaes Lusofono Africana, (UCCL AFRICA). The Council has since been a member from the financial year 2014/2015. Below are some of the key highlights for the 2019/2020 financial year:

- o CoG was appointed to the Executive Bureau of the UCLGA at the UCLGA World meeting in Durban, November 2019. This was a great opportunity to the Council to increase its visibility at the regional level.
- o The Council participated in the UCLGA Webinar on Local Governments' Preparedness for EU Funding which led to UCLGA supporting CoG with a consultant who will prepare a status report on how County Governments can benefit from

EU Funding directly. This will in turn unlock some of the challenges faced by Counties on funds flow.

- o Increased visibility of the CoG through participation in the UCLG Ministerial Dialogue with Local and Regional Governments on the Paris Agreement of 28th May, 2020 and the UCLG Executive Bureau meeting of 29th May, 2020.

2.3.1.2 Regions4/NRG4SD

Regions4 was established in 2002 at the World Summit in Johannesburg as the Network of Regional Governments for Sustainable Development where the Council has been a member since the FY 2014/15.

Subscription to the network has enhanced visibility of CoG around the implementation of Sustainable Development Goals and including the Kenya progress report on localization of SDGs as part of the global report for sub-national governments during the annual High Level Political Forum (HPLF) on SDGs held in July 2019 in New York. The Network facilitated participation of CoG during the COP 25 on climate change forum held in Madrid in 2019.

2.3.2 International Engagements

2.3.2.1 CLIMATE CHANGE ACTION SUMMIT 2019 DURING THE 74TH UNITED NATION GENERAL ASSEMBLY HELD FROM 24TH TO 30TH SEPTEMBER, 2019



H.E. Hon. Wycliffe Oparanya Chairman, Council of Governors making a presentation on financing Climate Action "Local Leadership for climate change"

The UNGA 2019 Climate Action Summit provided a platform for Member States to mobilize new partnerships, resources and actions that motivated more ambitious National Government commitments ahead of COP 25 and garnered new resources to support new and existing sub national climate ambition in line with the Paris Agreement, the New Urban Agenda and Sustainable Development Goals.



H.E. Lee Kinyanjui Chairperson; Urban Development, Housing, Planning, Energy, Infrastructure and Lands Committee making a presentation on subnational mobilization "Local Leadership for climate change"

Some of the key issues discussed include:

- The Summit emphasized that a transition to zero-carbon cities should be at the heart of national development strategies, underpinned by a meaningful partnership between visionary National Governments and innovative Local Governments.
- **Universal Health Coverage:** The high level meeting on Universal Health Coverage (UHC) held on the sidelines of the 74th UNGA focused on financing. The meeting agreed that local governments need to invest in UHC by increasing budgetary allocations on health by an additional 1% to 2% of GDP. The agreement will be most useful at the National Level and Sub National Level, as health advocates can use it to hold their governments accountable.
- **Sustainable Development Goals' finances:** The key focus was on harnessing money in the global financial system. The importance of both country-level resource mobilization and

international accountability on taxation and debt were key messages from the High-Level Dialogue on Financing for Development. The UN and the European Union launched a new initiative to operationalize financing discussions at the national level. The partnership will help 15 "pioneer" countries create integrated national financing frameworks guides on financial strategy, setting priorities, risk management and maximizing on financial resources.

- **Ending Sexual Exploitation, Abuse and Harassment in Development Co-operation and Humanitarian Assistance:** A High-level Round table hosted by OECD and SIDA on Ending Sexual Exploitation, Abuse and Harassment in Development Co-operation and Humanitarian Assistance (SEAH). It was noted that structurally engineered gender inequality is the leading reason why we wish away the devastating effects of SEAH.

2.3.2.2 THE HIGH-LEVEL POLITICAL FORUM ON SUSTAINABLE DEVELOPMENT (HLPF) HELD FROM 8TH TO 19TH JULY 2019, AT UN HEADQUARTERS IN NEW YORK



Participants at the opening ceremony of the High Level Political Forum in New York

The meeting of the high-level political forum on sustainable development in 2019 convened under the auspices of the Economic and Social Council, was held from Tuesday 9th July, to Thursday 18th July, 2019; including the three-day ministerial meeting of the forum from Tuesday 16th July, to Thursday 18th July 2019. The theme was **"Empowering people and ensuring inclusiveness and equality."** The set of goals that were reviewed in depth are listed below:

- **Goal 4.** Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- **Goal 8.** Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- **Goal 10.** Reduce inequality within and among countries
- **Goal 13.** Take urgent action to combat climate change and its impacts
- **Goal 16.** Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

- **Goal 17.** Strengthen the means of implementation and revitalize the global partnership for sustainable development.

Forty-Seven (47) countries presented their national voluntary reviews during the HLPF. Seven of these were being reviewed for the second time. The reviews were state-led, involving ministers and other relevant high-level participants, and provided a platform for partnerships, including through the participation of major groups and other relevant stakeholders. Kenya undertook a voluntary national review in 2017 and based on the lessons learnt during the 2019 VNRs, undertook another review in 2020.

Five (5) Counties participated in the Voluntary Local Review including; Taita Taveta, Busia, Kwale, Marsabit and Kisumu Counties which were showcased during the high level political forum on SDGs implementation in New York in July, 2019.

2.3.2.3 WORLD URBAN FORUM HELD IN ABU DHABI, UNITED ARAB EMIRATES (WUF-10) FROM 8TH TO 13TH FEBRUARY, 2020

CoG participated in the tenth session of the World Urban Forum (WUF10) which took place in Abu Dhabi, United Arab Emirates (UAE), from 8th to 13th February 2020. More than eighteen thousand (18,000) participants registered online for the Forum, during which six dialogue sessions unpacked the theme of “Cities of Opportunities: Connecting Culture and Innovation.” High-level representatives and the UN system opened WUF10 at the official opening ceremony.

The Abu Dhabi Declared Actions (<https://maarifa.cog.go.ke/resource/abu-dhabi-declared-actionscities-of-opportunities-connecting-culture-and-innovation>), compiled by a WUF10 advisory group, brought together voluntary actions and commitments by all stakeholder groups in support of the National Urban Agenda and SDGs. The document presented participants’ perspectives on the relationship between culture, innovation and urban development.

2.4 COMMITTEE REPORTS

2.4.1 Introduction

The second Council of Governors strategic plan was developed in 2017 for the period 2017- 2022 to guide activities within the period.

No	Key Performance Areas	Key Focus Area	Revised Key Focus Areas
1.	Good governance	<ul style="list-style-type: none">Performance managementCapacity building for governorsStakeholder participationAccountability mechanismsRisk management	<ul style="list-style-type: none">Performance managementCapacity building for governorsStakeholder participationRisk management
2.	Adequate resourcing for devolved functions	<ul style="list-style-type: none">Expenditure managementResource mobilizationDebt management	<ul style="list-style-type: none">Expenditure managementResource mobilization for devolved functions
3.	Build a strong Council of Governors (CoG)	<ul style="list-style-type: none">Organizational structure and identityResource mobilizationSystems, processes and technology	<ul style="list-style-type: none">Organizational structure and identityResource mobilization for CoG secretariatRe-engineer systems, processes and technologyPublic relations and communication
4.	Knowledge-driven performance	<ul style="list-style-type: none">Knowledge sharing and learning platformCommunicationSharing best practiceTraining and capacity building	<ul style="list-style-type: none">Knowledge sharing and learning
5.	Sustainable intergovernmental relations Strengthen intergovernmental relations and devolution	<ul style="list-style-type: none">National-County and Inter-county relationsEstablishment and implementation of inter-county agreementsMutual accountability frameworkAssessment of needs and strategic profiling	<ul style="list-style-type: none">Strengthen intergovernmental structures and processesSafeguarding devolution

In May 2020, the Planning department spearheaded the mid-term review of the strategic plan. With the support of the Committee Technical leads, the implementation matrix was reviewed leading to a significant change in the KPAs, KFAs and number of strategic issues reduced from 80 to 30. This review put into consideration the mandate of the Council as per section 20 of the IGRA. The realignment to the CoGs mandate will ensure that activities in the next two years are more focused and output oriented. The implementation matrix is attached as an annex. Activities during the 2019/20 FY were aligned to the strategic plan before the review.

2.4.2 Health

During the year under review, the Committee held a total of 30 physical and virtual consultative meetings with Governors in the Health Committee, County Executive Committee Members for Health, Chief Officers Health, and County Directors of Health, Ministry of Health, development partners and other stakeholders in the Health sector to discuss thematic issues relating to the delivery of health care in the country.



H.E. President Uhuru Kenyatta, CGH, addressing the Nation during his Presidential Address on the COVID Pandemic alongside the CoG Chair Governor Wycliffe Oparanya, EGH, CGJ and other Senior Government Officials at State House, Nairobi

- The following key issues were considered and addressed during the period:
- COVID-19 Pandemic
 - The first case of COVID-19 in Kenya was reported on 13th March 2020. Subsequently the National Government and County Governments put in place infection control measures related to mobility, social distancing, and targeted mass testing. The National Emergency Response Committee and its structures was formed to facilitate coordination of activities in response to COVID-19. Counties invested extensively in implementing these measures including re-focusing their resources to strengthen the healthcare system to respond to the COVID-19 pandemic including but not limited to the following:
 - Adopted and implemented all guidelines, regulations and protocols developed by the Ministry of Health across all the 47 Counties as follows;
 - All 47 counties, by 30th June had cumulatively established **18,838** bed capacity quarantine facilities; set up **187** isolation facilities with a total of **3,320** functional isolation beds.
 - Counties re-allocated a total of **6.2 Billion** of their budgets toward COVID -19 response. Which went towards various activities in the county in addressing impact of COVID- 19 including equipping 453 ICU beds, maintaining 3320 isolation and 180 quarantine centers, contact tracing, rapid response among other Infection Prevention Control measures (IPC). Counties also received **5 Billion** from the National government towards COVID-19 response. However, there are resource gaps that need to be bridged.



H.E. Prof. Kivutha Kibwana, EGH, opening the Makueni COVID-19 Treatment Unit

THS-UC Project

To enhance the capacity of County Governments to deliver the Health function and ensure successful implementation of the THS-UC project, the committee participated in the project mid-term review exercise and gave recommendations on revision of the project design to facilitate faster flow of funds to Counties, revision of penalties imposed to facilitate implementation, recruitment of two additional county cluster coordinators and a No Cost Extension of the THS-UC Project to cover for year one where the project did not begin as anticipated. All recommendations were adopted by the World Bank and an addendum to the Project Appraisal Document (PAD) drafted.



Meeting between the Council of Governors and Ministry of Health holding discussions on Implementation of the Global Fund

Global Fund

In defending devolution and to ensure compliance with the constitution of Kenya 2010 with regards to assignment of functions between the National Government and County Governments, the committee engaged the Global Fund to ensure that the allocation of \$384 Million for the period 2018/20 is implemented in a manner that reflects the devolved setting in the country.

The committee further investigated complaints from Counties that microscopes procured under Global Fund Counter- part financing distributed by KEMSA in the 2017/18 financial year were not functional, the COG undertook to gather comprehensive information on the status of functionality of the microscopes from all the 47 Counties which was shared with the PS Health who is also the chairperson of the Kenya Coordinating Mechanism. A decision was made by the KCM to have the faulty microscopes replaced/ repaired accordingly.

The Council through the Finance Committee sought Senate support to ensure that FY 2019/20 County Allocation Revenue Act includes the Global Fund as Conditional Grant to Counties.

Microwave Medical Waste Project

To ensure better service delivery of quality health care in Counties by improved management of medical waste, the Committee supported ten (10) Counties to ensure the equipment supplied under the project were installed and functional. These included MTRH, KNH, JOOTRH, Nakuru, Machakos, Embu, Mombasa, Kisii, Kakamega and Nyeri County Referral hospitals. Phase I of the project was successfully completed and the Council is in discussions for Phase II of the project to be implemented in fifteen (15) Counties.



Site visit by CoG to Kenyatta National Hospital to check on status of the machines for microwave medical waste management project

Legislation and Policy Review

To ensure adequate representation of County Governments in intergovernmental institutions, the Committee proposed legislative Amendments through written Memoranda to KEMSA Act (amendment 2019) with recommendations to increase County representation in the KEMSA Board, as well as to the National Hospital Insurance Fund (NHIF) to increase County representation in the NHIF Board.

The committee also prepared memorandum and made submissions before the Senate and National Assembly Committees on critical issues touching on counties such as:

- o UHC roll out
- o MES Project

In the year under review, the committee ensured that Counties were involved in the development and review of the following Policy documents. County proposals was summarized into memoranda and submitted and adopted in: UHC policy 2020-2030.

Peer to Peer learning

During the year under review, the committee worked with Maarifa center and coordinate the third structured inter-county HIS/Monitoring &Evaluation (M&E) peer to peer learning visit for three Counties Kakamega, Siaya and Kisumu as a follow-up to the peer to peer learning conducted in the Lake Region Economic Bloc (LREB) in August, 2018. The Counties learnt from Kisumu County how effective referral systems can be supported through efficient Health Information Systems (HIS).

2.4.3 Agriculture

The Committee undertook the following initiatives whose output is highlighted below:

- The Committee held a consultative meeting with CECs and COs in charge of Agriculture in the six implementing Counties to discuss the implementation of potato and coffee regulations and further the implementation of the various projects in the sector (KCSAP, NARIGP, and ASDP II). As a result:
 - o Nakuru County have employed inspectors to implement the regulations at the County level
 - o 47 Counties received their reimbursement amounting to two (2) billion shillings
 - o Embu County domesticated the youth in agribusiness strategy
- The Committee undertook technical review of the various bills and regulations in the sector: tea bill, sugar bill, coffee bill, animal health bill 2019, livestock bill 2019 and the veterinary public health bill 2019), warehouse receipt system regulations, Irrigation bill and Livestock and livestock products marketing board bill 2019. Below is a summary of the key issues that in the bills named above

NAME OF BILL/ POLICY/ACT	ISSUE	COGS PROPOSAL	MATTER CONSIDERED BY PARLIAMENT (NATIONAL ASSEMBLY/SENATE)	STATUS
The Tea Bill (Senate Bill No. 36 of 2018)	<ul style="list-style-type: none"> Composition of the Tea Board. Infringement to the functions of the Counties by the Board. Failure to provide for the functions of the Counties. None involvement of Counties in the regulation of the Tea sector. 	<p>1. The composition of the Board to be reviewed to include three representatives of the Council of Governors</p> <p>2. Functions of the Board that infringe on functions of the Counties be deleted e.g licensing of value chain actors except tea importers or exporters;</p> <p>3. Introduce a new section to provide for functions of County Governments which include registration and regulation of the operations of tea growers and processors; commercial tea nurseries and green leaf transporters; licensing of tea dealers and processors; managing factories and their agents among other functions;</p> <p>4. Involvement of Counties in formulation of regulations under the Act.</p>	<p>The Senate passed the Bill incorporating COG proposal by allowing the Council to nominate two persons of either gender to the Board.</p> <p>However, the functions of the Board have not been sufficiently reviewed to conform to the Constitution hence the Council has shared a memo with the National Assembly for further consideration of the proposals so as to ensure that Counties are able to issue licenses in the Tea industry.</p>	The Bill is due at the Committee Stage at the National Assembly.
The Sugar Bill, (NA No. 68 of 2019)	The claimant moved to court to quash a circular (letter) done by CoG instructing counties to halt monthly subscription fees for KNUN members until a formal audit of each member is done.	<p>The Bill should be amended to provide for the following among others:</p> <p>1. Introduction of sugar growing zone for maximize utilization of productions</p> <p>2. Provisions of licensing of millers by County Governments among other functions of counties in development and regulation of sugar sector</p>	The Committee is still following up with National Assembly for consideration of the proposals given that the Bill is still being considered at the second reading stage.	Due for Second Reading at the National Assembly.

NAME OF BILL/ POLICY/ACT	ISSUE	COGS PROPOSAL	MATTER CONSIDERED BY PARLIAMENT (NATIONAL ASSEMBLY/SENATE)	STATUS
The Sugar Bill, (NA No. 68 of 2019)		<p>3. Headquarters of the Board to be in Kisumu</p> <p>4. 4 representatives of the County Governments.</p>	The Committee is still following up with National Assembly for consideration of the proposals given that the Bill is still being considered at the second reading stage.	The Bill is due at the Committee Stage at the National Assembly.
Coffee General Regulations, 2019	<ul style="list-style-type: none"> Centralization of the licensing to the AFA at the expense of the County Governments; Failure to provide for the functions of the County Governments in the development and regulation of the coffee sector 	<p>The Regulations should be amended to provide for the following functions of County Governments:</p> <p>1. Licensing of coffee commercial nurseries, coffee warehouses, millers/manufacturers among other licenses.</p> <p>2. Appointment of county crop inspectors to assist in the implementation of the regulations.</p> <p>3. Promote, develop and regulate the coffee sector.</p>	The proposals were adopted by the Parliament and Ministry of Agriculture and regulations amended accordingly.	The Regulations are being implemented
Animal Health Bill 2019, and veterinary public health bill 2019),	<ul style="list-style-type: none"> Lack of involvement of County Governments in promotion of animal health especially Declaration of animal products, disease agents and restricted material No involvement of the CECMs responsible for livestock. 	<p>1. There is need for consultation with the County Governments in management of animal health and veterinary services</p> <p>2. Involvement of the CECMs and County Directors of Veterinary Services in the animal disease control, veterinary services given that these are functions devolved under the Fourth Schedule to the Constitution.</p>	The Committee is still engaging the State Department of Veterinary Services on the two Bills with a view of reaching an amicable resolutions.	The Bills are still undergoing public consultations before submissions to Parliament for consideration

NAME OF BILL/ POLICY/ACT	ISSUE	COGS PROPOSAL	MATTER CONSIDERED BY PARLIAMENT (NATIONAL ASSEMBLY/SENATE)	STATUS
Warehouse Receipt System Regulations,	<ul style="list-style-type: none"> Lack of provision on linkages between the Central Registry and County Registries 	1. The Committee is in support of the regulation except on the issue of there is need to provide for linkages between the Central Registry and County Registries	The Ministry of Agriculture, Livestock, Fisheries and Irrigation has adopted our proposal in the regulation regulation	Awaiting National Stakeholders validation before submission to the Parliament for approval
Irrigation Regulations, 2019	<ul style="list-style-type: none"> The Counties had no major issues with the regulations except on the management of medium and large scale and public regulations at the County level. Issuance of irrigation license 	<ul style="list-style-type: none"> County Governments to manage all small and medium scale, and public irrigation schemes situated in the Counties 	The Ministry of Agriculture, Livestock, Fisheries and Irrigation has adopted the recommendation of the Council except that the National Irrigation Authority to manage medium scale traversing several counties and large scale irrigation schemes.	The Regulations are awaiting Cabinet Approval before submission to Parliament for further approval.
Livestock and Livestock Products Marketing Board Bill 2019	<ul style="list-style-type: none"> Some of the functions of the board infringe on functions County Governments Functions of the Counties in marketing of livestock and livestock products are not provided for. No effective representation of the County Governments in the Board None involvement of the COG in the imposition of the livestock and livestock marketing products levy on a producer. 	<p>The Bill should be amended to provide for:</p> <ol style="list-style-type: none"> 1. Collaboration between the Board and the County Governments in livestock and livestock products marketing; 2. Introduce a section to provide for functions of the County Governments which includes (a) promote the trade of livestock and livestock products including trade agreements, marketing organisations and co-operatives 3. 2 representatives of the County Governments in the Board nominated by the COG 4. Consultation of the COG before imposition of the livestock levy. 	The National Assembly did not consider our memo. However, we submitted written Memoranda to Senate and appeared before the Senate Committee on Agriculture for oral submissions on the Bill hence we are expecting uptake of our proposals.	The Bill is still at the Second Reading stage at the Senate

•The Committee held one consultative meeting with Directors to discuss the IGRTC Report on unbundling of disaster function in the sector and came up with common position. Concerns raised during the meeting were submitted to the IGRTC for consideration. Some of the concerns were categorization of disasters so as to provide for clarity of the roles between the National Government and County Governments in combating disasters and establishment of funds to address the disasters and on the modalities in which Counties can get financial support from Funds among other issues.



Consultative meeting between the County Governments and the Ministry of Agriculture, Livestock, Fisheries and Irrigation on the Big Four Agenda on the 100% Food and Nutrition Security Implementation Plan and the Agriculture Strategy

- The Committee held two (2) virtual consultative meetings with the CECs responsible for agriculture on development and operationalization of the county war rooms and also participated in the National COVID-19 Food Security committee meetings on food security and achieved following:
 - Supported 47 County Governments to set up food security sub-committees to support in collection of data on food production, trade and food aid to the vulnerable groups in the counties.
 - Developed TORs and assisted 46 County Governments set up food security war room for monitoring food security and reporting to Council of Governors and National food security war rooms.
 - Developed and shared with the 47 Counties detailed guidelines and protocols on regulation of food markets in Counties in the context of COVID-19, to support Counties and ensure they maintain the food supply chains functional.
 - Developed a guideline to guide Counties on food assistance support to vulnerable households which provided options for cash based transfers using different modalities and mobile service provider platforms (vouchers, sms, mpesa) for food assistance programmes to households affected by COVID-19.
- Developed a nutritionally balanced minimum food basket that household would require that would derive the cost of the basket and determine the transfer value or the cash equivalent amount per household per month that was to be disbursed to households in the event cash would be provided to households.
- In collaboration with the Agriculture and Food Authority (AFA) held a consultative meeting with the CECMs for agriculture to support to county government on the implementation of potato and coffee general regulations, 2019. Counties were guided on the necessary legal frameworks required to implement the regulations especially ensuring that the license fees to be charged is reflected in the County Finance Acts and importance of appointment of county inspectors. The County Governments have since forwarded the names of appointed County Inspectors to AFA for gazettelement and trainings through COG. The gazettelement of the inspectors is currently ongoing.
- To support the management and reporting on desert locust; the Committee participated in two multi-agency consultative meetings where matters of fighting the invasion of desert locusts were discussed and actions developed. Some of interventions includes; support on the forecasts, early

warning and alerts on the timing, scale and location of locust invasions across the country and neighboring countries, purchase of chemicals for large scale aerial spraying of the locusts among others.

Challenges

- Data collection, analysis and management is still manual hence time consuming in collecting and analysis for the COG consumption.
- Non-submission of data by several County Governments to the county food security war rooms occasioning gaps that constrain trend analysis.
- Insufficient funds to digitalize the analysis and reporting process to facilitate timely decision making.
- The continued development of crops regulations by the Ministry of Agriculture, Livestock, Fisheries and Cooperatives under the Crops Act and AFA Act which have not been reviewed to align them to the devolution in the agriculture sector.

2.4.4 Urban Development, Housing, Planning, Energy, Infrastructure and Lands



GIS benchmarking meeting in Vihiga County to discuss advancement of GIS technology to Counties. The meeting was hosted by Governor, Dr. Wilber Otichilo

The Committee undertook the following initiatives whose output is highlighted below:

- The Committee sensitized County officers in charge of Urban, Boards Chairpersons and Managers from the 59 Municipalities established and as a result we have functional Municipalities in all Counties and Counties are implementing the Kenya Urban Support Programme
- The Committee facilitate training of county officials on integrated planning covering spatial planning, urban development GIS and in turn finalized the development of Geographic Information System (GIS) guidelines for Counties. Further, the Committee carried out In- County support on preparation of County Spatial Plan and GIS use in Wajir, Bungoma, Taita Taveta, Migori and Siaya Counties.
- The Committee carried out one (1) sensitization workshop of

the top Makueni County leadership on County Spatial Plan and one (1) sensitization Workshop of the Makueni County Assembly on the Makueni County Spatial Plan. As result the County has an approved County Spatial Plan.

- The Committee also developed County Spatial Plan ToRs for Counties to facilitate development and finalization of the CSPs and further developed CSPs implementation criteria for Bungoma and Siaya Counties.
- The Committee facilitated one GIS certificate training in Juja Aicad in which the seventy-five (75) participants trained on GIS. AS a result;



Jacqueline Mogeni, MBS, CEO, Council of Governors delivering her opening remarks during the GIS certificate training in JUJA AICAD

- o Eighteen (18) Counties have functional GIS labs which have enabled them to make informed decisions on effective utilization of resources, equality in distribution of development, and space-based planning. GIS technology provides a framework for applying geographic knowledge through data collection, processing, analysis, and working in a collaborative way to facilitate effective decision support.
- o Twenty (20) Counties are now in the process of establishing the GIS labs as provided for in the County Government Act of 2012.
- o Thirty-five (35) County Governments have prepared their draft County Spatial plans (CSP) awaiting the County assembly approvals.
- o Two (2) Counties (Lamu and Makueni) have approved County Spatial plans.

- During the year under review the Committee convened a total of ten (10) meetings. Six (6) with Governors and County Executive Committee Members, two (2) with CECMs and County Directors in charge of Energy, one (1) meeting with CECMs and Directors Roads and Infrastructure and one (1) meeting with Municipal Board Chairpersons.

The meetings achieved among others, status review of implementation of the Kenya Urban Support Programme.



Discussions between Ministry of Lands and Physical Planning, FAO, EU funded Land Governance Program and County Governments on Physical and Land Use Planning

- To facilitate continuous review of bills, policies and regulations, the Committee:
 - o Reviewed a total of twenty (3) Bills and shared eight (3) legislative memoranda where three (3) were shared with the Senate. Below is a summary of the key issues raised and submitted for consideration:

NAME OF BILL/ POLICY/ACT	ISSUE	COGS PROPOSAL	MATTER CONSIDERED BY PARLIAMENT (NATIONAL ASSEMBLY/SENATE)	STATUS
The Sectional Properties Bill (National Assembly Bill No. 23 of 2019).	The Bill concerns county governments in terms of Article 110(1) (a) of the Constitution as it contains provisions that set out certain functions to be discharged by county governments.	The Bill to ensure that it provides for the preparation of a sectional plan by a surveyor from a building plan approved by county governments	National assembly	Memorandum submitted while the Bill was at the National Assembly
The County Planning (Roads, Pavements And Parking Bays) Bill (Senate Bills No 18 of 2018)	The Bill concerns county governments in terms of Article 110(1) (a) of the Constitution as it contains provisions that affect the functions and powers of the county governments with respect to county transport, county roads, parking, and public road transport as set out under paragraph 5 of part 2 of the Fourth Schedule to the Constitution. The Bill mandates county governments to plan, construct and maintain county roads, streets, lanes, alleys, parking bays, drainage systems and pavements within the respective counties. The Bill therefore affects the functions and powers of county governments as provided under this should be reflected in the Bill		Senate	The Senate amended as follows: a. Clause 3 to provide for a framework for planning of commercial structures along county roads in accordance with the Physical Planning Act To provide for the specific roles of the County Executive Committee member for roads

NAME OF BILL/ POLICY/ACT	ISSUE	COGS PROPOSAL	MATTER CONSIDERED BY PARLIAMENT (NATIONAL ASSEMBLY/SENATE)	STATUS
The Kenya Roads Bill (National Assembly Bill No. 47 of 2017)	The Bill concerns the functions of the County Governments in relation to the regulation and management of County roads.	The Council proposed the following: 1. County Governments are directly responsible for the construction and maintenance of County Roads and as such, should have a representative in the Board. 2. The Fuel Levy Fund should be increased from the current 15% annual allocation to 20% to take care of the increased need of road maintenance in the counties; and 3. That all Class D roads are county roads and	Senate of Kenya	The Senate incorporated some of our comments especially in providing for consultation with the COG and County Governments. The following are some of the amendments moved to the Bill by the Senate: Clause 7: included COG in the membership of Public Roads Standards Board. Clause 9: to the effect that the CS consults COG when making regulations prescribe standards for testing, design, construction and maintenance of national trunk roads by the roads authorities and county roads by county Governments. Clause 44: to ensure that the Authority consults respective County before exercising its power to enter, and to alter position of pipes, etc. Clause 52: gives IGRTC responsibility of determining road disputes between Counties.
The County Boundaries Bill (Senate No. 6 of 2017)	The Bill mainly seeks to: i) define the boundaries of the counties of Kenya; ii) provide for the resolution of county boundary disputes through the establishment of a county boundaries mediation committee; and iii) to give effect to Article 188 of the Constitution on the alteration of county boundaries.	The Council proposed that the Governor should have the discretion to nominate one person to the mediation committee depending on the nature of the conflict and also the number of disputes that may arise	Senate of Kenya	The Senate incorporate our comments and made the following changes the Bill: Clause 7: which allows the Senate to pass resolution for establishment of a county boundaries mediation committee on request by Governor, Senator or a registered voter Clause 9: to include one person from each of the affected Counties in the mediation committee who should have 5 years' experience in conflict management Clause 18; allows the Senator or MP of a Constituency whose boundary will be affected to make petition to Parliament. Clause 23: To provide for the consideration of report of the special committee of Parliament.

NAME OF BILL/ POLICY/ACT	ISSUE	COGS PROPOSAL	MATTER CONSIDERED BY PARLIAMENT (NATIONAL ASSEMBLY/SENATE)	STATUS
1.Survey (Electronic Cadastral Transactions) Regulations, 2020; 2. Stamp Duty (Valuation) Regulations, 2020; 3. Stamp Duty (Amendment) Regulations, 2020; 4.Survey (Amendment) Regulations, 2020; 5.Physical and Land Use Planning (Electronic Development Control And Enforcement System) Regulations, 2020; 6. Land (Amendment) Regulations, 2020; 7. The Land (Extension and Renewal of Leases) (Amendment) Rules, 2020; 8. Land Registration (Electronic Transactions) Regulations, 2020; and 9. The Land (Allocation of Public Land) (Amendment) Regulations 2020.	While devolution entails a rejection of centralization and recognizes diversity, the essence of National Land Information System (NLIS) is integration of systems that has a centralized view of things. This position creates contradictions that must be addressed and which the current draft regulations do not address. Since devolution is entrenched in the supreme law (CoK 2010), NLIS must be developed, adopted and implemented in a manner that is consistent with the constitution. 2. The proposed draft regulations grant development approval rights for projects of strategic national importance as well as inter-county projects to the cabinet secretary in charge of lands. This is in violation of the Constitution of Kenya 2010, Physical and Land Use Planning Act 2019 and the County Government Act. More fundamentally, development fees are a major revenue stream (Own Source Revenues) for the County Governments and therefore need to be safeguarded.	The Bill to ensure that it provides for the preparation of a sectional plan by a surveyor from a building plan approved by county governments	<p>The Council proposed the following key amendments;</p> <p>-That an electronic development control and enforcement system managed and controlled by the County Governments based on National Standards for the purpose of handling applications for development permission be at the County level.</p> <p>- The County Directors of Physical and Land Use Planning shall maintain in the system, an electronic database for the –</p> <p>(i) approved physical and land use plans in accordance to provisions of the First and Second Schedules of the Act;</p> <p>(ii) development control instruments including handbooks, codes, zoning ordinances, policy statements, guidelines, circulars and manuals; and</p> <p>(iii) Registers of documents submitted by applicants for development permission as provided in Schedule 1.”</p> <p>“(1) For purposes of submission of development proposals listed under section 1 of the Third Schedule of the Act, the County Executive Members in charge of physical and land use planning shall</p> <p>(i) establish online links with relevant authorities for ease of information cross-referencing;</p> <p>(ii) enable module integration for property searches, cadaster outlay and property survey attributes for retrieval of such information for submission of development applications; and</p> <p>(iii) Process development applications within the prescribed projects of national importance in accordance with section 69 of the Act.</p> <p>Amendment of these draft regulations to be stalled until amendment of the Survey Act Cap 299 of 1961 is done.</p> <p>The base maps and cadaster plans should be based on approved plans after which allotment is done.</p>	

- The Committee sensitized 47 of CECs in charge of Energy on the Energy Act, petroleum Act 2019 and the Urban Areas and Cities (Amendment) Act no. 3 of 2019.
- To enhance resource mobilization within the sector:
 - o The Committee held two donor round table meetings with Connected Places Catapult and secured £2.5M under the Urban Links Africa Project- UK funded; to support 3 Kenyan Cities (Nairobi, Mombasa and Kisumu).
 - o Under the Kenya Urban Support Program, County Governments received 11b under the Urban Development Grant (UDG) and 1.8 b under the Urban Institutional Grant (UIG) from the World Bank which has been used to fund over 216 projects ranging from storm water drainage systems, construction of markets and industrial parks, provision of proper infrastructure, Street lighting, Waste Management- Solid and Liquid, among others across various municipalities in our Counties.



Governors meeting to discuss the Kenya Urban Support Programme and the Sustainable Urban Economic Development programme

2.4.5 Trade, Investment, Manufacturing and Cooperatives

The Committee undertook the following initiatives whose output is highlighted below:

- In the period under review, the Committee held one consultative meeting with CECs in charge of Trade to review the MSE Policy. All the issues were resolved during the consultative meeting and the policy is awaiting Cabinet approval.
- The department coordinated one consultative meeting with the State Department for Industry on development and establishment of industrial parks in the country which has resulted in Counties sharing available space

for development of the parks. This will enable integrated planning for the development and funding for the parks by both levels of government leading to increased manufacturing and job creation at County level.

- In collaboration with the legal committee the Committee reviewed four Bills during being the SACCOs Societies Amendment Bill, Street Vendors Bill, County Uniform Licensing Bill and County Resource Development Bill and submitted them to parliament. The following is the status of the issues raised in the controversial Bills;

NAME OF BILL/ POLICY/ACT	ISSUE	COGS PROPOSAL	MATTER CONSIDERED BY PARLIAMENT (NATIONAL ASSEMBLY/SENATE)
SACCOs Societies Amendment Bill	The parent Act is outdated and needs to be reviewed.	For the entire Act to be reviewed and aligned with the Constitution, 2010.	The Bill is in the second reading in the Senate.
Street Vendors Bill	The Bill does not recognize the constitutional mandate in trade development and regulation and gives power to the cabinet secretary in charge of trade to develop and regulate local trade which is a fully devolved function.	The Senate to withdraw this Bill and let County Governments regulate street vendors.	The matter is due for the committee stage in the Senate.
County Resource Development Bill	The Bill speaks of Regional Economic Blocs but does not provide for their establishment.	The Bill to make provision for the establishment of the Regional Economic Blocs	The Bill is currently in the second reading in the Senate.



Consultative meeting with CECs in charge of Trade and the PS State Department of Trade



- Reviewed the Micro and Small Enterprises Fund guidelines and submitted the Councils position awaiting incorporation by the State Department of Industrialization. The key issue was lack of County representation in the fund board. We await the updated regulations to confirm whether our proposals were incorporated.
- Developed an advisory after request from Nandi County Government on the process and procedure of registration and operationalization of Nandi Textile.
- The Committee held one consultative meeting with the Senate Standing Committee on Tourism, Trade and

Industrialization to deliberate on the issues of enablers supporting the development of industrial infrastructure specifically on the status of economic processing zones, special economic zones and industrial parks. This has resulted to the process of review of the act and incorporation of Counties on the agenda.

- Developed an advisory to Kajiado County after complaints received from State Department of EAC on charges levied by the County to transit vehicles resulting in non-tariff barriers and contravening the EAC treaty. The matter has since been resolved and the County only charges parking

fees only where necessary on designated sites and not levies to transit trucks from the region as per the EAC treaty.

- Developed and submitted a memorandum to the National Taskforce on Standards and Quality Infrastructure detailing the weaknesses and shortcomings of the entire Standards and Quality infrastructure framework and advised on the issues to be considered. The areas captured included the Weights and Measures Act Cap 513, Standards Act Cap 496 and The Kenya Accreditation Service Act, 2019.
- Developed a memorandum on the proposed Kenya – United States of America (USA) Free Trade Area Agreement (FTA) was a key issue on suspension of second hands clothes importation has so far been considered for a ban.
- Coordinated the Council partnership with African business portal which has resulted in the linkage of County Governments with African Business Portal and has resulted in the showcasing of over 50 investments projects through an online platform. This partnership will increase the County Governments' ability to partner and engage with both domestic and international investors on available opportunities at County level.

2.4.6 Tourism and Natural Resource Management

During the period under review, the Committee undertook the following initiatives whose output is highlighted below: The Committee held six (6) key consultative meetings among Counties and other stakeholders to deliberate on various matters affecting the sector. Below is a summary of key outputs:

- The Committee facilitated training of County Environment Committees of 18 County Governments in collaboration with NEMA. This has resulted to effective County Environment Committees and also led to the development of environmental action plans for 45 Counties used to govern environmental management and mobilize resources for environmental action.
- Convened the beat plastic pollution forum which brought together CECMs, NEMA regional Directors and UNEP which resulted in development of county action plans to facilitate management of plastic waste.
- Held two (2) Governors Committee meetings which endorsed MoUs developed in partnership with KEFRI, ADA Consortium and KAM. As a result of ADA collaboration, we have six (6) Counties (Makueni, Wajir, Kitui, Isiolo, Garissa, Tharaka Nithi, Vihiga, Turkana) setting aside county climate change funds to enhance adaptation efforts.



Training of staff on Environmental Management in October 2019 at held Lake Naivasha Resort in Naivasha, Nakuru County

In the period under the review, the T&NRM Committee through the support of key stakeholders and development partners achieved the following outputs in the various sectors;

Water and Sanitation

The Committee held a consultative meeting with the water and sanitation sector development partners group which has improved financing in the sector e.g. the World Bank grant to Jumuiya ya Kaunti za Pwani economic bloc.

The Committee participated in the review of the Water Works Development Agencies framework. The position if the Council was to have one water works development agency in the Country contrary to the eight (8). However, the Ministry went ahead and gazette 8 WWDAs contrary to the recommendation by the Council. The Committee participated in the review of the National Water Policy with CoG recommendations in policy statements and emphasis on the fact that water function is assigned to the two levels of government being incorporated which will ensure no clawbacks arise in future legislation and in the implementation process.

The Committee participated in the review of the Water sector Transition Plan to ensure alignment with devolution.

The committee facilitated the development of the Intergovernmental framework on water working document that is meant to operationalize the water sector intergovernmental framework signed between Ministry of Water and Sanitation and Council of Governors. The framework was meant to create a forum for the two levels of government to address governance issues in the sector and work on basis of mutual consultation and collaboration.

To address emerging issues in the sector during the COVID-19 pandemic, the Committee facilitated the WASH emergency meeting between Excellency Governors and Water and Sanitation Sector Development Partners Group to canvass WASH challenges and mobilize support to Counties. As a result, the Council received support from UNICEF in form of Alum and Chlorine to thirteen (13) Counties (Kisumu, Siaya, Busia, Kakamega, Migori, Tana River, Wajir, Garissa, Mandera, Isiolo, Turkana, Taita Taveta and Kilifi) to ensure water supplied is treated and fit for domestic consumption.

Climate Change

The Committee initiated and spearheaded the process of Green Climate Financing (GCF) accreditation for the Council of Governors. As a result, Counties through CoG and the National Treasury have developed concept notes to tap into the funds.

Climate Change learning and replication enhanced owing to the development of regulations that have enabled Counties of Makueni, Kitui, Wajir, Garissa, Isiolo and Vihiga to set aside an average of 2 percent (2%) of their development budget to address climate change. The Counties have their adaptation experience documented to enable other Counties learn and implement some of the lessons learnt.

During the period under review, the committee facilitated development of a capacity building plan and operational guidelines for climate change units and as a result forty-five (45) Climate Change Units were operationalized. Climate change and environmental management has been mainstreamed in county programmes, plans and in the budgeting process.

The Committee facilitated trainings for the technical team to enhance their capacities in climate change and environmental issues:

- Trained staff on climate change policy, budgeting and coding to improve skills within the Committee.
- Trained staff on environmental management, which has increased environmental awareness and led to mainstreaming of environmental issues in planning within the Council.
- Enhanced capacity of County Executive Committee Members and Chief Officers on environmental management, as a result Counties have been able to develop comprehensive environmental policies and plans.

Forestry

In facilitating the unbundling of the forestry Transition Implementations Plans (TIPs) the Committee developed the certificate of origin and movement permits for forestry products on private and community forests which has led to improvement of revenue generation in the Counties. Developed chain of Custody for forest product for farm and Community forest which has provided customers of forest based products with accurate and verifiable information on the content of products, certified and sustainably managed forests.

Tourism and Wildlife

The Committee held a meeting with the Senate Standing Committee On Trade Tourism and Industrialization to lobby for a change in policies and revision of human-wildlife compensation scheme.

During the period under review, the Committee in collaboration with the Resource Mobilization Committee convened ten (10) donor roundtable meetings and mobilized the following resources:

- o BRACED 5M
- o KADP World Bank 2M
- o UNDP REDD+19M
- o UNDP Environment 12M
- o WRI Technical Assistance
- o Fourteen (14) Counties supported with Chlorine and Alum to cushion their water service providers

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

During the period under review, the Committee undertook the following initiatives whose output is highlighted below:

Gender, Youth, Culture and Social Services

- Inter-county learning exchange
The Committee facilitated inter county exchange for the leaders, women, PWDs and youth. The learning exchange programs were hosted by Makueni and Nandi Counties respectively, to share their County Public Participation

Framework and the composition and guidelines of the Project Management Committees (PMCs), with the women, youth including PWDs from Nandi, Bomet, Kitui and Kirinyaga Counties. As a result of the learning exchange, the following was achieved:

- o Networking and linkages with the Kee Women Sisal Value Addition, Kirinyaga County went ahead to purchase sisal plants, products and ropes to support PWDs in economic empowerment.
- o Networking and linkages with Nandi County's ICT and e-government department, led to Bomet County purchase a toll-free helpline for use as a grievance redress mechanism to enhance citizen engagement, public participation and improved service delivery to the citizens of the County.

Further, Nandi County have developed an interactive platform (Call Center 1508) which has enhanced open governance, citizen engagement, public participation and improved service delivery to the citizens of the County.

The call and data center has facilitated digital public oversight and encouraged feedback from the general public about projects/ programs right from CIDP to ADP to initiation up to completion through digital and social media integration.

Support Internship and mentorship programmes for 80 youth in governance.

A total of 65 youth; 25 males, 26 females and 14 PWDs with hearing, visual and physical disabilities from Bomet, Nandi and Kitui Counties benefited from the 3 months paid internship and mentorship programme. As a follow in implementation of the programme;

- o Bomet County retained (14) interns as volunteers while 3 interns, including a young man with visual impairment were absorbed on paid internship by the Bomet Water Company, administration department and Environment and Natural Resources department respectively.
- o Nandi County retained four (4) interns as volunteers while two (2) were absorbed as staff members by the Department of Youth Affairs and the Kapsabet County Referral Hospital (Procurement department) respectively.
- o Kitui County absorbed four (4) interns as staff members, two (2) at the office of the Governor and two (2) at the Mwingi Level 4 hospital; procurement department and Kitui County Health Insurance Cover (K-Chic) department.

The Committee supported four (4) Counties on Social Accountability including women, youth and PWDs to empower them to express demand for public services and accountability from local service providers to improve service quality. The overall objective was to promote transparency and accountability in the service delivery processes.

The Committee facilitated development of guidelines on youth and gender mainstreaming in budgeting processes were by Bomet, Nandi, and Kitui Counties. The purpose of the guidelines will be to equip the County officers with the necessary tools and skills needed to increase their overall efficiency in gender mainstreaming in County projects in addition to incorporating gender perspectives in each phase of County project cycle to ensure sustainability of the intervention, support equitable growth, increased participation in budgeting processes and impact.



Nandi County flyer on the Call Centre

Education

The Committee facilitated County Consultations on the implementation of the Competency Based Curriculum and the implementation of the Vocational Training Centres Conditional Grant. A forum position paper was developed and disseminated to all the County Governments for adoption and implementation of Vocational Training programmes. Input from the meeting was included in a report on the uptake of the Vocational Training Centres Conditional Grant.

Facilitated development of the Early Childhood Development and Education Quality Assurance Framework. A working draft County ECDE Quality Assurance Framework was developed by the County Directors in charge of Early Childhood Development and Education in consultation with the Ministry of Education, Kenya Institute of Curriculum Development and other stakeholders.

For the effective utilization of the Vocational Training Centres Conditional Grant, the Committee reviewed the Grant Guidelines for FY 2017/18 to capture emerging issues from the County Governments in consultation with the Ministry of Education for adoption. Some of the emerging issues that were proposed include:

- o The Vocational Training Centres Support Grant was extended for further three financial years to FY 2023/24;
- o The total annual sum of the Grant was increased to a total KShs 3 billion, up from the KShs 2 billion annual grant sum;

- o A grant matching clause was included in the revised guidelines to ensure that the County Governments allocate a similar amount to the Vocational Training sector

The Committee facilitated Data collection and analysis on Early Childhood Development and Education (ECDE) and Vocational Training sectors for the FY 2019/20. A comprehensive report of validated data on ECDE and Vocational Training sourced from the County Governments was compiled and shared with the Kenya National Bureau of Statistics (KNBS) for the publication of the 2020 Statistical Abstract and Economic Survey.

The Committee participated in the establishment of the National Early Childhood Education Committee for effective coordination of Early Childhood programmes. Further to this, County Early Childhood Education Committees have been established to oversee interagency interventions in the sector.

The Committee facilitated three (3) virtual consultative meetings with County Executive Committee Members, Chief Officers in charge of Education and County Directors in charge of ECDE and Vocational Training which resulted in the development of a memorandum on continuity of learning during the COVID-19 pandemic. The memorandum supports the protocols for the safe reopening of schools and institutions of learning in the wake of the COVID-19 pandemic.



Consultative meetings with County Executive Committee Members, Chief Officers in charge of Education and County Directors in charge of ECDE and Vocational Training

2.4.8 Human Resources, Labour and Social Welfare



Quarterly Meeting for County Executive Committee Members (CECMs) for Public Service Management at the Council of Governors Offices.

During the period under review, the Committee undertook the following initiatives whose output is highlighted below:

The Committee facilitated induction training of the newly established County Public Service Boards. A total of 259 County Public Service Board members derived from thirty-two (32) Counties were inducted in the period under review. The induction equipped the new members with the perquisite knowledge on how to handle and perform their mandate.

The Committee coordinated in-county support for twenty four (24) County Governments on the implementation of Performance Contracts in which twenty (20) Counties signed the PCs for FY 2019/20.

The Committee facilitated County Public Service Boards (CPSBs) in the recruitment of Health Care Workers under the UHC. Nine thousand eight hundred and fifty eight (9,858) health workers were recruited to the 47 Counties for the UHC program. The Committee participated in the review the Human Resources for Health protocols during the COVID-19 pandemic.

2.4.9 Legal Affairs, Human Rights, Intergovernmental Relations, Security and Foreign Affairs



Governors during a Council meeting held at the CoG offices

During the period under review, the Committee undertook the following initiatives whose output is highlighted below: The Committee reviewed a total of twenty (28) Bills and shared eight (12) legislative memoranda: six (9) were shared with the Senate; and two (3) with the National Assembly. The remaining twelve (16) Bills were not contentious as they do not undermine devolution.

The above lobbying activities resulted in the National Assembly incorporating CoG proposals to the following Bills:

- o The County Governments (Amendment) Bill (Senate Bills No.11 of 2017) which provides for a legal framework for assumption of office of governor by deputy governor and appointment of a new deputy governor. The Bill is currently undergoing mediation pursuant to Article 113 of the Constitution.
- o The Office of the County Attorney Bill (Senate Bills No 3 of 2018), the Bill has since been submitted to the Senate for concurrence.
- o Further, the Senate incorporated the Council's proposals to the County Law Compliance and Enforcement Bill (Senate Bills No.25 of 2018) which provides for the compliance and enforcement of County Laws.

The above lobbying activities resulted in the passage of the following Bills by Parliament incorporating CoG proposals. The Bills are now awaiting Presidential assent:

- o The County Governments (Amendment) Bill (Senate Bills No.11 of 2017) which provides for a legal framework for assumption of office of governor by deputy governor and appointment of a new deputy governor.
- o The County Governments (Amendment)(No.2) Bill (Senate Bills No. 7 of 2017) provide for the procedure for the disposal of a report of a Commission of Inquiry established under section 123(4) of the County Governments Act, 2012.
- o The Office of the County Attorney Bill (Senate Bills No 3 of 2018) which establishes the Office of the County Attorney. The County Attorney would be the principal legal adviser to the county executive and would be responsible for representing the county executive in any legal proceedings.

The Committee submitted the following Memorandums on:

- o Review of the Disaster Risk Management Bill, 2020 developed, approved and shared with the Ministry of Devolution and ASAL. Out of the twelve (12) proposals, nine (9) were incorporated.
- o The draft Public Health (Distribution of Food and Non-Food Supplies during Covid-19 Pandemic) Rules, 2020 developed, approved and shared with the Ministry of Health.
- o Memorandum developed and oral submissions made on the Public Procurement and Asset Disposal Regulations, 2020, before the Senate Committee on Delegated Legislation on 5th June, 2020.

- o Memorandum on the Crops (Tea Industry) Regulations, 2020 developed and shared with the Ministry of Agriculture, Livestock, Fisheries and Cooperatives.

Committee shared weekly updates on the Parliament Order Papers, Bill Trackers, Hansard and Gazette notices which increased awareness on policy and legislative amendments and emerging issues to Counties and CoG Secretariat owing to updates on Parliamentary matters through order papers, bill trackers, Hansard and gazette notices that are disseminated.

Held two (2) County Attorneys meeting through which:

- o The County Attorneys conducted elections and selected a new executive team and identified key areas of support from the Council.
- o The County Attorneys discussed the strategy to lobby Senate to pass the County Attorneys Bill, the role County Attorneys can play in the Devolution Conferences, as well as their involvement in COG Committees.



Governors during a Council meeting held at the CoG offices



Consultative meeting with consultants on the implementation of the Audit of Laws report held at the CoG offices

Held One (1) workshop on the implementation of the Audit of Laws report which resulted in the development of an Inception report, work plan and tracking tool of all recommendations contained in the Audit of Laws Report. The draft Implementation Framework has been finalized, and once approved, it will be used as a work planning and resource mobilization tool for the Committee.

The Committee facilitated participation of the LSK Annual Justice Cup Tournament 2019 which increased awareness and visibility of the Council and its activities.



Members of the Council of Governors football team during the LSK Annual Justice Cup Tournament 2019

Facilitated subscriptions for membership with intergovernmental organizations including; Oru Fogar, UCLGA, ngrSD4, EALGA. As a result, CoG was appointed to the Executive Bureau of the United Cities and Local Governments (UCLG) at the UCLG World meeting in Durban, in November 2019.

To facilitate resource mobilization for support of legal projects for the Secretariat, the Committee mobilized resources for the development of the Intra-County Dispute Resolution Framework.

The Committee facilitated one (1) Legislative Drafting Training organized and coordinated in July 2019 which resulted in sixty-five (65) County Attorneys from the Executive and Assembly arms being equipped in Legislative Drafting skills. As part of the experiential training, the Attorneys also visited the Senate and sat through afternoon House deliberations and this assisted them to better understand Parliamentary proceedings.

Facilitated development and finalization of one (1) County Policy and Legislation Mapping Report and disseminated to staff, Counties and CoG partners. The report is now available in the CoG website for use by Counties and the public. Finalized the Framework for the Implementation of the Audit of Laws Report and Resources for its execution were mobilized from UNDP.

The Committee developed a draft Lobbying and Advocacy Strategy which is undergoing review.

The Committee further facilitated development of the Model County COVID-19 Emergency Response Fund Regulations, 2020 developed which was approved and disseminated to County Governments for utilization.



Joint Communique read out by the Chair of Ethics and Anti-Corruption Commission (EACC) and the Chair of the Council of Governors on Enhancing Corruption Prevention in County Governments at Enashipai Hotel in Naivasha

Intergovernmental meetings and forums

The Committee participate in the development of the Intergovernmental Sector Forum (IGF) Regulations where the CoG position was adopted in final regulations which are now awaiting gazettment.

Facilitated one (1) consultative meeting between the CoG and the Ethics and Anti-Corruption Commission (EACC) resulting in a Joint Communique that is undergoing implementation.

The Committee developed the report on National Interest which was adopted at the Intergovernmental Budget and Economic Council (IBEC) for onward transmission to the court.

Litigation

- Defended the Council in court matters and received the following favorable judgments and rulings:
 - o Petition 272 of 2016 CoG vs AG & National Treasury- the court quashed the Equalization Fund Guidelines and declared them unconstitutional; and
 - o Nyeri Elrc No. 18 of 2019. Knun Vs Muranga County Public Service Board, Muranga County Govt & Wycliffe A. Oparanya- the court ordered for the removal of CoG Chair from proceedings since he had been sued in his own individual capacity.

- o Supreme Court Advisory Reference number 3 of 2019 on the division of revenue process, wherein the court affirmed that the recommendations of the Commission of Revenue Allocation are not mere suggestions and that Parliament should consider the proposals.
- o In Constitutional Petition No. 492 of 2019 a case filed by the Council of Governors Vs CS Treasury and the Controller Of Budget & Others, the court ordered the National Treasury and the Controller of Budget to immediately disburse the equitable share of revenue in line with the provisions of Article 219 of the Constitution and section 97 of the Public Finance Management Act.

- To protect devolution, two (2) court matters were instituted in the period under review:
 - o Supreme Court Advisory Opinion No. 3 of 2019 47 County Governments vs AG, National Assembly, National Treasury- on division of revenue processes; and
 - o Constitutional Petition No. 353 of 2019 between CoG vs National Assembly & AG- to challenge the Health Laws (Amendment) Act on monopolization of KEMSA.

2.4.10 Finance, Planning, Economic Affairs



Meeting between CoG and County Officials; CECs and Chief Officers in charge of County ICT on potential areas of collaboration

The Committee developed a CoG advisory on the implications of late approval of the Division of Revenue Bill with the following key highlights:

- o Non-payment of staff salaries for the month of July and August leading to litigation cost.
- o Delayed budget implementation on development for County Governments
- o Disruption in service delivery by County Governments.

The Committee facilitated research and develop a case study on subnational revenue allocation which was disseminated to Counties. Further, the Committee sensitized thirty (30) CECs in charge of finance on the case study.

The Committee facilitated development of the Counties borrowing framework preposition. The preposition was adopted by IBEC and now Counties can borrow for infrastructural development.

Facilitated capacity building for CECs and Chief Officers on County ICT infrastructure on IFMIS and internet banking. As a result, Committee sensitized thirty (30) CECs in charge of Finance on the revised government standard charts of accounts.

In collaboration with the Maarifa Centre, the Committee held one Peer Learning and experience sharing forum in November, 2019 in Nyandarua County on county audit process. Thirty-seven (37) County directors in charge of Finance and Procurement were sensitized on steps to clean audit report. A communique was developed which is being implemented by the Committee.

To facilitate continuous analysis and review of existing national and county policies, laws and regulations in line with emerging issues related to devolution, the Committee developed and submitted to parliament as follows:

- o Developed five (5) memorandums on Division of Revenue 2019, County Allocation of Revenue Bill 2019, PFM amendment Bill 2018 on County Access to 15% Constitutional provision of revenues raised nationally, PFM amendment Bill on opening of operational accounts at Central Bank, National Government PFM Regulations amendments on the National Debt Ceiling.
- o In the 3rd and 4th quarter, developed four (4) memorandums and submitted to parliament on Division of Revenue 2020, County Allocation of Revenue Bill 2020, Legislative memorandum on prompt payment to Senate (Senate Bill No. 3 Of 2020) bills, legislative memorandum on the equalization fund bill to the National Assembly of 2019
- o Below is a summary of the key issues raised and the status:

NAME OF BILL/ POLICY/ACT	ISSUE	COGS PROPOSAL	MATTER CONSIDERED BY PARLIAMENT (NATIONAL ASSEMBLY/SENATE)	STATUS
Division of Revenue 2019	The National Treasury proposed for Ksh310 Billion for County Governments	County allocation equitable share proposed at Ksh320 Billion	Parliament through IBEC resolution resolved for Ksh.316.5 Billion	County Governments allocated Ksh316.5 for FY 2020/2021
County Allocation of Revenue Bill 2019	Non-inclusion of on KDSP 2 which had been left out.	In addition to the Equitable share; Include Conditional Grant on KDSP 2	The Grant was included in CARA 2019	Funds not transferred and therefore the Grant have been carried forward.
PFM amendment Bill	County Governments access 15 per cent constitutional provision of revenue raised National in case of delay in approval of DORA and CARA administratively.	Rejected the proposed PFM amendments with a justification of not amending the Constitution through a statute.	The bill has not been approved and as such our recommendation have been taken into account	Pending approval
National Government PFM Regulations amendments on The national Debt Ceiling	County Governments not allowed to externally borrow for development projects	County Government to be allowed to borrow. The ceiling for County Government borrowing	The IBEC recommended to allow County Government external borrowing	In progress



County Peer Learning Mission on Public Finance Management: Steps to a clean financial audit report in Nyandarua County with over 20 Counties represented



Planning meeting on the implementation of the COG and ICPAK MOU. The Finance committee in collaboration with ICPAK plan to convene a workshop on County Internal Audit mechanism

The Committee facilitated assessment of the level of implementation of conditional grants framework in Counties, as a result:

- o Twelve (12) conditional grants assessed across the 47 Counties.
- o Conditional grant framework disseminated to the 47 Counties for implementation.
- o Thirty (30) CECs in charge of Finance sensitized on the conditional grants guidelines.

To enhance Sectoral partnerships on public finance management, the Committee:

- o Developed a draft MoU with Public Sector accounting Standards Board to inform formal collaboration on financial reporting capacitation of County Governments.
- o Developed a draft MoU with Kenya School of Revenue Administration to inform formal engagement with Counties on revenue administration.
- o Developed roadmap with the Institute of Certified Public Accountants to train Counties on internal audit and establishment of Audit Committees. Currently twenty-nine (29) Counties have gazetted their audit Committees.

The Committee developed resource analysis brief to facilitate engagements on proposed Ksh 30 Billion cut for FY 2019/2020 allocation to Counties and additional funds for COVID-19 interventions.

Planning meeting on the implementation of the COG and ICPAK MOU. The Finance committee in collaboration with ICPAK plan to convene a workshop on County Internal Audit mechanism.

In collaboration with ICPAK, the Committee jointly resource mobilized and sensitized thirty-six (36) County Audit committees to enhance their capacity and improve oversight at the County level.



The Senate Committee on Finance meeting with the National Treasury, Council of Governors, Controller of Budget and Office of the Attorney General

The Committee held one consultative engagement with Senate Committee of Finance and the National Treasury to negotiate for the proposed cut in FY 2019/2020 allocation and request for more allocation to County Governments to support COVID-19 interventions. The following was proposed:

- o Proposed 30 Billion cut reversed.
- o Additional Ksh 5 Billion for COVID-19 interventions
- o Additional Ksh 2.3 Billion for frontline Health workers

The Committee prepared an advisory to County Governments on resources from development partners as Appropriation in Aid. One framework was developed based on Public Finance Management Act and shared to the 47 County Governments. The Committee facilitate discussions with Kenya Revenue Authority on check-off system on historical debt owed by County Governments to KRA. As a result:

- o Thirty-three (33) CECs in charge of Finance sensitized on the amounts outstanding to KRA
- o Counties allowed to submit a payment plan and clear the outstanding balance as per commitments and not through check off system.
- o Establishment and dissemination of County Regional Tax manager for easier consultation.

The Committee followed up with County Governments to establish County Ineligible pending bills Committees to facilitate clearance of pending bills. As a result:

- o Forty-five (45) County Governments established County Governments ineligible pending bills committee
- o Seventeen (17) County Governments submitted ineligible pending bills report
- o County Governments cleared 71% of total eligible pending bills, amounting to Ksh 37 Billion in the FY

2.5.11 ICT and Communication



Stakeholder meeting with ICT Authority to discuss the National Fibre Broadband and on emerging issues on the County connectivity project

During the year under review, the Committee convened a stakeholder meeting with ICT Authority to discuss the National Fibre Broadband and on emerging issues on the County connectivity project. Currently all Counties are connected to NOFBI under the County Connectivity Project. Further we have once County Government that has Convened one media stakeholder's round table meeting with the Editors Guild, MCK, KUC, MOA, County Directors of Communication to improve devolution reporting. There is now more informed report by media houses and other media stakeholders on devolution matters.

Sensitized all County Communication directors on digital communication strategies with a focus on Access to Information Act 2016. Currently, nine (9) Counties have their Communication strategies in place.



County Directors of Communication meeting on devolved reporting in Naivasha

To improve stakeholder engagement, the Committee reviewed the online forums strategy to be implemented in the FY 2020/21. Some of the key recommendations captured were:

- o The online engagement forums shall be held on a monthly basis instead of weekly basis
- o The strategy will follow the highlighted topical issues.
- o The COG shall officially invite other organizations to take part in the conversation

The Committee held a consultative meeting with KBC to lobby for issuance of Broadcasting Licenses/Services to Counties. By the end of the financial year, no County has acquired the licenses, however the Committee will follow up with Counties in the next financial to ensure implementation and facilitate Counties where there are challenges.

The Committee develop and submitted a memorandum on challenges of County Communication to the Government information and Communication taskforce. Some of the recommendations by the Council were: restructure of

communications departments at national and county level; stimulate the uptake of communications research as part of the processes of communication; and review of existing legal framework.

Branding and Social Media Visibility

To improve visibility of the Council, the Committee designed and branded various events and publications for the Council in the period under review. Further, the Committee remained active on the various social media platforms which have continued to be used as platforms for Communication for the Council. In the FY 2019/20, the Council:

- o Received **12,658,148** hits on the CoG website between January and September, 2020
- o Received **604,771** hits the Maarifa Platform between January and September, 2020
- o Acquired **2,427** new followers on Facebook
- o Acquired **100,000** New followers on twitter
- o The Committee held **14** online twitter chats and achieved over **10 million** cumulative reach during these sessions

The Committee facilitated twelve (12) Press briefings on current issues touching on Devolution and press statements which gave the Council visibility and also publicity on live television. Twenty-five (25) were shared on Issues affecting Counties as well as on COVID-19 pandemic.



Weekly COVID-19 Press briefings by the Chair Council of Governors with his counterpart H.E. Dr. Alfred Mutua in Machakos County

Automation of Systems

The Committee provide technical support for the administration and maintenance of the Web Based Knowledge Management System which has facilitated knowledge sharing across the 47 County Governments and other stakeholders online. This also led to increased demand by stakeholders to host information materials within the CoG knowledge management web based portal.

Facilitated installation of Network Security/ firewall within the institution to ensure protection of information from hackers and other types of technical damages.

Facilitated the scale up of the ERP System to include: Electronic Document Management, HR and the Fleet Management System modules. The utilization of these systems has led to the efficiency of processes and procedures within the Council.

Publications

Produced and disseminated adverts and documentaries on key aspects of devolution as well as bought Newspaper and or TV space to facilitate disseminate information. Various matters on devolution were aired in different TV and Radio stations including; Citizen, KTN, NTV, KBC and K24.

The Committee developed monthly e-newsletters in the FY 2019/20 which captured Committee activities and achievements within each months. Nine (9) newsletters were published in the period under review and below are some of the activities that stood out:

- o Supreme Court advisory on Division of Revenue of Revenue
- o The Ugatuzi Initiative
- o Nigerian Governors peer learning experience in Kenya
- o Hosting of the Nepalese delegation in the Month of February 2020 for a peer learning exchange of the Kenyan experience on devolution by Maarifa Centre

2.4.12 Planning Unit (Resource Mobilisation, Knowledge Management and SDGs)



Consultative meeting with development partners chaired by the Whip Prof. Kivutha Kibwana at the CoG offices



Group photo during a partnership consultative meeting between CoG and KEPSA held at the CoG Offices

Held four (4) joint review meetings with lead actors on the implementation of the sixth annual devolution conference resolutions. Updated matrix on the status of implementation of the resolutions.

Coordinated the semi-annual and annual reviews which facilitated review and development of the Annual Work plans for the FY 2020/21.

Facilitated publishing and dissemination of the CoG reports including; Annual Statutory report FY 2018/19, Devolution Conference Report 2019, Audit of Law reports, County Gender Data Sheets.



Group photo during the Consultative meeting with the directors in charge of M&E and SDGs

Held Consultative meetings with Directors incharge of M&E, Resource Mobilisation and SDGs to deliberate on key issues in implementing their roles in the Counties. The meetings provided a platform to sensitize the Counties on the CIMES guidelines, CoG Resource Mobilisation strategy and also share progress on implementation of the SDGs in the Counties.



A group photo with Deputy Governor, Ms. Adelina Mwau, OGW and the Civil Society Organisations

Held three Consultative meetings with Development partners, Private Sectors and the Civil Society organisations to deliberate on support to CoG Annual Devolution Conference. Due to the COVID-19 Pandemic, the ADC was postponed to a later date however the Unit facilitated support for the COVID-19 which received technical support from various partners.

The Unit also coordinated development of the State of Devolution address for the 2019/2020FY which was delivered by the Chairman of the Council of Governors in July 2020.

Maarifa Centre

The Maarifa Centre is a knowledge sharing and learning platform that captures lessons and experiences from the forty-seven (47) County Governments. The vision of the Centre is, "To be Kenya's premier knowledge sharing and learning platform for effective governance and service delivery for sustainable development."

It is through Maarifa Centre that COG collates, shares and promotes the application of best practices, experiences, lessons and innovations from all Counties in Kenya and from other Countries, for the purpose of improving service delivery and influencing policies that promote devolution and welfare of citizens. Maarifa Centre is therefore the one stop shop for sharing information and knowledge on devolution, innovations and best practices from Counties.

During the period under review, the Maarifa Centre held activities in the following key focus areas; peer learning, sharing of county best practices/innovations, training & capacity building and operationalization of periodic reporting & feedback system.

- o In November 2019, with the support of World Bank, 23 Counties and other stakeholders participated in a peer learning exchange forum on "Steps to a Clean Audit Report" in Nyandarua County. To this end, a communiqué was developed and implementation of the recommendations is underway through the Finance, Planning, Economic Affairs and ICT Committee of the Council. In the upcoming audit, we anticipate more Counties to attain unqualified audit reports from the Auditor General up from the current three 3 (Nyandarua, Makueni and Kericho) from both the Executive and Assembly.
- o In February 2020, the Unit facilitated south to south knowledge exchange by the Nepalese delegation led by Mr. Arjun Prasad Pokharel Secretary Office of the Chief Minister who visited the Council who's objective was to learn the devolution experience in Kenya, to enable them better and fully transition in to a federal democratic republican state after their adoption of a new Constitution in 2015 that proposed a three tier government.
- o The Council dedicated a page on the Maarifa online platform to highlight initiatives, good practices and innovations by County Governments on the various strategies employed by Counties in response to COVID-19 pandemic. In the period under review, the Unit documented and uploaded fourteen (14) case studies and eighteen (18) short stories with the support of the Committees and Counties on COVID-19 pandemic. These can be accessed through the Maarifa online platform (<https://maarifa.cog.go.ke/home/>).
- o In Coordination of online Communities of Practice (CoP) in the different sectors CoG Maarifa Centre has in the past one year, hosted 4 CoP forums in the following sectors; public finance management, Agriculture, Water and knowledge management. The information is available on the Maarifa online platform.



Group photo between COG staff and the Nepalese delegation



CEO Council of Governors receiving a gift from the head of the Nepalese delegation Mr. Arjun Prasad Pokharel



COG team with the Nepalese delegation during the learning meeting

SDGs

In implementation of the Sustainable Development Goals (SDGs), the Council achieved the following in the FY 2019/20.

- o The Council of Governors participated in the High Level Political Forum held in July 2019 in New York where Forty-Seven countries presented their national voluntary reviews during the HLPF. Seven of these were being reviewed for the second time. The reviews were state-led, involving ministers and other relevant high-level participants, and provided a platform for partnerships, including the participation of major groups and other relevant stakeholders.
- o Five (5) Counties (Kwale, Kisumu, Busia, Marsabit and Taita Taveta) developed Voluntary Local Reports (LVRs) on SDGs implementation, which is an international best practice in follow up and review of SDGs. The Voluntary Local Reports (VLRs) demonstrated how the sub-national governments in Kenya are contributing towards realization of SDGs and was presented during the High Level Political Forum in July 2019 in New York.

- o The National SDGs coordination structure facilitated participation of Counties in the development of the Second Voluntary National Review (VNR) for Kenya which was submitted virtually during the High Level Political Forum (HLPF) on SDGs implementation in July, 2020.
- o To strengthen local tracking and reporting on SDGs, the Unit facilitated development of County Indicator SDGs handbooks for eight (8) Counties.
- o In the period under, the Council in partnership with UCLA documented the progress towards localization of SDGs in County Governments of Kenya. The assessment acknowledged mainstreaming of SDGs in County plans, projects and programmes. The report from Kenya will form part of the global report for sub-national governments on localization of SDGs which was presented during the High Level Political Forum (HLPF) in July, 2020.

3.0 CHAPTER THREE : COG SECRETARIAT

3.1 Human Resources

Internal Processes

During the FY 2019/2020 the Council finalized the Review of the CoG organization Structure which will facilitate the Organization align to an approved establishment and support the delivery of the Council's Mandate.

During the period under review, the department conducted the recruitment of various Directors namely Legal, Director Committees who will report in the new Financial Year 2020/2021. The Department also supported the Recruitment of officers and interns who were supported by Partners and the Council. This also saw the recruitment of the Internal Audit Committee which will go along away in improving internal processes.

The department facilitated the Appraisal and performance Reviews of all staff and Interns who's Contracts were coming to an end in the course of the year. This facilitated review of contracts ending within the financial year and guided the department offering advice on contract extension in the FY 2020/21.

The department facilitated the improvement of documentation and storage of all personnel files by scanning all the physical documents to individual folders in preparation of movement to paperless operations in the coming financial year.

Staff Welfare

The department also facilitated the implementation of the CoG Staff Welfare Fund with CPF which in turn improved handling of staff social issues that arose in the period under review.

Through the CoG mortgage committee, the department spearheaded implementation of the Staff Mortgage Facility for eligible staff as part of the Councils Staff Motivation and Retention strategy. This has seen various staff take up the facility now managed by the Housing Finance Corporation of Kenya.

HR Returns Compliance

Facilitated the submission of Employee Returns to National Employment Authority (NEA) and the two year Wealth Declaration to PSC for all eligible Staff of the Council in line with the set requirements and guidelines in the service.

3.2 Finance

	Notes	2019-2020 Kshs	2018-2019 Kshs
Revenue from non-exchange transactions			
Transfer from Government Entities		70,628,801.00	319,907,337
Proceeds from Domestic and Foreign Grants		50,259,286.80	205,627,612
Grants From Ministry of Devolution and ASAL		103,000,000.00	100,940,000
Grants From Ministry of Devolution and ASAL (The Kenya Symbiocity Programme)		58,200,000.00	57,300,000
Receipts in Kind		32,762,392.00	124,738,683
Rent Receivable		-	31,457,229
Interest on Staff Loan Fund		740,266.39	6,869,400
Bank Guarantee interest		11,500.05	-
Total revenue		315,602,246.24	846,840,261
Expenses			
Use of goods and services		182,327,856.48	16,384,443
Employee costs		120,776,269.40	117,606,471
Depreciation and amortization expense		16,328,787.98	15,797,801
Repairs and maintenance		4,793,486.00	5,443,375
General Expenses		-	415,669,011
Kenya Symbiocity Programme		12,972,485.50	35,753,098
Payments in Kind		32,762,392.00	124,738,683
Total expenses		369,961,277.36	731,392,882
Net Surplus for the year		(54,359,031.12)	115,447,379

4.0 CHAPTER FOUR: CHALLENGES AND RECOMMENDATIONS

4.1 Challenges

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

Underfunding of the COG

Lack of adequate funding meant that some planned activities did not get implemented and the Council had to review the organizational structure to facilitate restructuring of the departments and Committees including the number of staff within the organization.

Slow implementation of Summit decisions

The Summit, being the apex intergovernmental relations body, makes important policy decisions on matters affecting the running of County Governments. But the slow implementation of decisions led to conflict between the two levels, such as the matter of pension laws in Counties resulting in matters going to Court. Although there was an improvement of Summit engagements in FY 2019/20 during the last two quarters, and this momentum needs to be sustained.

Anti-devolution legislation

In the period under review, the Council still witnessed Parliament table and discuss Bills that undermined devolution. For instance, the County Governments Amendment Bill that sought to interfere with the tenure of County administrators; the Water Bill; the Health Bill; and the Kenya Roads Bill. Such pieces of legislation infringe on the functions of County Governments. The Council has had to institute court cases in order to stop operationalization of such legislation such as the Health Act which designates KEMSA to be the sole institution providing pharmaceutical and non-pharmaceutical products to the two levels of Government.

4.2 Recommendations

The Secretariat of the Council needs to be anchored in law. This will enable the Council to receive funding directly from the Exchequer. The Council and Ministry of Devolution & ASAL with other stakeholders were mandated by a Summit decision to amend the IGRA 2012. This would facilitate the creation of the Council of Governors Secretariat. The recommended amendments have since been submitted to MoDP to work with office of the Attorney General for tabling in Parliament.

On matters legislation, Parliament must ensure that they consult the Council on legislation that affects County Governments. This engagement must be meaningful and qualitative. The Council of Governors in collaboration with the KLRC spearheaded audit of laws and policies in seven (7) sectors. The Council is working with various stakeholders to implement the report which was launched in March 2019.

ANNEX 1; Implementation Matrix

1.1 KPA 1: Good Governance

No	Strategy	Year of Implementation					Budget required					External Finance		Committee Responsibility	Other Stakeholders
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Y/N	Source		
	KFA 1: Performance management														
1.	Facilitate Counties to implement performance management framework													HR, & Planning	PMCU, PSC, PDU
2.	Support counties to adopt and domesticate national indicators related to devolved functions													All committees	KNBS, MODA, Donor Sector Working groups, NT, MED
	KFA 2: Capacity building for Governors														
3.	Develop strategic policy and legal interventions to assist Governors engage in national and international dialogues													All committees	All government MDAs
4.	Undertake initiatives that facilitate leadership transitions/ change processes													All committees	County Governments and other Government agencies
	KFA 3: Stakeholder participation														
5.	Strengthen stakeholder participation implementation mechanisms													Finance' Legal	DPs, CSOs
6.	Develop and enhance mechanisms for addressing matters referred to the Council by members of the public													Legal	CAJ
	KFA 4: Risk management														
7.	Facilitate counties to establish and strengthen County emergency response frameworks.													All committees	DPs, MDAs

1.2 KPA 2: Adequate Resourcing for Devolved Functions

No	Strategy	Year of Implementation					Budget required					External Finance		Committee Responsibility	Other Stakeholders
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Y/N	Source		
	KFA 1: Expenditure management														
8.	Foster cooperation between the National and County Governments on matters relating to budgeting, economic and financial management of both levels of government													Finance	NT
	KFA 2: Resource mobilization for devolved functions														
9.	Operationalize public private partnership framework for County Governments													Legal, Trade, Planning	NT, AG

ANNEX 1; Implementation Matrix

No	Strategy	Year of Implementation					Budget required					External Finance		Committee Responsibility	Other Stakeholders	
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Y/N	Source			
	KFA 2: Resource mobilization for devolved functions															
10.	Lobby and Advocate for increased resource allocation to County Governments														Finance, Legal	NT, IBEC, Senate, CRA
11.	Sensitize Counties on Development Partners engagement modalities														Planning/ Finance	NT, DPs
12.	Support County Governments to domesticate external resource policy														Finance, Legal, Planning	NT, DPs

1.3 KPA 3: Build a Strong Council of Governors

No. 10: Rt A.C. Banda's Strong Coalition of Governors																	
No	Strategy	Year of Implementation					Budget required					External Finance		Committee Responsibility	Other Stakeholders		
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Y/N	Source				
	KFA 1: Organizational structure and identity																
13.	Lobby for anchorage of CoG secretariat in law														Legal	Parliament	
14.	Operationalize CoG approved structure														Human Resource, Office of the CEO	PSC	
15.	Strengthen COG Committees														HR, Office of the CEO		
16.	Position COG in regional and international organizations for Sub-National governments														Intergovernmental and All committee, Planning, Finance	UCLGA, Regions 4/ NRG4SD, Oru Fogar	
	KFA 2: Resource mobilization for the CoG Secretariat																
17.	Develop and operationalize CoG resource mobilization strategy														All committees	DPs, NT	
18.	Lobby County Governments to enact laws on resourcing of CoG														Legal	CAF	
	KFA 3: Re-engineer systems, processes and technology																
19.	Develop and operationalize a periodic reporting and feedback system														HR, Finance Planning, Office of the CEO		

ANNEX 1; Implementation Matrix

No	Strategy	Year of Implementation					Budget required					External Finance		Committee Responsibility	Other Stakeholders	
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Y/N	Source			
	KFA 3: Re-engineer systems, processes and technology															
20.	Develop and Implement a responsive dynamic IT infrastructure														ICT and Administration	
21.	Strengthen internal accountability mechanisms														Finance/Audit/Procurement/Legal	
	KFA 4: Public relations and communication															
22.	Operationalize CoG communication strategy														Communication	

1.4 KPA 4: Knowledge-driven Performance

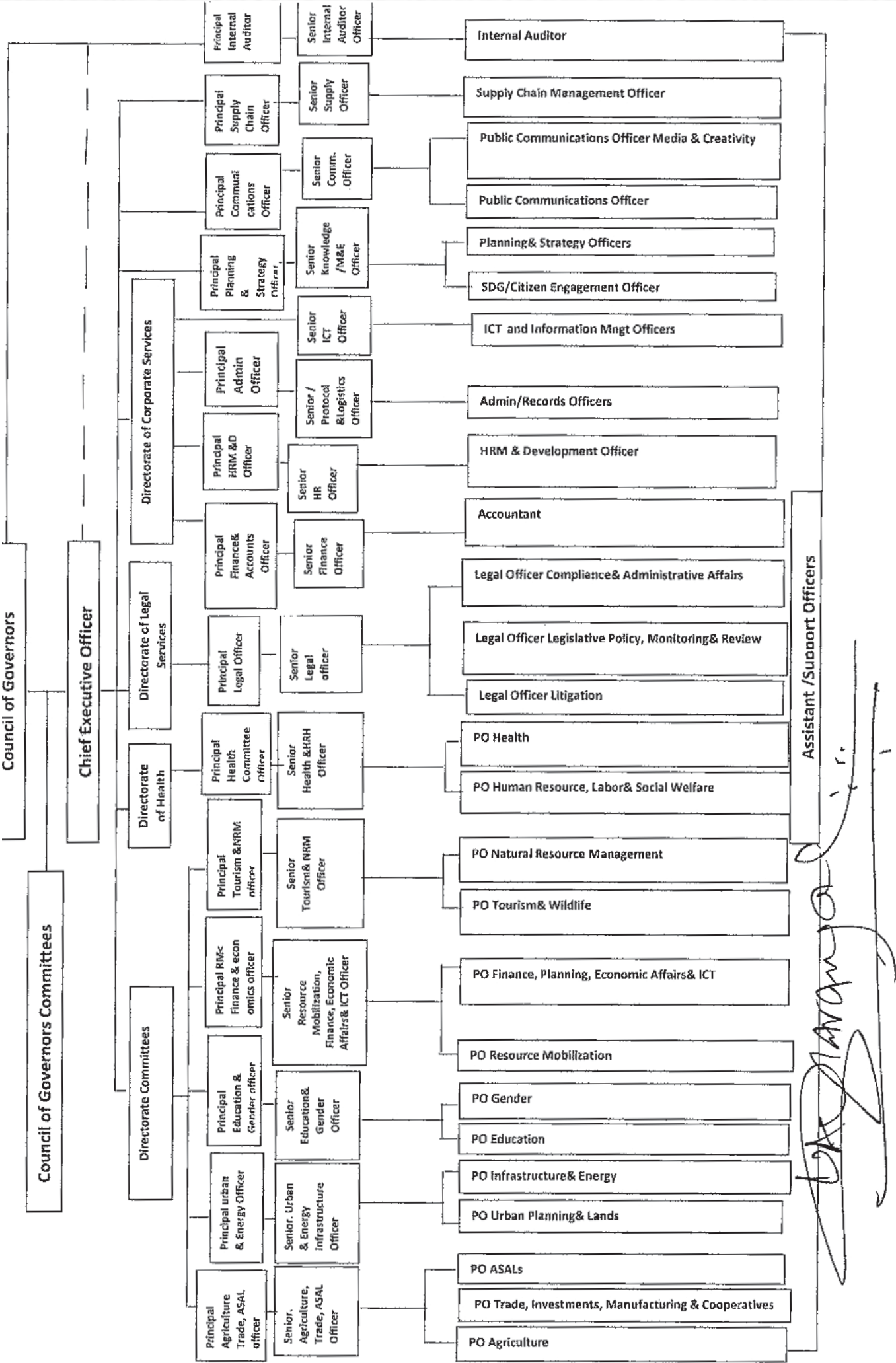
No	Strategy	Year of Implementation					Budget required					External Finance		Committee Responsibility	Other Stakeholders	
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Y/N	Source			
	KFA 1 : Knowledge sharing and learning															
23.	Facilitate research & knowledge generation														All committee	KNBS, KIPPRA, Research Institutions and Academia
24.	Develop and operationalize CoG knowledge management strategy														Planning	
25.	Facilitate peer learning on devolved functions														CoG, Counties	

ANNEX 1; Implementation Matrix

1.5 KPA 5: Strengthen Intergovernmental Relations and Devolution

No	Strategy	Year of Implementation					Budget required					External Finance		Committee Responsibility	Other Stakeholders	
		Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Y/N	Source			
KFA 1: Strengthen intergovernmental structures and processes																
26.	Support the implementation Article 189 of the Constitution and operationalization of all intergovernmental forums under all Acts													Legal, IGR, Committees	IGRTC, MODA, KLRC	
27.	Strengthen intergovernmental alternative dispute resolution mechanism													Legal, All Committees	IGRTC, MoDA, CAF, Senate, AG	
KFA 2: Safeguarding devolution																
28.	Advocate and facilitate enactment of policies and legislations on devolved functions													Legal, All Committees	KLRC, Parliament, AG, MoDA, Senate, CAF	
29.	Facilitate continuous analysis and review of existing National and County policies and legislations in line with emerging issues													Legal, All Committees	Parliament, AG, KLRC, CAF	
30.	Support the devolved system of governance through initiating preventive or corrective action on devolved functions.													Legal. All Committees	KLRC, MODA, AG, Senate, CAF	

ANNEX 2; Approved Organization Structure and Staffing for Council of Governors Staff



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