



COUNCIL OF GOVERNORS

ANNUAL STATUTORY REPORT 2020-2021





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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 Governments 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 and Acronyms

| | |
|-----------------|---|
| ADP | Annual Development Plan |
| AfCTA | African Continental Free Trade Area |
| ASRW | Annual Statutory Report |
| CBS | Chief of the Order of the Burning Spear |
| CCSRRS | County COVID-19 Socio-Economic Re-engineering and Recovery Strategy |
| CECM | County Executive Committee Member |
| CEO | Chief Executive Officer |
| CIDP | County Integrated Development Plan |
| CO | Chief Officer |
| COG | Council of Governors |
| COVID-19 | Corona Virus Disease 2019 |
| EBS | Elder of the Order of the Burning Spear |
| ECDE | Early Childhood and Development Education |
| EGH | Elder of the Order of the Golden Heart |
| EMC | Emergency Medical Care |
| FIF | Facility Improvement Fund |
| FY | Financial Year |
| GIS | Geographic Information System |
| GDP | Gross Domestic Product |
| HDU | High Dependency Unit |
| HLPF | High-Level Political Forum |
| HSC | Head of State's Commendation |
| ICU | Intensive Care Unit |
| IGR | Inter-Governmental Relations |
| IGRA | Intergovernmental Relations Act |
| KIPPRA | Kenya Institute for Public Policy Research and Analysis |
| KM | Knowledge Management |
| MES | Managed Equipment Service |
| MoH | Ministry of Health |
| NEMA | National Environment Management Authority |
| NHIF | National Health Insurance Fund |
| NLMIS | National Land Information Management Systems |
| NMACC | National Multi-Agency Command Center on COVID-19 |

| | |
|----------------|--|
| NTSA | National Transport and Safety Authority |
| OGW | Order of the Grand Warrior |
| PFM | Public Finance Management |
| PHC | Primary Health Care |
| PIM | Public Investment and Management |
| PPE | Personal Protective Equipment |
| PSA | Pressure Swing Adsorption |
| PSC | Public Service Commission |
| RM | Resources Mobilization |
| SDGs | Sustainable Development Goals |
| SME | Small and Medium Enterprise |
| SRC | Salaries and Remuneration Commission |
| THS-UCP | Transforming Health Systems for Universal Care Project |
| TWG | Technical Working Group |
| UHC | Universal Health Coverage |
| WHO | World Health Organization |

Foreword from the Chairman



“Finally, as we forge ahead in the next financial year 2021-22, which is also an election year, I am hopeful that the Counties will ensure that the electioneering period does not affect service delivery. To my fellow Governors, we must continue to work together in strengthening devolution and achieving prosperity for our citizens.”

The 2020/2021 Financial Year (FY) began when the country was dealing with the impacts of the COVID-19 pandemic. That notwithstanding, the County Governments have continued to achieve remarkable success in the various devolved functions in the period under review (reference is made to the State of Devolution Address delivered in July 2021).

During the period under review, the Council of Governors (CoG) conducted elections for the new executive. The elections were conducted in January 2021, where I was elected as Chairperson. H. E. James Ongwae, EGH, CBS, EBS was elected as the Vice-Chairperson and H.E. Eng. Alex Tanui Tolgos, EGH as the Whip. The CoG also restructured the Committees from the previous 12 to 18 in a bid to enhance efficiency and effective coordination of the CoG's mandate. Let me take this opportunity to once again congratulate the Executive and the Chairpersons of the various Committees elected and wish them the best as they aspire to strengthen devolution in various capacities.

On a sad note, The CoG and the entire devolution family lost late Governor for Nyamira H.E John Nyangarama and the late Deputy Governor Susan Kikwai for Kericho County. This was a big blow to the devolution family because of their contribution and passion for devolution.

We condole with the rest of Kenyans who have lost their loved ones to the deadly coronavirus.

In responding to the adverse effects of the pandemic, the CoG worked with the Kenya Institute for Public Policy Research and Analysis (KIPPRA) to develop the Kshs 132 billion County COVID-19 Socio-Economic Re-engineering and Recovery Strategy (CCSRRS) 2020/21-2022/23. The Strategy was launched by H.E. The President of the Republic of Kenya, Uhuru Kenyatta in December 2020. The CCSRRS which will be mainstreamed in the next cycle of CIDPs aims to: boost the private sector activities; strengthen ICT capacity; contribute to human capital development, policy, legislative and institutional reforms; it also strengthens the County Government's preparedness and response to pandemics and disasters. This indeed was a significant step by the County Governments, and

Despite the great achievements, the County Governments faced a couple of challenges that slowed down the development at the County level. Delayed disbursement of equitable share to the County Governments by the National Treasury and the several pieces of legislation that claw back on devolution were among the CoG's issues during the reporting period.

At this point, let me applaud the Judiciary for remaining true in protecting devolution. We witnessed rich jurisprudence on devolution matters through various legal proceedings highlighted in detail in this report. As the CoG, we will continue to take bold steps that safeguard devolved governments, these steps include ensuring enabling legislative, policy environment for the Counties to thrive.

The achievements of devolved governments have been made possible through strategic collaboration with key stakeholders in the devolution space. On behalf of the 47 County Governments, I want to thank the National Government Ministries, Departments, Agencies, International Development Partners, Private Sector, Local Non-Governmental Organizations, Civil Society Organizations, the media, and the citizens at large for their continued commitment to supporting devolution. Your continuous engagement, expertise, experience, and fruitful, constructive, and open exchanges during the previous year have played a significant role in aiding the County Governments achieve their successes.

Finally, as we forge ahead in the next financial year 2021-22, which is also an election year, I am hopeful that the Counties will ensure that the electioneering period does not affect service delivery. To my fellow Governors, we must continue to work together in strengthening devolution and achieving prosperity for our citizens.

H.E. Hon. Martin Nyaga Wambora, EGH

Chairperson – Council of Governors

Note from the Ag. Chief Executive Officer



To our partners, thank you for walking with us on this journey and for your continued support to ensure that devolution works and that no one or no County is left behind.

The Council of Governors is grateful for the milestones made thus far towards implementation of devolution. This has been made possible by the leadership of Excellency Governors who were elected in January 2020. The elections for the Council leadership led to the restructuring of the Council committees from twelve (12) to a total of eighteen (18) committees which have been quite instrumental in achieving the mandate of the Council. I congratulate and appreciate the Executive and the entire leadership for their unwavering support and exemplary servant leadership.

The year under review has been unique, dynamic, and yet promising to the future of devolution in the country. It has been a critical year characterized by reflection on what went well, what needs improvement, and incorporating lessons learnt as counties were recovering from the global pandemic.

The report focuses on the Council activities for the Financial Year, 2020/2021, the challenges experienced, and key recommendations geared towards improving implementation of our mandate. The COVID-19 pandemic was, however, a major setback which hampered implementation of devolution. To ensure that Counties respond, recover, and thrive as we continue to face the pandemic, the Council of Governors, in collaboration with KIPPRA and with the support of development partners, developed the County COVID-19 Social Economic Re-engineering and Recovery Strategy (CCSERRS), which was launched by the President H.E.

Uhuru Kenyatta, CGH in September 2020. Further, the Council developed County specific strategies to ensure that localization of the CCSERRS at the County level is adequate. Additionally, we have seen the rise of mental health cases connected to the pandemic; WHO placed Kenya 4th in the highest number of depressed people in Africa and 9th globally; 1.9 million people in the country are depressed. In the period under review, the Council facilitated tele-counselors in some Counties with the support of development partners. However, we urge the Counties to put in place mechanisms, systems, and structures to ensure that critical efforts on the matter do not get lost but are built to ensure a mentally healthy citizenry within their Counties. Additionally, to strengthen COVID-19 response and management, the Council represented County Governments at the Command Centre on COVID-19.

This being the eighth year of implementing the devolved system, I can proudly say that devolution is indeed working. Despite the challenges, Counties have had tangible milestones in: - performance contracting; prudent financial practices; mainstreaming of SDGs; monitoring and evaluating projects; physical planning; and urban development, among others. I urge the National Government departments and Agencies, development partners, private sector, academia, and civil society organizations to continue working collaboratively with CoG to build individual, institutional, and systemic capacities to ensure human capital development at the County level. I cannot overemphasize the importance of strategic collaborations to create a platform for exchanging knowledge and experience to make the right policy and legislative environment for the devolved system to thrive. We need to be alive to the fact that laws clawback on devolution continue to be the chief impediment for devolution to thrive.

As I conclude, I would like to thank the Executive for believing in me to step in as the Acting CEO for the Council in such a critical time. I appreciate the entire Council for being supportive and the whole devolution family for embracing my leadership and creating a friendly environment to ensure that nothing stops. I look forward to the next year, which is also the year of transition but at the same time an opportune time since we have already embarked on the process of developing the CoG Strategic plan 2022-2027. To our partners, thank you for walking with us on this journey and for your continued support to ensure that devolution works and that no one or no County is left behind.

Ms. Mary Mwiti

**Acting Chief Executive Officer
Council of Governors.**

Acknowledgements

The CoG is grateful to its stakeholders, including but not limited to Excellency Governors, County Governments, the National Government, Development Partners, the Civil Society, the Private sector, the media, and other stakeholders for their steadfast support during the year. The year has been challenging considering the pandemic and its effects on the economy and well-being of the citizens. The CoG appreciates the efforts and commitments accorded towards realizing the goals of the FY 2020/21.

The CoG would also like to gratefully acknowledge the work of the Planning, Monitoring and Knowledge Management Department in developing this report. Specifically, sincere appreciation goes to Mr. Walter Atito, the M&E Officer, for his commitment and dedication in formulating this report. A thank you also to Ms. Rosemary Njaramba for her contribution towards editing the drafts of this report. For all the technical staff who provided the information that fed into the report- asanteni. All these efforts have led to the production of a comprehensive and detailed Annual Report.

Chapter 1: Introduction

1.1. Background

This report covers the activities undertaken by the CoG for the Financial Year (FY) 2020/2021 that runs from July 2020 to June 2021. This is the 8th Annual Statutory Report (ASR) since the inception of CoG in 2013.

The mandate of the CoG as canvassed in section 20 of the Inter-Governmental Relations Act (IGRA) 2012 is executed through the Strategic Plan 2017- 2022. The CoG technical arm performs the day-to-day activities that are aimed at facilitating the implementation of the CoG statutory mandate. The Executive team of the CoG, the respective Committee Chairs, and all the Governors provide policy and strategic leadership to the staff. The CoG has been working through eighteen (18) Committees since January 2021, when the committees, through a resolution, were reorganized from the previous twelve (12) Committees.

The report highlights the outputs documented in the period under review towards achievement of CoG strategic objectives which are anchored in the five critical performance areas: 1) Good Governance; 2) Adequate Resourcing for the devolved functions; 3) Build a strong CoG; 4) Knowledge-driven performance; and 5) Strengthen intergovernmental relations and devolution.

1.2. Objective of the Report

The objective of the ASR is to provide a comprehensive assessment of the programs and activities of the CoG in the FY 2020/2021 and their contribution to the strategic direction of the CoG while highlighting successes, challenges, lessons learned, and opportunities for implementation of devolution.

1.3. Mandate of the Council of Governors

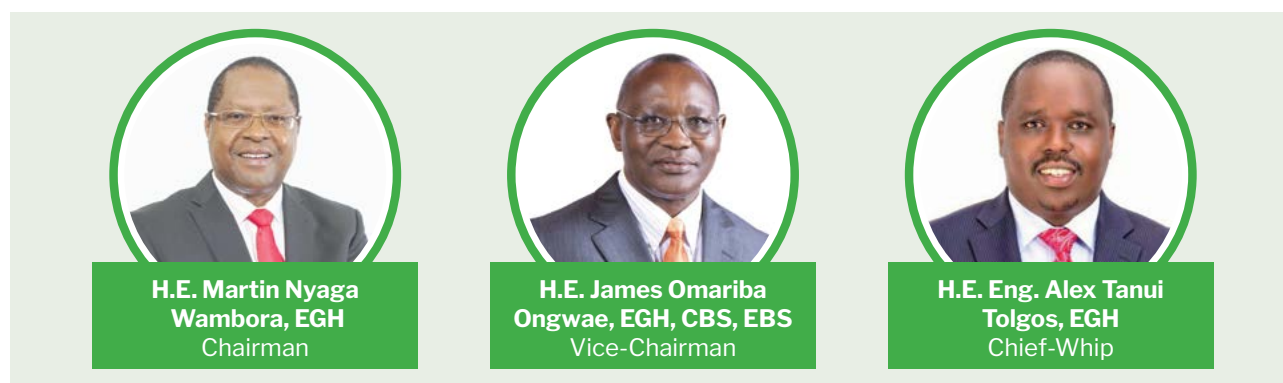
The CoG is a statutory body established under section 19 of the IGRA. The mandate and specific responsibilities of the CoG are spelt out under section 20 of the IGRA 2012 as a platform for:

- a) consultation amongst County Governments;
- b) sharing of information on the performance of the Counties in the execution of their functions with the objective of learning and promotion of best practice and where necessary, initiating preventive or corrective action;
- c) considering matters of common interest to County Governments;
- d) dispute resolution between Counties within the framework provided under the IGRA;
- e) facilitating capacity building for Governors;
- f) receiving reports and monitoring the implementation of inter-county agreements on inter-county projects;
- g) consideration of matters referred to the Council by a member of the public;
- h) consideration of reports from other intergovernmental forums on matters affecting national and county interests or relating to the performance of Counties; and
- i) Performing any other function as may be conferred on it by this Act or any other legislation or that it may consider necessary or appropriate.

1.4. The Structure of the CoG

The CoG is led 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 is eligible for re-election for one further period of one (1) year.

The CoG is currently working through eighteen (18) Committees, as shown below. Each committee consists of a Chairperson, a Vice-chairperson, and Committee members who guide policy and legal issues relating to the respective Committee(s), as demonstrated below:



| Committee | Chairperson |
|---|--|
| Health | H.E. Hon. Prof. Peter Anyang' Nyong'o, EGH |
| Human Resources, Labor and Social Welfare | H.E. Hon. Wycliffe Wafula Wangamati |
| Agriculture and Cooperatives | H.E. James Nyoro Karanja |
| Arid and Semi-Arid Lands | H.E. Hon. Prof. John Krop Lonyangapuo, CBS |
| Education | H.E. Edward Mutahi Kahiga |
| Tourism | H.E. Samuel Kuntai Ole Tunai, EGH |
| Water, Forestry and Natural Resource Management | H.E. Francis Thuita Kimemia, EGH, CBS, HSC |
| Environment and Climate Change | H.E. Hon. Dr. Wilber Khasilwa Ottichilo |
| Blue Economy | H.E. Fahim Yasin Twaha |
| Finance, Planning and Economic Affairs | H.E. Hon. Ndiritu Muriithi |
| Trade, Investment and Manufacturing | H.E. Charity Kaluki Ngilu, EGH |
| Legal and Constitutional Affairs | H.E. Hon. Kiraitu Murungi, EGH |
| Urban Development, Housing, Planning, Energy, Infrastructure, and Lands | H.E. Hon. Lee Maiyani Kinyanjui |
| Gender, Youth, Sports, Culture and Social Services | H.E. Anne Mumbi Waiguru, EGH, OGW |
| Security and Foreign Affairs | H.E. Maj. (Rtd) Dr. Dhadho Gaddae Godhana |
| Resource Mobilization and ICT | H.E. Prof. Paul Kiprono Chepkwony |
| Intergovernmental Relations and Partnerships | H.E. Ali Bunow Korane, CBS |
| Liaison, Management and Resource Management | H.E. Hon. Martin Nyaga Wambora, EGH |

The CoG Technical arm is responsible for the administrative and technical support to the Committees under the guidance and direction of the Chief Executive Officer (CEO) and the management team. The following departments and units support the technical teams to manage its operations: Administration and Protocol; Finance and Internal Audit; Procurement; Information & Technology (IT); Human Resource; Planning, Monitoring and Knowledge Management (KM); and Communication. There is also the Maarifa Centre which provides a platform for knowledge sharing and peer-to-peer learning among the 47 County Governments.

Chapter 2: Cog Success For Fy 2020/2021

2.1. Introduction

The CoG is guided by the current Strategic Plan covering 2017-2022 in executing its mandate. In May 2020, the CoG undertook a mid-term review of its Strategic Plan. With the support of the Committee, Technical leads, and the Management Team, the implementation matrix was reviewed leading to a significant change in the Key Performance Areas (KPAs), Key Focus Areas (KFAs) with the strategic issues reducing from 80 to 30. The review aimed to completely realign the Strategic Plan to ensure that activities in the remaining two (2) years are more focused and output oriented. The implementation matrix below reflects the current KPAs and KFAs:

| Key Performance Areas | Key Focus Area | Strategic Issues |
|---|---|---|
| Good Governance | Performance management | <ul style="list-style-type: none"> ✓ Facilitate Counties to implement performance management framework. ✓ Support Counties to adopt and domesticate national indicators related to devolved functions. |
| | Capacity building for Governors | <ul style="list-style-type: none"> ✓ Develop strategic policy and legal interventions to assist Governors engage in national and international dialogues. ✓ Undertake initiatives that facilitate leadership transitions/change processes. |
| | Stakeholder participation | <ul style="list-style-type: none"> ✓ Strengthen stakeholder participation implementation mechanisms. ✓ Develop and enhance mechanisms for addressing matters referred to the Council by members of the public. |
| | Risk management | <ul style="list-style-type: none"> ✓ Facilitate Counties to establish and strengthen County emergency response frameworks. |
| Adequate Resourcing for Devolved Functions | Expenditure management | <ul style="list-style-type: none"> ✓ Foster cooperation between the National and County Governments on matters relating to budgeting, economic and financial management of both levels of government. |
| | Resource mobilization for devolved functions | <ul style="list-style-type: none"> ✓ Operationalize public private partnership framework for County Governments. ✓ Lobby and Advocate for increased resource allocation to County Governments. ✓ Sensitize Counties on Development Partners engagement modalities. ✓ Support County Governments to domesticate external resource policy. |
| Build a Strong Council of Governors | Organizational structure and identity | <ul style="list-style-type: none"> ✓ Lobby for anchorage of CoG secretariat in law. ✓ Operationalize CoG approved structure. ✓ Strengthen COG Committees. ✓ Position COG in regional and international organizations for Sub-National governments. |
| | Resource mobilization for the CoG secretariat | <ul style="list-style-type: none"> ✓ Develop and operationalize CoG resource mobilization strategy. ✓ Lobby County Governments to enact laws on resourcing of CoG. |
| | Re-engineer systems, processes, and technology | <ul style="list-style-type: none"> ✓ Develop and operationalize a periodic reporting and feedback system. ✓ Develop and implement a responsive dynamic IT infrastructure. ✓ Strengthen internal accountability mechanisms. |
| | Public relations and communication | <ul style="list-style-type: none"> ✓ Operationalize CoG communication strategy. |
| Knowledge-driven Performance | Knowledge sharing and learning | <ul style="list-style-type: none"> ✓ Facilitate Research & knowledge generation. ✓ Develop and operationalize CoG KM strategy. ✓ Facilitate peer learning on devolved functions. |
| Strengthen Intergovernmental Relations and Devolution | Strengthen intergovernmental structures and processes | <ul style="list-style-type: none"> ✓ Support the implementation Article 189 of the Constitution and operationalization of all intergovernmental forums under all Acts. ✓ Strengthen intergovernmental alternative dispute resolution mechanism. |
| | Safeguarding devolution | <ul style="list-style-type: none"> ✓ Advocate and facilitate enactment of policies and legislations on devolved functions. ✓ Facilitate continuous analysis and review of existing National and County policies and legislations in line with emerging issues. ✓ Support the devolved system of governance through initiating preventive or corrective action on devolved functions. |

2.2. Good Governance

2.2.1. Introduction

The CoG Strategic Plan 2017-2022 outlines Good Governance as the first KPA. The CoG intended to achieve this through facilitating performance management in the Counties, building capacity for Governors and County Governments to enhance good governance, improving stakeholder participation in devolved functions, and strengthening risk management through establishing and operationalizing County emergency response frameworks.

2.2.2. Performance Management

During the FY 2020-2021, the CoG continued to undertake initiatives geared towards supporting Counties to implement the performance management framework and adopt and domesticate national indicators related to devolved functions.

Key Achievements

Under this KFA, the following outputs were achieved:

- i. The CoG undertook initiatives to improve the practice of Performance Management in the County Governments through facilitating the sensitization of relevant County officers (CECMs, Chief Officers (COs), and Directors) on the Performance Management System (PMS). The CoG sensitized **97 County officers** from Samburu and Narok Counties on the PMS to understand the various tools for Performance Management, including Performance Contracts (PCs), Performance Appraisals, and Citizen Service Delivery Charters. Further, with the support of United Nations Development Program (UNDP), the CoG supported sensitization of performance contracts for the following Counties: Kilifi, Tana River, Isiolo, Mandera and West Pokot. The CoG further facilitated the Performance Contracting guidelines' review to support County Governments in developing, implementing, and standardizing PCs. In strengthening performance management in the Counties, the CoG participated in developing and reviewing the draft National Performance Management policy. Once adopted, the policy will help both National and County Governments streamline and standardize public sector performance management at all levels.



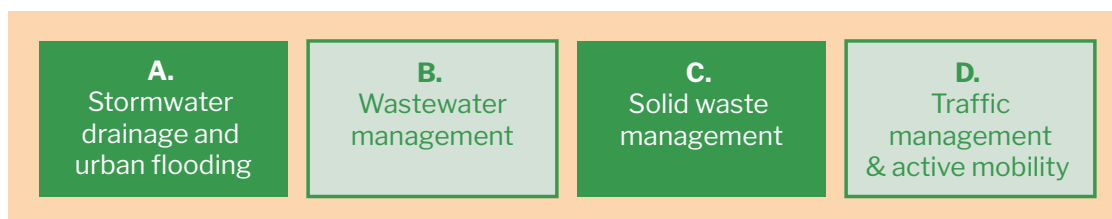
Group photo with CECs and Chief Officers from Tana River County during the PMS workshop held in September 2022

- ii. Factual reporting was particularly significant during the pandemic to avert any misrepresentations or falsifications of facts about the disease. During the reporting period, the CoG collaborated with different sector players to promote performance management through collaboration with the media correspondents to ensure objective reporting on County COVID-19 preparedness and response and the health workers' strike. Previous false reports about the critical issues around the pandemic and health workers' strike prompted the COG to work together with the media to avert any chances of misinformation.
- iii. To strengthen development implementation coordination in the Counties, the Council organized a workshop with Chiefs of Staff and Heads of Service Delivery Units on 25th and 26th February 2021. The workshop's objective was to develop the County Development Implementation Coordination framework premised on the national Development Implementation Coordination framework to ensure proper coordination of development projects between National Governments and County Government. Through the workshop, Meru, Nyeri, Nakuru, Makueni, Kakamega, Siaya, Machakos, Isiolo, Wajir, and Bomet Counties shared their experiences on the various development implementation coordination frameworks adopted by their governments. The workshop developed a structure for development implementation coordination in the Counties.
- iv. The CoG engaged stakeholders through the Health Sector Intergovernmental Forum on Universal Health Coverage (UHC) to enhance quality and affordable healthcare to the citizens. The forum passed vital resolutions:
 - a) Finalizing the UHC policy.
 - b) Establishing the UHC fund for Social Health Insurance.
 - c) Recruiting more UHC health workers
 - d) Providing conditional grants for level 2 and 3 hospitals for purchasing equipment.
 - e) Finalizing the Intergovernmental Participatory Agreement (IPA).
 - a) Strengthening primary care by ring-fencing funds for Primary Health Care (PHC) facilities to offer quality services.
 - a) These resolutions were passed and are currently being implemented.
- v. During the reporting period, the CoG further made strides towards strengthening County health systems and improving health outcomes for the citizens by convening a retreat of the CECMs for Health, CoG Health Committee Governors, and Development Partners to address strategic partnerships on delivering on UHC. Among the key resolutions passed included the need for legislations and policies on health sector reforms that are aligned with devolution, improving financing for UHC implementation, and strengthening health service delivery. Other areas of focus included building a competent, motivated, and sustainable health workforce, improving Health Products and Technologies availability and accountability, equipping County hospitals, and effective transition of development partner supported programs. The resolutions were assigned to the different institutions and leadership of the CECM Caucus of Health for implementation and follow-up.



Group Photo after the 3-day retreat on Revitalizing the County Health Systems to deliver on Universal Health Care at Enashipai Resort - Naivasha

- vi. In recognizing the role of instituting integrated waste management systems in the Counties to improve overall sanitation, the CoG supported establishment of 133 dumpsites in 45 Counties and landfills in 5 Counties. The CoG ensured that the established landfills and dumpsites were designed, sited, engineered, operated, regulated, tested, and monitored safely and environmentally to better manage solid waste disposal in the Counties.
- vii. Recognizing Counties' coordination and cooperation in mobilizing resources and improving performance efficiency, the CoG engaged the three cities, Nairobi, Mombasa, and Kisumu, in the Urban Links Project through interviews with various stakeholders to identify the most pressing urban challenges. The exercise identified four challenges for further action:



The CoG launched the Small and Medium Enterprises (SMEs) open calls for innovative urban solutions to address the challenges, selecting four (4) Kenyan SMEs with innovative urban solutions to the above-mentioned urban challenges. Among the solutions picked for implementation are detailed in **Box 1**.

Box 1: Innovative urban solutions

- a. **An Artificial Intelligence (AI) platform** to interface to automate, track & monitor solid waste management in Nairobi County.
- b. **Digital addressing, optimization, and verification system** that provides an accurate location for each pick-up site, area of poor sanitation, and disposal point, combined with an ultra-fast route optimization system and a verifiable record of the time, place, and duration of each asset's visit to these pick-up sites in Nairobi County.
- c. **Flood Map Live's forecasting technology** that uses live modeling to produce actionable forecasts that show the depth and time at which flood is predicted at a 25-meter resolution. These actionable forecasts enable people and organizations to proactively mitigate flood impacts and were developed courtesy of Kenyan and UK partnership for Kisumu County.
- d. **Wastewater Management System in Mombasa County** based on Internet of Things (IoT) components to monitor and potentially control the sewer network and the water treatment plant. IoT systems present several advantages over other, older technologies, which include allowing wireless connectivity, easy and low cost, deployment and maintenance of endpoints, and low power consumption, which provides monitoring and control in locations where access to main power is not possible.

- viii. Improving urban planning and providing conditions for sustainable urban development is one of the critical priorities for Counties. During the reporting year, the COG supported Laikipia County by facilitating training of 60 Laikipia County officials and 100 Rumuruti Municipality stakeholders, including local business owners, community members, technocrats, and organizations within the town on Local Physical development Planning to improve urban planning. The training led to the development of the Draft Rumuruti Local Physical and Use Development Plan, which will help the municipality plan the efficient transportation of goods, resources, people, and waste; as well as the distribution of necessities such as water.
- ix. The CoG also enhanced COVID-19 preparedness and management for municipalities through a consultative meeting with municipal managers, which identified the pandemic as an emerging issue and recommended various interventions such as installation of handwash stations in strategic areas within the municipalities, social distancing in public spaces, screening of people by institutions, and enforcement of proper mask-wearing to help contain the spread of the virus in the municipalities.

2.2.3. Capacity Building for Governors

One of the mandates of CoG under section 20 of the IGRA is that it is a platform for capacity building. Therefore, in the current Strategic Plan, the CoG has prioritized initiatives that support the 47 County Governments in strengthening their institutional capabilities. These include assisting Counties to develop strategic policy and legal interventions to enable them to engage in national and international dialogues; undertake initiatives that facilitate leadership transitions/change processes; and coordinate capacity-building initiatives.

Key Achievements

- i. During the reporting period, the CoG enhanced the participation of Governors in various national and international dialogues through the development of policy briefs, memoranda, position papers, speeches, and talking notes.
- ii. Specifically, in the health sector, the CoG generated comprehensive advisories for the following: the Framework for the Global Fund Grants; the Intergovernmental Participation Agreement between the National Governments and the County Governments for the Implementation of Universal Health Coverage (2020/21 - 2022/23); and the National Hospital Insurance Fund (Amendment Bill 2021). Other advisory notes were on the Public-Private Partnership Bill, Transfer of Functions under Article 187, Draft Public Health (COVID-19 Restriction of Movement of Persons) Rules, 2021, Kenya Food and Drugs Authority Bill, 2019. The CoG further developed memoranda and submitted before the Senate and National Assembly Committees on critical issues touching on Counties, including the memoranda on Kenya Food and Drugs Authority Bill, 2019, and Health Act (Amendment) Bill, 2020.
- iii. The CoG led the Counties to develop a budgeting and financial management framework for Projects funded with Conditional Grants, specifically Danish International Development Agency (DANIDA) UHC and World Bank Transforming Health System (WB-THS). This was through a consultative meeting with CECMs and COs of Finance and Health from 44 County Governments, and other stakeholders. Further, the CoG held a Donor Engagement Group (DEG) meeting which focused on briefing the partners on the budget frameworks and aligning partner programs to the government planning frameworks. This was meant to harmonize partner programs to the County Governments' plans.
- iv. The CoG recognizes the importance of the participation of women in governance. On this premise, the CoG upskilled 200 women in Nandi and Nyamira Counties on their role in urban governance and women's land rights through a sensitization forum. The CoG also trained 300 County officers and women on Kenya Urban Support Program (KUSP) and Kazi Mtaani in Homabay, and Kisumu Counties to strengthen women's voices on securing property rights. Further, the CoG equipped 800 women with skills in access to markets.
- v. To address the challenges of procurement faced by the Counties, the CoG collaborated with the National Treasury to develop a training module for the new Public Procurement and Asset Disposal Regulations, 2020. This led to the training of Trainer of Trainers (ToTs) on the new regulations. 12 Counties were sensitized on the changes in procurement law and policies. The CoG targets to continue with the capacity building of the other Counties on the changes to ensure compliance and efficiency in County procurement processes.
- vi. The CoG, with the support from the Ministry of Health, enhanced the capacity of County Governments on the Integrated Human Resources Information System (iHRIS) for the development of the National Health Workforce Account (NHWFA). This was achieved by training 47 County Human Resource Managers and 47 County Health Records Information Officers (HRIOs) to track and manage their health workforce data. This is to improve the access to health services by capturing and maintaining high-quality information for health workforce planning, management, regulation, and training.
- vii. To improve compliance with environmental requirements by all facilities in the Counties, the CoG collaborated with National Environment Management Authority (NEMA) to train 177 Environmental Inspectors drawn from 35 Counties. 81 of the trained officials have been gazetted. The CoG will engage NEMA to ensure more County Environmental Inspectors are trained and gazetted to strengthen enforcement and compliance to environmental laws at the County level.
- viii. The Council also facilitated other capacity building initiatives for the Counties in the following areas:
 - Five (5) Counties were sensitized on the sectoral value addition, productive capacity, and development of investment profiles in the

following sectors: Manufacturing, Agriculture, Fisheries, Handicraft, Livestock, Mining, Oil and Gas, Financial Services, Tourism, and Travel Related Services, Health Services and Recreation and Cultural Services and ICT Services.

- Improving the knowledge areas of the 47 Counties on development and implementation of the National Land Information Management Systems (NLMIS) through sensitization of Governors, County Executive Committee Members (CECMs) for Land and Physical Planning, and the Directors of Physical Planning. This was to ensure that County systems align with the NLMIS.
- Through the CECMs of Energy, the COG appraised 30 County Governments on the role of renewable energy technologies in energy planning at the County level, County Energy Planning, County Energy Mapping, and other emerging issues within the energy sector.
- 21 County Governments through the CECMs for Tourism were sensitized on fast-tracking adoption of the National Tourism Blueprint 2030, which is meant to identify critical drivers and enablers of tourism growth for the Counties and provide a practical implementation plan towards

the achievement of the country's overarching tourism and economic goals.

- Sensitizing 35 Counties in collaboration with the Ministry of Energy on the Energy Act, 2019, Integrated National Energy Planning (INEP) Framework, Draft Energy (INEP) regulations, Draft Energy (Consolidated Fund) Regulations, and Draft Energy (Rural Electrification Program Fund) Regulations which are meant to improve policy and governance issues in the energy sector.
- Sensitizing 31 Counties through their CECMs of Agriculture on the role of County Governments in implementation of the Coffee Regulations that included adherence to coffee industry standards and regulations and the industry code of practice.
- Communities were sensitized on climate change adaption at the community level through a forum in Kericho County that brought together 250 youth and women. The CoG further sensitized Makueni, Machakos, Kajiado, and Embu Counties on Climate Action during inaugural tree growing, where 4,000 trees were planted to mark the launch of the tree-growing exercise.
- The CoG facilitated the sensitization of 47 County



CoG Chairman H.E Martin Wambora, EGH, H.E Hon. Dr. Wilber Otichilo and Keriako Tobiko is the Cabinet Secretary for the Ministry of Environment and Forestry, planting a tree during the launch of the tree growing exercise in Embu County

Attorneys on various legal and policy issues to strengthen the legal function of Counties.

- The CoG also facilitated the training of officers from 13 Counties on Public-Private Partnership project proposal development.
- Training of County Governments on Job development of Job Descriptions at Kenya School of Government for the FY 2021/24.
- In collaboration with the National Project Coordinating Unit, the CoG supported 11 Counties to implement the Small-Scale Irrigation and Value Addition Project (SIVAP) through conducting Training of Trainers (ToTs) for sub-county and ward livestock officers on feed formulation.
- The CoG coordinated a training workshop for five (5) Counties' Technical Officers on the National Adaptation Plan (NAP) Readiness Project funded by Green Climate Fund (GCF). The project seeks to mainstream climate change adaptation into CIDPs and address the Counties' vulnerability to climate change.

2.2.4. Stakeholder Participation

The CoG recognizes the crucial role of stakeholders, including the citizens, media, international, regional, and national development partners, civil society organizations, the private sector, academia, National Government ministries, departments, and agencies, in strengthening and deepening devolution. The CoG sought to improve stakeholder participation and develop enhanced ways to address matters referred to the CoG by members of the public, thus promoting collaborative devolved governance.

Key Achievements

- i. The CoG improved engagement with the public by utilizing social media platforms, specifically through live Facebook discussions and 10 Twitter chats. The social media engagements provided a platform for the citizens to access information on the various service delivery initiatives by the County Governments. Providing necessary information through such engagements helps build the citizens' confidence in the governance at the County level and promotes accountability and transparency.
- ii. (744,600 impressions on twitter with an average of 13,300 impressions per day, 572,336 Hits on Facebook – Infographic)
- iii. To strengthen collaboration and partnerships in addressing existing and emerging health concerns,

the CoG engaged stakeholders in the health sector, including the Ministry of Health, County Governments, and development partners, in 17 consultative meetings to brainstorm and address emerging issues. During these conversations, the key matters canvassed were HIV commodities issues (looming stock out and stalemate on distribution), medical oxygen availability, strengthening County health departments' functional structures for management of health commodities, UHC rollout, Global Fund Round 2021-24 granting process, COVID-19 vaccination, and deployment, COVID-19 measures reinforcement, and Human Resource for Health (HRH). These meetings provided an opportunity for the Council to take a collaborative approach in addressing health-sector issues and accelerating the response to the prevention of the COVID-19 pandemic, and other sector-related problems and identify areas of collaboration and mapping of partner support.

2.2.5. Risk Management

Risk identification and mitigation are important in performance management. The CoG supported the Counties to establish and strengthen County emergency response frameworks for risk management.

Key Achievements

- i. During the FY 2020-2021, the CoG enhanced the response by the County Governments to the socio-economic challenges resulting from the COVID-19 pandemic by working together with Kenya Institute for Public Policy Research and Analysis (KIPPRA) and other development partners to develop the County COVID-19 Socio-Economic Re-engineering and Recovery Strategy 2020/21-2022/23 (CCSRRS). The Kshs 132 billion recovery strategy will boost private sector activity, strengthen Information, Communication, and Technology (ICT) capacity, contribute to human capital development, policy, legislative and institutional reforms, and strengthen the County Government's preparedness and response to pandemics and disasters. Other engagements to streamline the operationalization of the CCSRRS included:
 - Equipping women, youth and PWDs in six (6) Counties with knowledge on opportunities presented in the CCSRRS.
 - Sensitizing County Directors on Public Finance for Children (PF4C) for the CCSRRS.

- A follow up consultative meeting with the Education Committee on the inclusion of the recommendations of the County Socio-Economic recovery and re-engineering strategies in the ADPs for the 2021/22FY. This led to 5 Counties signing to increase funding for the education sector in the coming year.
- ii. In addition, the CoG provided technical input during the consultative meeting on COVID-19 Response Intra-



From left to right: H.E. Dr. William Ruto, EGH, EBS, Deputy President, H.E. Uhuru Kenyatta, CGH President and Commander-in-chief of the Defense Forces, H.E. Hon. FCPA Dr. Wycliffe Oparanya, EGH CGJ, former Chairman – Council of Governors, Hon. Kenneth Lusaka – Speaker, Senate, during the launch of the CCSRRS

Action Review and Resurgence Plan Development held from 31st May to 4th June 2021 against the backdrop of increasing COVID-19 infections and mortalities under the third wave of the COVID 19 pandemic and risk for overstressing the Kenyan healthcare system. The meeting undertook a critical analysis of the COVID-19 response measures, identified best practices and challenges across Counties, and designed strategies and interventions to enhance preparedness for a predicted fourth wave. Among the strategies proposed and implemented by the Counties included the utilization of existing community and administrative structures in identification, detection, and psychosocial support of the COVID-19 cases, the establishment of a multi-sectoral coordination response governance structures, establishment of Emergency Operation Centers and Isolation Centers, and promotion of local industries to produce PPEs and other equipment and supplies, among others. Among the achievements by the Counties in responding to the pandemic included:

- Increasing the isolation beds to 8,663 from 6,094 isolation beds at the onset of the pandemic across

all the Counties.

- Installation of 42 functional Pressure Swing Adsorption (PSA) Oxygen plants, procurement of 2,828 Oxygen cylinders and 730 oxygen concentrators, 468 Ventilators, and connecting 3,601 beds to oxygen.
- 36 Counties attained isolation facilities with a 300-bed capacity.
- County Governments increased the number of functional Intensive Care Unit (ICU) beds to 440 from the 361 ICU beds at the onset of the pandemic.
- Currently, the County Governments have 242 functional High Dependency Unit (HDU) beds.
- Regarding personnel, a total of 514 specialized healthcare workers were deployed to Counties to support the pandemic's management.
- 30 Counties have certified laboratories for COVID-19 testing, an increase from 6 in the last Financial Year. Three Counties can carry out rapid COVID-19 tests.

- iii. Further on strengthening COVID-19 response and

management, the CoG represented the County Governments at the National Multi-Agency Command Center on COVID-19 (NMACC), the advisory organ of the National Security Advisory Committee. NMAC, among other things, helped form a Risk Communication and Community Engagement (RCCE) at the County level to guide all Covid-19 communication to the public in a bid to mitigate the risks of misinformation and demystify cultural issues that hampered the uptake of COVID-19 messages.

- iv. The world of donor support for health in Kenya, like in any other lower-middle-income country, is rapidly changing, with the latter gradually reducing their support, especially for vertical programs including HIV, TB, Malaria, and immunization. To mitigate against potential adverse impacts of declining donor funds, the COG participated in the Maisha Conference dubbed: Transition to Sustainable Domestic Financing for HIV in the context of Universal Health Coverage to assess the country's preparedness for the transition in funding and explore alternative innovative financing models for HIV services. CoG participated in pre-conference discussions on "Sustainable Domestic Financing for HIV Services" and Citizen TV live discussions on "Domestic Financing: Prevention is Key" held in June 2021. In the advocacy efforts, the CoG called for the application of generic leadership concepts in the transition to sustainable domestic financing for HIV and formulating long-term health financing models. This includes engaging with county officials to prioritize HIV in the Medium-Term Expenditure Framework (MTEF) planning and budgeting cycle and development of accompanying interim Health Finance Transition plans to guide the Counties in the transition process and bilateral negotiations between MoH and National Treasury to obtain the seamless flow of funds to the counties.
- v. The government converted Level 2, 3, and 5 Conditional Grants to equitable shares. This development is likely to adversely affect Level 5 health facilities due to receiving less than previous amounts affecting the provision of medical and surgical sub-specialty, inter-county referral, and medical training. At a function in April 2021, the CoG engaged the MoH on possible impacts of the policy shift. Thereafter, the CoG and MoH jointly developed a Blueprint to mitigate against the adverse effects of transitioning to Equitable Shares. The document is to be used by the National Treasury to mobilize additional resources from development partners to address the evidenced financing gap with the ultimate objective of enhancing the scope of UHC as a government priority health reform agenda.
- vi. Financial risk protection is a critical component of UHC, which is defined as access to all needed quality health services without financial hardship. In line with this principle, the KfW is scheduled to implement a new health financing program aligned with the recent developments in Kenya's health financing and UHC landscape. As part of the KfW technical working group, the CoG participated in the redesign of the KfW Financial Protection Program and provided recommendations on how best the CoG and Counties could be involved in implementing the new project. CoG proposals included having the KfW Indigent fund part of National Health Insurance Fund (NHIF) managed schemes; provision of NHIF Super Cover to the KfW target population. The CoG will continue to work with MoH and KfW to refine the program to be more responsive to the needs of the beneficiaries.
- vii. There have been delays in the disbursement of county budgets by the National Treasury for up to 16-38 days and, with the delays, part of the resources mobilized through the facility improvement fund (FIF) and transferred to the county revenue fund (CRF) are rarely ploughed back to improve health services. In response, the COG developed a draft model law based on the provisions of the PFM Act of 2012 (Section 109) to allow retention of funds by the health facilities and improve the financial flow of health funds to the rural health facilities. The model law is drawn from counties such as those that have successfully gone through the process. Once finalized and signed off, the prototype model law will be available for adoption by the counties that are yet to enforce such laws to enable retention of FIF revenue to improve health services.
- viii. The CoG has also strengthened its internal risk management by developing a Risk Management and Policy and Procedure manual. The policy outlines the institution's risk management process and sets out the responsibilities of the relevant stakeholders. Once approved, the policy will be shared with the Counties to support them in developing a similar policy.
- ix. To reduce reproductive health risks among

vulnerable adolescent girls and women, the CoG supported nine (9) select Counties by equipping 900 women and girls with sexual reproductive health products and supporting 9 tele-counselors to manage Gender-Based Violence (GBV) helplines, thereby improving response to GBV cases at the community level. In addition, the CoG also supported five (5) tele-counselors to attend to Persons with Disability (PWD) GBV hotlines.

- x. The CoG developed and disseminated an advisory to the Food Security War Room and National Food Security Committee through a consultative meeting. The CoG, working together with technical staff from the Counties, provided accurate and reliable data on the availability of food staples in all the 47 Counties, thereby providing critical information to ensure that food supply in the 47 Counties remained stable despite the impacts of COVID-19. COG collected the food security data through 6 sub-national dialogues across the 8 regional economic blocs which were also a build-up towards the UN Food Systems Summit, 2021 to be held in September.
- xi. The CoG, in collaboration with the Ministry of National Treasury and Planning and National Disaster Operation Center, supported eight (8) Counties to review and improve the County Emergency Operation Plans. The plans established the required framework to ensure disaster response is appropriately coordinated across the Counties. The CoG will continue supporting the other Counties to review and improve the County Emergency Operation Plans to meet disaster preparedness and response demands.
- xii. The CoG also enhanced special interest groups' representation in the County Emergency Response Committees in fourteen (14) select Counties. 42 special interest groups (14 Youth, 14 Women, and 14 Persons with Disabilities (PWDs)) representatives were recruited by the Counties to participate in County Emergency Response Committee Meetings, and thus, enhancing the inclusion of special interest groups in formal decision-making processes.
- xiii. The CoG enhanced the technical knowledge of CECMs of Agriculture drawn from 47 Counties on the Kenya Integrated Agricultural Management Information System (KIAMIS) through collaboration with the Ministry of Agriculture. The KIAMIS is a tool for integrating all data, information, technological, and communication platforms

from the agricultural research ecosystem. The COG further facilitated 47 counties to upload market information on KIAMIS platform. Up to date agriculture data is essential for Counties in facilitating effective decision-making regarding potential risks in the agriculture sector. This will help strengthen mitigation and response strategies in the sector.

2.3. Adequate Resourcing for Devolved Functions

2.3.1. Introduction

The CoG Strategic Plan 2017-2022 outlines Adequate Resourcing for Devolved Functions as the second KPA. The CoG intended to achieve this through promoting expenditure management in the Counties and mobilizing resources for devolved functions. The success of devolution is intrinsically tied to adequate resource allocation, enabling efficiency, and allowing County Governments to perform their functions effectively.

2.3.2. Expenditure Management

The CoG has continued to strive to ensure that County Governments are fiscally responsible and utilizing public resources prudently and transparently. This has been achieved through collaborative initiatives on planning, budgeting, and public financial management at the County level.

Key Achievements

- i. During the reporting year, the CoG enhanced the 47 County Governments' capacity to sustain the management of Conditional Grants from development partners, specifically DANIDA UHC and World Bank Transforming Health System (THS) programs. This was achieved through a consultative meeting with CECMs and COs in charge of Health and other stakeholders to develop a framework on budgeting and financial management for the funded programs. So far, 44 County Governments have transferred the Project funds from County Revenue Fund to Special Purpose Account for budget implementation.
- ii. Public Finance Management (PFM) deals with all aspects of resource mobilization and expenditure management in government. Managing finances is a critical function of management in any organization, and thus PFM is an essential part of the governance process. The CoG led PFM Training Needs Assessment with Ministry of Health (MoH) - Division of Health Care Financing and Primary Health Services and produced a

report documenting county PFM needs gaps and short and immediate-term priorities. This information is now available for partners willing to undertake capacity building of County Health Management Teams (CHMTs) in PFM, especially as part of operationalizing the primary care network to support UHC.

- iii. The CoG, jointly with the MoH, Japan International Cooperation Agency (JICA), World Health Organization, developed the draft Facility Improvement Fund (FIF) and Health Facilities Management Committee (HFMC) Guidelines. This fundamental policy document focuses on broader health funds and provides for a model law to ring-fence health funds; standardization of fee setting practices and financial information system software; streamlining of the National Hospital Insurance Fund claiming process; increasing fiscal autonomy of the health facilities; enhancing own-source revenue as part of domestic resource mobilization; strengthening of waivers and exemptions systems; prudent leadership to enhance transparency and accountability in the use of funds, regularization of clients' satisfaction surveys and, to earmark county funds to support primary health care (PHC), in addition to 25-30% from FIF. With these Guidelines, the county public health facilities are better guided to support planning, management, and monitoring utilization of health funds.
- iv. Additionally, the CoG enhanced the capacity of 28 Counties on expenditure management through sensitizing County Heads of Planning and Budget, County Heads of M&E, and County Directors Health on Family Planning (FP)/Reproductive Health (RH) responsive planning and budgeting and donor mapping to ensure effective budgeting for and management of FP/RH services in the Counties. This is intended to help improve the sexual and reproductive health services offered to millions of women, men, and youth across the Counties.
- v. Strengthening the management of healthcare financing is a critical component of achieving sustainable health outcomes for the citizens. To achieve this, the COG participated in developing the Draft Road Map to Transition & Sustainable Financing for Health in Kenya by contributing in defining the sector's readiness to take on financing of health services as donor resources diminish. The key focus was on HRH that provides clarity on the staff that needs to be transitioned

by the development partners to the counties by number, cadre, and wage bill, and the efficiency that provides strategic direction on how to reduce overlaps, duplications, and misalignments, making the health system more efficient and sustainable during the transition.

- vi. In addition, the COG improved and enhanced the social protection of vulnerable persons by participating in the workshop to develop tools for enrollment of National Safety Net Program (NSNP) beneficiaries to the NHIF. The COG further advocated for inclusion of 461,866 USG PEPFAR supported Orphans and Vulnerable Children into the national social protection program, as part of partner transition.
- vii. The CoG further supported the 47 Counties to analyze their supplementary budgets to explore areas of realignment in response to the demands of prevention of the spread of COVID-19. The re-allocation reports to support COVID-19 response and prevention were disseminated through the weekly press briefings by the CoG to inform objective reporting by the media on the subnational preparedness and response to the pandemic.

2.3.3. Resource Mobilization for Devolved Functions

Resource mobilization that encompasses making better use of and maximizing new and existing financial resources plays a significant role in determining the implementation of devolved functions. The CoG has been supporting Counties to operationalize a public-private partnership framework; lobby and advocate for increased resource allocation; increase capacity in development partners' engagement modalities; and domesticate external resource policy to consolidate more resources for devolved functions.

Key Achievements

- i. The CoG, working with the CECMs of Finance drawn from the 47 Counties, developed the position paper on Budget Policy Statement and Division of Revenue 2021/2022, which saw the equitable share to County Governments increasing from Kshs 316.5 billion in FY 2020/2021 to Kshs 370 billion in FY 2021/2022. The increase in allocation to County Governments is expected to improve service delivery at the County level.
- ii. The CoG enhanced the capacity of the Counties to undertake resource mobilization for FP/RH by training County Donor Liaison Officers on resource

mobilization. The training brought together 50 participants drawn from 47 Counties.

- iii. The CoG improved compliance by County Governments in the implementation of National Government and partner-funded projects like National Agricultural and Rural Inclusive Growth Project (NARIGP) and Kenya Climate-Smart Agriculture Project (KCSAP). This was achieved by supporting 17 Counties to comply with NARIGP project conditions, 4 Counties to comply with KCSAP project conditions, and Nairobi County to comply with Agriculture Sector Development Support Program Phase Two (ASDSP II) conditions to strengthen implementation and to attain desired results. Further, the CoG lobbied for Kshs 2 billion to be allocated to 15 Counties under the Emergency Desert Locust Invasion Project and followed up with Parliament and National Treasury to ensure that the funding for Emergency Desert Locust Invasion Project, NARIGP, KCSAP, and ASDSP II programs are included as part of the conditional grants for FY 2021/22.
- iv. As part of strengthening the use of and maximizing existing resources, the CoG enhanced the technical capacities of 27 Counties through sensitizing their CECMs of Finance on the operationalization of Public Investment and Management (PIM) guidelines and PIM proposal writing. The guidelines will help the Counties in expenditure control and spending by providing standard processes for project identification, appraisal, budgeting, monitoring, evaluation, and reporting, and by doing so, ensure that only priority projects are financed and fully implemented.
- v. In support of Counties' pursuit to attain UHC, CoG led two payer-provider engagements with other partners who have a shared vision on strategic purchasing - namely, Kenya Health Federation, Strategic Purchasing Africa Resource Centre, and Thinkwell, between June and September 2021 to deliberate on ways to improve health outcomes. The discussions revolved around how counties can obtain more efficiency through strategic purchasing including, linking performance, permitting health facility autonomy, strengthened inter-governmental relations between Counties and purchasing decisions, especially transition from input-based to output-based financing and reforms on Public Finance Management. This information will be used to develop advisory notes to support counties to meet national health goals/commitments and improve own-source revenue for public health facilities (from user fees and insurance reimbursements).
- vi. Recognizing the need to complete the stalled projects under the devolved functions and improve service delivery, the CoG held discussions with the National Government Constituencies Development Fund (NG-CDF) and National Treasury and Planning to develop strategies for completing the projects. Through the consultative meeting, the CoG proposed that a grant equal to the total cost, Kshs.1.2 billion of the stalled projects, be disbursed to Counties for completing the projects. Negotiations for implementation and funding are ongoing.
- vii. The Council further secured resources from different development partners for the following devolved functions:
 - The **Kshs 132 billion** to support the implementation of the CCSRRS that will boost private sector activity, strengthen ICT capacity, contribute to human capital development, policy, legislative and institutional reforms, and strengthen County Government's preparedness and response to pandemics and disasters.
 - The COG received support from USAID to support Counties under the ASAL, Agriculture, Health and Water sectors for the next three years.
 - Strengthening Disaster Risk Management (DRM) in Tana River and Garissa Counties from the global logistic cluster World Food Program (WFP).
 - Mainstreaming gender in the County service delivery processes from the UN Women.
 - Supporting **88 regulated Water Service Providers** towards post COVID-19 recovery of water utilities from the Water Sector Trust Fund and the World Bank.
 - Improving forest cover by acquiring **1.9 million tree seedlings** from Ministry of Environment and Forestry, Kenya Forest Service, Kenya Electricity Generating Company (Kengen), Equity Foundation, Green Africa Foundation and CECMs from South-Eastern Kenya Economic Bloc (SEKEB).
 - Strengthening sustainable forest management and tree growing by developing a model law (policy and bill) with support from the UNDP REDD+ program.



Plenary session during the Annual Review Meeting held at the Aberdare Country Club, Nyeri County



Group session during the training of CoG KM Champions

2.4. Build a Strong Council of Governors

2.4.1. Introduction

Building a strong CoG is critical as it ensures that County Governments can speak in one voice on issues of mutual interest. To achieve this, the CoG has continued to strengthen the organizational structure and identity, resource mobilization for the CoG Technical Team, re-engineer systems, processes, and technology, and improve public relations and communication.

2.4.2 Resource Mobilizing for the CoG Technical Team

The CoG has ensured that its technical arm has sufficient human, financial, and physical capacity to support the Governors and County Governments achieve their mandates. The CoG intended to accomplish this through developing and operationalizing the CoG Resource Mobilization strategy to help secure new and additional resources and lobby County Governments to enact laws on resourcing of CoG.

Key Achievements

- i. During the period under review, the CoG strengthened internal mechanisms for resource mobilization by developing a Resource Mobilization strategy. The strategy will support the CoG in organizing the processes for prioritizing planning, broadening the resource channels for the Counties, and effectively utilizing the resources.
- ii. The CoG managed to secure support from the USAID AVCD program for the CoG annual performance review meeting that intended to take stock of the implementation of the CoG Strategic Plan 2017-2022 and review institutional performance for the FY 2020-2021. The meeting provided an opportunity for the CoG to review the

successes achieved, build upon the challenges and lessons learned to enable it strategically to reposition as the think tank of devolution. During the reporting year, the CoG developed a Resource Mobilization Strategy to identify the most effective ways of mobilizing extra-budgetary resources. The strategy will provide a structured means of mobilizing resources, and its implementation will enhance organizational sustainability.

2.5. Knowledge-driven Performance

2.5.1. Introduction

Knowledge-driven performance, a critical pillar in the CoG strategy, is anchored on the belief that knowledge is a vital asset that, if utilized well, can help achieve efficiency in the use of resources, further strengthen the Counties' competitive advantage, and enhance the successful implementation of County projects. The CoG has developed a County Handbook on Knowledge Capturing and Sharing aimed at equipping County Governments with the necessary skills to identify, capture, document and disseminate good practices and lessons learned during performance of functions. The CoG also has the Maarifa Centre, a knowledge sharing and learning platform for capturing lessons, good practices, and experiences from the 47 County Governments.

2.5.2. Knowledge Sharing and Learning

Cognizant of the role knowledge sharing and learning play in harnessing the expertise and competencies in the County Governments, the CoG focused on facilitating research and knowledge generation, and facilitating peer learning on devolved functions. The CoG believes that knowledge sharing and learning among the Counties will help them connect and perform better.

Figure 1: Key Strategies of Knowledge Sharing and Learning

Research & knowledge generation

CoG knowledge management strategy.

Peer learning on devolved functions.

Key Achievements

- i. To enhance the capacities of the Counties in the creation of a learning culture in service delivery, and a culture of documenting and sharing best practices, the CoG developed the Handbook for County Governments on Knowledge Capturing and Sharing. The handbook will guide Counties on how to identify and collect innovations, best practices, and other solutions that they are implementing to improve service delivery. Further to this, the CoG enhanced the capacities of internal Knowledge Management (KM) Champions and County KM Champions to promote the culture of documenting and sharing best practices and learning within their respective Counties.
- ii. The CoG undertook the County Knowledge Management Capability Assessment Survey to assess the knowledge management capabilities of counties whose findings were to inform capacity needs in the institutionalization of county knowledge management as a means of improving county performance. The survey targeted the County Executive and County Assemblies. The findings were to inform capacity needs in the institutionalization of KM. The preliminary findings of the survey indicate that most Counties lack:

KM goals and strategies

KM policy or strategy

Professional KM staff

Defined responsibilities and budget for KM initiatives

The CoG has disseminated the findings of the survey to the Counties and will, in the next FY; hold consultative meetings with the County KM Champions and support County Governments in capacity building to institutionalize KM at the County level.

KM Survey Capability Areas

- i. KM governance
- ii. KM performance management and recognition.
- iii. KM technical skills.
- iv. KM systems and platforms.
- v. KM resources.
- vi. KM needs.
- vii. KM success stories

- i. The CoG enhanced measures to prevent the spread of Covid-19 by undertaking an analysis and documentation of COVID-19 pandemic impact on the implementation of County Governments interventions to the citizen. The effect of COVID-19 on Counties necessitated an analysis of the County Governments Budgets to identify areas of realignment to help in the fight against the pandemic. The study's findings provided country-specific recommendations on protocols for reopening the economies, reprioritizing county spending toward bolstering the economy, and strengthening the health system to respond to the pandemic.
- ii. As part of enhancing knowledge sharing and learning among the County Governments, the CoG organized peer-to-peer sessions on various sectoral issues to promote and expand inter-county learning and foster meaningful inter-county collaborations in implementing good and best practices.
- iii. A Virtual peer-to-peer learning held on performance contracts was attended by 8 Counties and this session enabled learning on performance management systems. Among the key lessons that Counties agreed to pursue was establishing institutional frameworks to coordinate Performance Contracts, developing automated systems for reporting, establishing rewards systems at the end of the PC cycle, and engaging the external team to manage the Performance Units.
- iv. The CoG also held virtual peer-to-peer discussions with 47 County Sustainable Development Goals (SDGs) champions to deliberate on the VNR report for Kenya, which was submitted to the High-Level Political Forum (HLPF), the commitment from the HLPF and SDG implementation. The meeting resolved that all the County SDGs champions play a central role in deepening and mainstreaming SDGs

- in the County's Integrated Development Plans (CIDPs) during the mid-term review of CIDPs. The meeting also enabled sharing of best practices in SDGs implementation from the Counties. A best practice from Makueni County that outlined the institutional structure for SDGs coordination, mainstreaming of SDGs in planning frameworks and programing and the budgetary allocation for SDGs was documented in the CoG's Maarifa platform. The forum resolved that all Counties needed to finalize their accelerated action plans and share them with the State Department of Planning for onward transmission to UN DESA for publication and dissemination to the whole world.
- v. The CoG through the Maarifa Centre participated in the Organization for Economic Co-operation and Development (OECD) peer-to-peer webinar on innovation that sought to reflect on key attributes of effective Peer-to-Peer partnerships, and to consider the role of monitoring, evaluation, and learning (MEL) in tracking and supporting these approaches. The forum provided an opportunity for the CoG to learn how the Village Innovation Programme in Indonesia has documented thousands of local innovations to improve local infrastructure, social and economic development. The Maarifa Centre also had an opportunity to show case their KM approach in the devolved system of government and some of the challenges faced in implementation of the same. The lessons learned from the forum will facilitate documentation of County experiences, good practices to improve service delivery.
 - vi. The Council also promoted knowledge exchange and learning in the Counties through the following peer-to-peer forums:
 - a. Peer-to-peer learning on the use of Geographic Information System (GIS) tools in physical and land use planning for effective decision making that brought together the CECMs and Directors drawn from the 47 Counties. The session also sensitized the officers on the use of the GIS as a high-tech support system for spatial thinking in Counties, sustainable Land Management, and Physical and Land Use Planning Guidelines.
 - b. Peer-to-peer learning forum among the women and youth drawn from Nyamira and Kericho Counties on peacebuilding. The meeting, bringing together 150 women, 100 youths (70 women and 30 men), provided a platform for sharing the good practices regarding the involvement of youths in formal decision-making processes and opportunities to take part in peace building especially during electioneering period.
 - c. Peer learning forum among the 47 counties on Resources Mobilization (RM) strategies in Counties as part of in-county readiness assessment for Financing Locally Led Climate Action Program (FLLoCA). The session established that only 3 Counties had developed RM strategies and there was the need for the CoG to support the remaining Counties to accelerate the process of developing the RM strategies.
 - d. Peer learning forum that brought together CECMs, Chief Officers and Directors of Environment to share experiences on raising climate change ambition through enhancing adaptation and mitigation strategies drawing from the Country's adaption plan.
 - vii. Through the Maarifa platform, the COG enhanced knowledge sharing to promote cross-learning among the Counties by uploading 26 County Initiatives, experiences, and stories in response to and management of COVID-19 pandemic and other related issues, from the previous 11 stories shared in the last year. Annex 2 provides a summary of the documented initiatives from the Counties.
 - viii. The CoG Maarifa Centre also facilitated a webinar under the sub-theme, "Enlivening and integrating indigenous knowledge in climate action at the subnational level in the wake of the COVID-19 pandemic". The webinar's objective was to brainstorm sustainable solutions drawn from indigenous knowledge to address climate change in the COVID-19 period as a build-up to the Devolution Conference that was to be held from 23rd to 26th August 2021.

2.6. Strengthening Intergovernmental Relations and Devolution

2.6.1. Introduction

The CoG Strategic Plan 2017-2022 outlines Strengthening Intergovernmental Relations (IGR) and Devolution as the fifth KPA. The CoG recognizes the integral role intergovernmental relations (IGR) play in the implementation of the devolved system.

2.6.2. Strengthening Intergovernmental Structures and Processes

The CoG has continually prioritized the implementation of Article 189 of the Constitution. The CoG, being an intergovernmental institution, is keen to see that IGR structures and processes continue to be strengthened.

Key Achievements

The CoG contributed significantly to sector issues by participating in several intergovernmental forums. The following highlights the key areas of participation:

- The CoG took lead in the creation of 5 Technical Working Groups (TWGs) for the Counties to participate in thematic areas in health. The TWGs include: (i) Health Products, Supply Chain, and Infrastructure, (ii) Human Resources for Health, (iii) Service Delivery, Quality Assurance, and Standards, (iv) Health Information, Research and Monitoring and Evaluation, and (v) Health Care Financing, Leadership and Governance. The TWGs governance will provide mechanisms for coordinating county efforts to address existing and emerging issues in the health sector.
- The CoG also sought to address the emerging issues surrounding the Managed Equipment Service (MES) through an Intergovernmental meeting between CoG and the MoH to review the MES contract. The CoG's position on the contract was submitted to the Contract review team. The CoG further participated in the intergovernmental Alcohol Control Committee forum with the MoH and gave recommendations to address emerging issues for better Alcohol Control in the Counties. The recommendations were shared with Counties for implementation and the CoG will follow-up in the new financial year to ensure full implementation.
- The CoG participated in three meetings of the Joint Agricultural Sector Steering Committee (JASSCOM) Sector Working Group on Policy, Standards and Legislation where the policy, legal and regulatory frameworks in the agriculture sector were considered and COG proposals were incorporated and approved for County consultations.
- The CoG participated in regional consultative intergovernmental forum for the development of County Master Plan for high priority and scarce skills. The implementation of the master plan will improve the structuring of County Government functions and staffing to enable public service transformation.
- The CoG also participated in the intergovernmental forum on energy to deliberate on the way forward regarding the charges, fees and levies imposed on electricity generation, transmission, and distribution infrastructure by government agencies. A presentation was made by County Governments on their position on charges, fees and levies on electrical infrastructure and Implication of termination of the levies.
- The CoG also participated and coordinated the Sector Intergovernmental Forums to address emerging human resource related issues. The forum brought together 47 CECMs for Public Service and the County Public Service Boards to fine-tune the draft Allowances and Benefits Policy for the Public sector which was submitted to Salaries and Remuneration Commission (SRC) for action. The CoG further participated in the intergovernmental forum on Public Service Management for implementation of Capacity Assessment and Rationalization of the Public Service (CARPS) Program and to followed up on the progress of the five Thematic Areas.
- In a bid to strengthen policy issues around forest conservation and management, the CoG established an interagency Technical Working Group to develop a model law and Policy and Bill on Forestry Conservation and Management. The Governors were sensitized on the model bill and policy and the two documents have been disseminated to Counties for adoption.
- The CoG also participated in an Inter-agency inaugural meeting that developed the roadmap for formulating the National Relief Assistance Policy. The policy provides a practical framework for relief assistance at the national and county governments levels through establishing humanitarian relief assistance structures and an integrated and multi-sectoral/multi-agency approach to humanitarian emergency response at national and county government levels. The policy further defines the role of National and County Governments and humanitarian actors in Relief assistance. The COG will support the Counties in implementing the policy in the next financial year.
- The CoG also participated in two workshops on the development of the Knowledge Management Strategy for the devolved system and assessment toolkit. This provided an opportunity to share technical input in line with CoG's mandate to share information on the performance of Counties and coordination of peer-to-peer learning forums



Women and Youth from Nyamira and Kericho county during the peer forum on peacebuilding

to promote learning. The Strategy will undergo stakeholders' validations, key among them are the Counties in the next FY

- As Manufacturing is part of the Big 4 Agenda in the country, the CoG held an intergovernmental meeting bringing together the Kenya Association of Manufacturers (KAM) and CECMs of Trade to discuss the issues surrounding manufacturing opportunities in the Counties, multiplicity of taxation, ease of doing business in the Counties among others. Among the major resolutions from the meeting included the need for COG and KAM to lobby the national government for incentives for manufacturers in all counties and implement the Buy Kenya Build Kenya strategy which promotes consumption of locally produced goods; counties with the support of KAM regional offices to prioritize manufacturing in the current fiscal planning process and identify areas of specialization with a keen focus in agro-processing and reaching out to youth and women in manufacturing; address the outbound challenges affecting manufacturing; and Counties to prioritize reintroduction of incentives to spur manufacturing.
- The CoG engaged in a parliamentary round table with members of the National Assembly Health Committee and other stakeholders to strengthen investments in Primary Health Care. This was done through a half day meeting attended by various actors, including Members of the National Assembly, the Council of Governors, the Ministry of Health, Development Partners for Health in Kenya (DPHK), Private Sector Actors, and the members of the health NGOs forum (HENNET). The CoG sensitized the parliamentarians on County needs regarding Primary Health Care and argued for a more robust framework and investment through parliamentary action to strengthen primary health

care. Members committed to prioritize Primary Health Care and hold follow-up sessions that will be used to concretize actions for PHC. The CoG and the Parliamentary Health Committee agreed to have regular consultation sessions on strengthening health service delivery in Kenya. The CoG will follow up with the parliamentarians regarding scheduling more frequent updates and discussions forums better to understand the health devolution perspectives and required actions.

- The CoG is represented in the National Cooperative Policy Implementation taskforce whose main objective is to develop a framework for implementing the National Cooperative Policy. The Policy aims at transforming co-operatives into vibrant social and commercial entities.
- To address the issues that arose during the enforcement of COVID-19 measures, the CoG participated in the development of guidelines for arrested persons and remandees during the COVID-19 pandemic, which were adopted by the Steering Committee and submitted to the Cabinet Secretary, Ministry of Interior, and Coordination of National Government for signing. The guidelines provided clear procedures for handling arrested persons and remandees to further contain the spread of the virus
- As part of promoting trade, the CoG also participated in the intergovernmental meeting to review the draft Kenya African Continental Free Trade Area (AfCTA) implementation strategy 2020–2025. Among the key issues addressed by the National Trade Facilitation Committee included the need to progressively eliminate tariffs and non-tariff barriers to trade in goods and liberalize trade in services; cooperate on investment, intellectual property rights, customs matters, the implementation of trade facilitation measures, competition policy and all trade related policies; and establish a mechanism for the settlement of disputes concerning their rights and obligations and maintain an institutional framework for the implementation and administration of the AfCTA.

2.6.3. Safeguarding Devolution

While devolution has contributed immensely to sustained economic development in the Counties, certain challenges continue to threaten devolution. To protect devolution, the CoG has consistently advocated for the adoption of policies and laws that are aligned to the constitutional values and principles on devolution.

The CoG also continued to support the devolved system of governance through initiating preventive or corrective action.

Key Achievements

- i. During the reporting period, the CoG managed to present legislative memoranda to the National Assembly and Senate on laws that sought to undermine the gains made under devolution. The CoG also participated in the review of regulations touching on County functions from the various sectors jointly with other stakeholders from the government and private sector. Annex 1 summarizes the Bills, Policies, Acts, and Regulations reviewed, the contentious issue highlighted, CoG's proposals, matters considered by receiving entity, and the status.
- ii. As part of ongoing health sector reforms, NHIF is being embraced as a vehicle for achieving Universal Health Coverage. In the framework, the CoG reviewed the National Hospital Insurance Fund (Amendment Bill 2021), critically analyzing the proposed amendments to assess possible gaps. The review addressed, among others, the governance and efficiency aspects of the Fund, drumming support for the legislation of mandatory prepaid mechanisms; alignment of the Bill with the Constitution of Kenya 2010; devolved governance structure, and other existing legal and policy frameworks; more accountability for the revenues with innovations towards cost containment. The CoG will follow up on the progress of the Bill for any further interventions before Parliament passes it.
- iii. The CoG, taking cognizance of the role of Arid and Semi-Arid (ASAL) Counties in building community resilience to mitigate the impacts of drought and famine, supported the ASAL Counties in developing a Resilience Programing Framework. The framework will assist the ASAL Counties in developing best practices and practical approaches to building community resilience considering climate change and its impacts.
- iv. In a bid to assist Counties combat adverse climatic changes, the CG supported Nyamira County to develop a Climate Change Law and Climate Change Fund Regulation. The legal instruments will play an important role in climate change adaptation in the county.
- v. The CoG also assessed the readiness of the Counties in reopening of Early Childhood and Development Education (ECDE) Centers during

the pandemic to ensure that they achieved the minimum hygiene standards by the Ministry of Health. The Council shared a consolidated report on the State of Learning in County ECDE Centers with the Senate. Further, the Council disbursed age-appropriate facemasks to County ECDE Centers in Nyamira, Trans Nzoia, Homabay, Kisii, Elgeyo Marakwet, Uasin Gishu, and Nandi Counties to support the reopening of the ECDEs.

- vi. Drawing from the concerns of road safety at the County level, the CoG convened a virtual consultative meeting with the National Transport and Safety Authority (NTSA) to discuss transport safety issues within the Counties. Among the resolutions included the need for close collaboration between NTSA and the CoG for proper follow-up and coordination of:
 - Training County Transport and Safety Committees on road safety and building capacity of cities and municipalities in traffic management.
 - Policy development to regulate the Boda Boda sector, and
 - Setting up intergovernmental sector forum.
- vii. The CoG further extended the conversation on road safety through a webinar on public transport and urban mobility operations that attracted over 4,000 participants and detailed how to maintain safe and sustainable transport operations during the COVID-19 pandemic.
- viii. The CoG engaged the 47 CECMs in Charge of Trade, Investment, and Cooperatives to discuss the actions being taken by Counties during COVID-19 for small and medium enterprises and highlight conflicting pieces of legislation in the sector that needed redress. The engagement meeting led to the development of 9 resolutions that were shared with the Governors and implementation of the resolutions is ongoing.

Regarding court matters touching on devolution, rich jurisprudence has been developed on devolution matters, as demonstrated in the following issues concluded during the period under review.

- a) **Nairobi Constitutional Petition No. 252 of 2017; Council of Governors versus Attorney General & 4 others** whereby the Council of Governors instituted this petition after Parliament went ahead and enacted the Division of Revenue Allocation Act in 2016 and allocated Devolved Funds to the National Government. To camouflage the Constitutional

anomaly, the Act made the allocations as conditional grants. The matter was heard and determined by the court on 3rd December 2020, whereby the court made a declaration that the Division of Revenue Act, 2016 contravened the provisions of Article 202(2) of the Constitution by defining that the conditional allocations to Counties shall be from the revenue raised nationally instead of the national government's equitable share.

- b) **Petition 77 of 2020 Kenya Association of Health Administrators vs. Salaries and Remuneration Commission Council of Governors** (Interested Party) case was seeking to stop the SRCs directive for the COVID-19 Medical Emergency Allowance payment and benefits for frontline health workers in the National and County Governments. In dismissing the petition, the court agreed with the CoG's submissions and stated that an association does not have the locus to agitate for the terms and conditions of service they must come under the ambit of a trade union. The judgment has since stabilized labor relations in the Counties.
- c) **Appeal No. 362 of 2014 At Nairobi Kenya: Okiya Omtatah & Another V the Attorney General And 2 Others:** The Petition sought orders that the court gives a declaration that the referral health facilities existing before the effective date and referred to in Part 1 Section 23 of the Fourth Schedule to the Constitution were not devolved to the County Governments and remain a core function of the National Government. The judgment was entered in the Council's favor both in the High Court and the Court of Appeal. Both courts affirmed that the health facilities were devolved to the Counties.

In addition, the Council initiated six legal proceedings where there were attempts to claw back on devolution as detailed below:

- i. **Petition E312 of 2020; The Council of County Governors –Vs- The DPP, EACC & 2 Others:** In this case, the Council seeks to challenge the issue of Governors being compelled to step aside from office as a condition of bail when they are arraigned in court to answer charges of corruption and economic crimes. There is no legal requirement to compel Governors to step aside from office when they are charged with criminal offences. There exists a procedure for the removal of Governors as enumerated under the Constitution.
- ii. **Meru Constitution Petition No. E009 of 2021 between Aden Ibrahim Mohammed Vs the County Assembly of Wajir And 5 Others.** The petition seeks to challenge the process of

impeachment of Wajir Governor which was done in complete violation and disregard of court orders by the County Assembly of Wajir and the Senate. The expected outcome for this litigation will be for the court to interpret the threshold for impeachment of a Governor.

- iii. **Petition E279 of 2020; COG & Laikipia County Government –Vs- Attorney General & Others.** The Petition seeks for a Mandatory Injunction to compel the Controller of Budget and the National Treasury to release 50% of the total equitable share allocated to counties in the County Allocation of Revenue Act, 2019 pending enactment and passage of County Allocation of Revenue Act, 2020. An interpretation that Regulation 134 of the Public Finance Management (National Government) Regulations, 2015 as read with Articles 202 (1) and 206 (2) (e) empowers the Controller of Budget to authorize this release without approval from the National Assembly pending the enactment of the County Allocation of Revenue Act.
- iv. **Nairobi Civil Appeal No. E084 of 2021: The Speaker of the National Assembly & another versus The Speaker of the Senate & others.** The petition was filed by the Speaker of the Senate to challenge the constitutionality of laws passed without the input of the Senate. The matter was consolidated with Petition 353 which the Council filed challenging the amendments to the KEMSA Act. The petition was allowed by the court on the 29th day of October 2020 and the National Assembly thus moved to appeal the same at the Court of Appeal. Amendments to the KEMSA Act which prescribe for Counties to procure drugs and medical supplies from KEMSA only are unconstitutional as they were passed without Senate's input.
- v. **Constitutional Petition E047 of 2021 Jane Wanjiru Macharia Vs COG, CPF and Others.** The petitioner is aggrieved by a resolution which was sent vide a letter dated 18th January 2021 whereby the Council was advising Counties to enroll all the staff who were seconded or deployed by the National Government and now employed by the Counties to County Pension Fund. Counties as employers can enroll their employees to a pension scheme of choice as provided for by law.
- vi. **Murang'a Petition 17 of 2020; Hon. Mwangi Wa Iria & Anor –Vs- Senate & Others.** The Petitioner (Murang'a County Governor) seeks to challenge



CoG Staff leading the distribution of masks to ECDE children in Trans Nzoia County

the Senate's warrant of arrest for alleged failure to appear before its Standing Committee on Public Accounts and Investments to consider Reports by the Auditor General for the Financial Years 2015/16, 2016/17 and 2017/18. The Senate should adhere to the constitutionally set timelines for consideration of the Auditor General's reports.

2.7. Key Conferences

2.7.1. COVID-19 Virtual Conference

The CoG, in collaboration with the National Government, organized and held the virtual conference on August 31st, 2020, aimed at appraising the Sub-national Government's response to date; sharing lessons, best

practices, challenges; and recommending actions to both levels of Government on how best to remain resilient during the pandemic, and how to remain prepared in the event of future pandemics.

The conference brought together various stakeholders including the National Government and County Governments and their representatives, development partners, constitutional commissions, civil society organizations, the media, religious institutions, professional bodies, international and local experts, academia, representatives of people with special needs, private sector practitioners and sub-national government associations from the region and the world.

The resolutions passed after the conference were meant to:

- i. Give greater publicity to successful County Government policies, programs, initiatives, and gaps in tackling COVID-19.
- ii. Support the call for increased allocation of resources to County Governments in the fight against COVID-19; and
- iii. Sensitize all Kenyans on the need to take preventive measures to slow down the transmission of COVID-19.

2.8. Intergovernmental Consultations

2.8.1 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. The President heads it; the Vice-Chairman is the Chairman of the Council of Governors, and all the 47 County Governors are members.

The fifth and sixth extra-ordinary sessions of the Summit were held amidst the raging COVID-19 pandemic. The fifth session of the Summit assessed the state of preparedness of the County Governments within the broader national response to the pandemic and evaluated Kenya's overall national response and capacity. Key recommendations passed by members focused on the management of the pandemic and included the need to expand testing facilities, increase bed capacity and personal protective equipment for health care workers in County Governments, enforce the COVID-19 rules, especially on curfew, and conducting funerals and interment rites, and enhanced awareness campaigns on the pandemic's prevention, diagnosis, and treatment.

Additionally, during the sixth session of the Summit,

the members further reviewed the progress made in responding to the pandemic by the National and County Governments. The members recommended resourcing for Counties through budget realignments to address infrastructure challenges – specifically ICU facilities in the Country, limited Human Resources because of COVID-19 infections amongst health care workers, limited budgetary allocations, and late funds disbursement, which contributed to the slow case management of the virus. The second Summit further deliberated and recommended re-opening of schools and managing students during the pandemic, and reinvigorating the campaign “No Mask, No Service” or “Bila Harakoa, Hakuna Huduma” to promote mask-wearing among the citizens.

2.8.2 Intergovernmental Budget and Economic Council (IBEC)

IBEC is established under Section 187 of the Public Finance Management Act and is headed by the Deputy President. The council also consists of the CoG Chairperson, Cabinet Secretary responsible for matters relating to finance, Cabinet Secretary responsible for intergovernmental relations, Chairperson of the Commission on Revenue Allocation or a person designated by the Chairperson, every CECM for Finance, representatives from Parliamentary Service Commission, Judicial Service Commission. IBEC is a forum for consultation and cooperation between the National and County Governments on budgeting, the economy, financial management, and integrated development at the national and county levels.

During the last IBEC meeting held on February 10th, 2021, the CoG reached a consensus with the Commission on Revenue Allocation and the National Treasury on the Division of Revenue. Out of the shareable revenues, County Governments would be allocated Kshs 370 billion as equitable share, with an additional Conditional allocation of Kshs. 7.53 billion, and loans and grants by development partners of Kshs. 32.34 billion, making the total allocation to County Governments for the Fiscal Year 2021/2022 be Kshs 410 billion.

The membership also resolved that the approved guidelines for the mid-term review guidelines for CIDPs and Sectoral Plans be disseminated to County Governments to guide the Mid-term reviews. The relevant Cabinet Secretary was also tasked with fast-tracking the approval of the Public Investment Management guidelines/regulations whose main objective is to optimize the scarce public resources for a positive effect on economic growth and social welfare.



Plenary session during the Inter governmental budget and economic council meeting

Chapter 3: Programs and Partnerships

The CoG continued receiving support from development partners in specific sectors to strengthen devolved functions and improve service delivery. This Chapter highlights some of the key programs supported by the development partners and managed by the CoG through the various Committees.

3.1. Transforming Health Systems for Universal Care Project (THS-UCP)

The Project Development Objective is to improve the utilization and quality of primary healthcare with a focus on reproductive, maternal, newborn, child, and adolescent health (RMNCAH) services and to provide immediate and effective response to an eligible crisis and emergencies. Under component 1, the project supports Counties to scale up evidence-based, County appropriate supply and demand side key priority interventions as described in the RMNCAH investment framework. The project uses a performance-based allocation by utilizing a set of minimum conditions.

Box 2: Key Achievements of the THS-UCP

1. Built capacity of the 47 Counties in developing Annual Workplans during the planning process and provided on-site Technical Assistance to 25 Counties.
2. Advocated for an increase in budgetary allocation to health by Counties through the project minimum conditions.
3. Contributed to health systems strengthening in the Counties through supporting printing of tools and registers, supervision activities, establishment and operationalization of community units and capacity building of healthcare workers.
4. Supported performance-based transfers to health facilities in the Counties as well as incentives to community health workers.

3.2. DANIDA UHC Grants

DANIDA UHC 2016-2020 Grant

The DANIDA UHC Program supported public health service delivery in the devolved Kenyan Health sector. The funds supported operations and maintenance costs with the aim to improve access to quality primary health care. The funds were distributed to all gazetted Level 2 and 3 health facilities using specific allocation criteria submitted prior to disbursement of funds.

DANIDA PHC 2021-2025 Grant

The new DANIDA PHC grant named “Improved primary health care with focus on reproductive, maternal, newborn, child and adolescent health” will still focus on the Counties and specifically at community and health facility level. It is likely to be the last phase of Danish health support to Kenya and therefore there is a strong component of sustainability. A counterpart funding modality will be applied where DANIDA contributions will drop by 25% each year between financial year 2020/2021 and financial year 2023/2024. The Counties will be expected to contribute 100% in the financial year 2024/2025. The CoG is working closely with the Counties to manage the transition to ensure that service delivery continues normally.

The key achievements of the DANIDA Grants include:

1. DANIDA grants have been a reliable source of funding available to primary health care facilities.
2. There has been positive impact on health facilities through supporting operations and maintenance costs.
3. Led to improvement in reported quality of care provided at primary health care facilities
4. Resulted into staff motivation and patient satisfaction in primary health care facilities
5. Strengthened accountability in the running of supported health facilities
6. Increased focus towards sustainability in counties through establishment of a counterpart funding modality in the new DANIDA PHC Grant

3.3. Family Planning & Reproductive Health Program

The CoG received a grant from the Bill and Melinda Gates Foundation (BMGF) focusing on improving capacity of the CoG to provide support to the Counties on reproductive health to increase efficiency in the delivery of FP/RH services in the Counties. It also focused on supporting the County Governments to set standards and build mechanisms that enhance sustainable resourcing for reproductive health, family planning interventions, and monitoring and evaluation. The grant is coordinated through the Health Committee of the CoG for a period of 3 years and currently on the final year of implementation.



Governors pose for a photo with Melinda Gates during her visit to Kenya

Box 4: Key Achievements of the Family Planning and Reproductive Health Program

- viii. Key Achievements of the Program
- ix. The Council coordinated and advocated for policy implementation to ensure that county governments contribute to the country's global commitments. Council was represented in various high level policy engagements and meetings.
- x. The CoG Supported advocacy with civil society organizations, private health service providers, faith-based organizations, and other government agencies both virtually and physically to ensure that provision of family planning as essential services was not disrupted by the pandemic.
- xi. The CoG engaged the services of tele-counsellors for 15 Counties to provide counselling and psychosocial support to the youth on ASRH for a period of six months during the pandemic. These were deployed in the high burden Counties.
- xii. The CoG coordinated and advocated for policy review. Some of the policies reviewed were The National RH policy 2020-2030, National Adolescent Sexual and Reproductive Health Policy to ensure that county governments contribute to the policy development and implementation.
- xiii. The CoG was strategically positioned to represent County Governments in the National Covid- 19 response Taskforce.

3.4. UNSDG Partnership Platform - Primary Healthcare Partnership Accelerator Window

The Primary Healthcare Window is one of the four windows established under the SDG Partnership as a flagship program under Kenya's UN Development Assistance Framework 2018-2022 (UNDAF) with the Government of Kenya. The platform aims to bring together leadership from government, development partners, private sector, civil society organizations (CSOs) and philanthropists to catalyze SDG 3 Partnerships, Investments, and Innovations in alignment with government development priorities with focus on the UHC agenda through strengthening Primary Health Care. Among the key achievements during the reporting period include:

- Facilitated the 14th Intergovernmental Health Sector Forum that brought together Governors and CECMs for Health to address 8 key issues raised by Excellency Governors on UHC in preparation for the UHC scale up. The UHC yearbook and the health sector partnership coordination framework for Kenya were launched during the event.
- Continued strengthening of the capacities of Counties on public-private dialogue to promote public participation in planning and decision-making and catalyze on potential and feasible opportunities for Public-Private Partnerships (PPPs) at primary care level for Reproductive, Maternal, Newborn, Child, and Adolescent Health (RMNCAH).
- Developed the Public-Private Collaboration Strategy and Toolkit that aims at accelerating primary health care by tapping into private sector resources that are below the line of PPPs in Kenya and have potential of impact.
- Enhanced the capacities of **25 County Governments and Semi-Autonomous Government Agencies (SAGAs)** on the Public Private collaboration strategy and toolkit through training.

3.5. Team of Experts (TOE) Technical Support to COG Health Committee

Donor support in the country has been on a steady decline over the recent years, with most partners reorienting their strategies from the direct support to

capacity enhancement of local institutions to lead their own sustainable development processes. In line with this, USAID/KEA extended its support, as part of Journey to Self-Reliance, to CoG to help in strengthening the capacity of the Health Committee and Directorate to effectively undertake policy and legislative analysis and suggest proposals and strategies aimed at improving health systems and service delivery at the county level. The ongoing one year-support program, through the team of 5 experts in health (1 in Public Health, 1 in Health Financing, 2 in Health Supply Chain and 1 in Intergovernmental Relations) and 2 assistants, focuses on three main objectives:

- Advisory – providing evidence-based policy advice to support COG leadership and health committee to promote policy coherence and synergies.
- Research – evidence building to influence policy dialogue.
- Coordination and Partnership – strengthening coordination, building synergy and reducing duplications.

3.6. Sustainable Development Goals

The CoG supported mainstreaming and localization of the Sustainable Development Goals (SDGs) in the Counties in this reporting period. The CoG supported capacity building for the County SDGs champions and the Directors of Economic Planning from all the 47 Counties. Further targeted support on SDGs mainstreaming has been provided through the in-county support in Makueni and Narok Counties targeting County Chief Officers, CECMs, and County Directors.

The COG developed a report on the status of localization of SDGs in County Governments in Kenya. The report also highlights County Governments' progress in mainstreaming the SDGs in planning, programing, and budgeting. It also presents various best practices in Counties on SDGs implementation.

For the second time, Kenya developed a Voluntary National Review report in 2020, having presented the first VNR in 2017. The CoG Coordinated participation of County Governments in the Voluntary National Review (VNR) process. The CoG was represented in the National Inter-Agency Working Committee led by the National Treasury and Ministry for Planning National SDGs Coordination Directorate that coordinated the Voluntary National Review for Kenya 2020. CoG facilitated the collection of the input from County Governments to the VNR process.

In this period, the CoG, with support from UNDP and UN Resident Coordinators Office (UNRCO), organized a workshop with County SDGs Champions and Directors of Economic Planning to work on modalities of mainstreaming and monitoring the SDGs and the COVID-19 socio-economic re-engineering and recovery strategies in the CIDPs. In the current decade of SDGs implementation, all key players need more concerted effort to strengthen coordination and mobilization of adequate resources to implement SDGs. Therefore, county governments are required to develop SDGs accelerated action plans to provide the needed impetus in achieving the goals. The Council has supported the County Governments in developing SDGs acceleration action plans to rejuvenate SDGs implementation and help to rebuild back better from the impact of Covid-19.



Group photo with the first cluster participants during the consultative meeting with County SDGs Champions and directors for economic planning held from 21st to 23rd May 2021



Group photo with the first cluster participants during the consultative meeting with County SDGs Champions and directors for economic planning held from 21st to 23rd May 2021

In line with the mandate of CoG of supporting peer learning between Counties, the CoG facilitated peer-learning forums for County Governments on SDGs implementation. A virtual consultative meeting was held on 27th January 2021 for all County SDGs champions and heads of service Delivery Units to facilitate cross-learning between Counties and to enable replication of best practice. During the workshop, three counties, Kakamega, Kwale, and Makueni, demonstrated their SDGs acceleration actions. The counties have been at the forefront in the implementation of the SDGs and Kenya Vision 2030. The meeting resolved that all the County SDGs champions support the deepening of SDGs' mainstreaming in the CIDPs during the mid-term review of CIDPs. The Council also undertook documentation of the best practice in SDGs implementation from Makueni County. The experience from Makueni County outlines the institutional structure for SDGs coordination, mainstreaming of SDGs in planning frameworks and programing, and the budgetary allocation for SDGs. The Governor for Makueni County H.E. Prof. Kivutha Kibwana has appointed a county task force to support in mainstreaming of SDGs in County planning and programing and to invest in tracking the progress of implementation and in development of the Voluntary Local Review process

3.7. Regional Economic Blocs

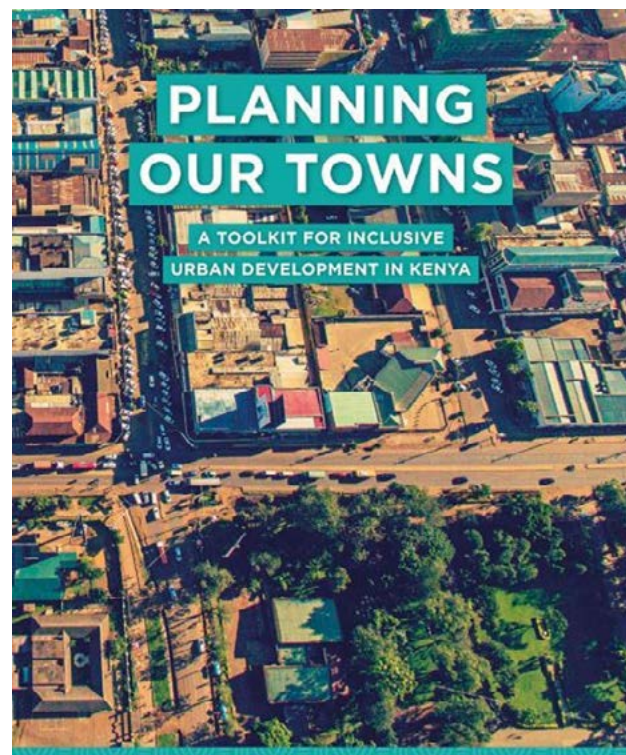
In this period, the CoG has supported strengthening the Regional Economic Blocs through the development of a legislative framework to support their operations. Specifically, with support from UNDP, the CoG supported the development of the Frontier Counties Development Council (FCDC) Bill and coordinated in-county sensitization for members of County Assemblies from the member Counties on the Bill. The CoG sensitized Isiolo County in September 2020, resulting in the passage of the Bill by the Assembly. Arising collectively from the CoG support, five-member Counties of the FCDC Economic Bloc (Garissa, Samburu, Marsabit, Mandera, and Isiolo) have passed the Bill, the minimum threshold set up in the Bill to operationalize the FCDC Economic Bloc. The Council has also engaged consultants to support mainstreaming of the Covid-19 socio-economic reengineering and recovery strategy in the Jumuiya ya Kaunti Za Pwani (JKP) Economic Blueprint 2030 and the Lake Region Economic Bloc (LREB) Development Blueprint. The support to JKP and LREB is on-going.

3.8. Kenya SymbioCity Program

The Kenya SymbioCity Program is a partnership between the CoG and Sweden's Association for Local Authorities and Regions (SALAR) aimed to build the capacity of

urban development stakeholders to guide the urban development in a more sustainable direction. The program provides a seed fund for implementing pilot projects in small towns in seven counties, selected through a competitive process. SymbioCity Kenya consists of Pilot projects in small towns in seven counties, selected through a competitive process in 2016. The Pilots help build the capacity of urban stakeholders and formulate a holistic vision for towns based on a sound understanding for assets and challenges. The programme also provides small investments for concrete change projects.

During the reporting period, the program continued to disseminate the tool kit to guide integrated development planning in line with the SymbioCity Kenya Principles amongst the counties and other stakeholders. The toolkit dubbed, Planning Our Towns, A Tool Kit for Inclusive Urban Development, has three main planning principles borrowed from the SymbioCity approach which are defined as planning for the people, planning with the people and Integrated Planning as the core principles of planning. The tool kit was widely disseminated amongst counties, cities, municipalities, and towns amongst other stakeholders and currently has become a reference point in the development of integrated development plans for Kenyan Municipalities.



Cover Page: Planning Our Towns, A Tool Kit for Inclusive Urban Development

Annex 3 provides a summary of the key achievements under the program during the reporting period.

Chapter 4: Technical Arm Of The Cog

4.1. Finance

The Finance department at the CoG coordinates and ensures proper and efficient use of resources advanced to the CoG.

In the FY 2020/2021, the CoG received support from the National Treasury through the Ministry of Devolution and ASALs. The CoG also received support from other development partners.

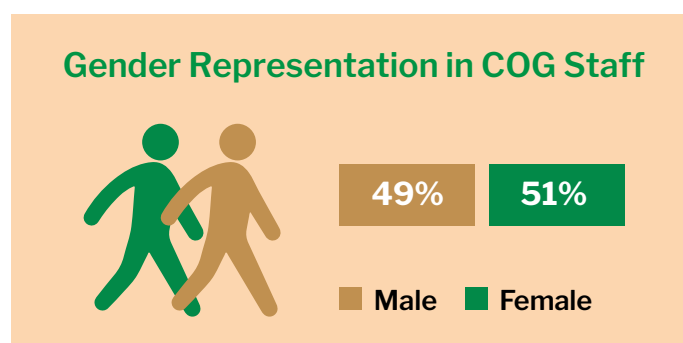
Below is the summary of the receipts and payments for the FY 2020/21

| | 2020-2021 | 2019-2020 |
|--|----------------------|---------------------|
| | Kshs | Kshs |
| Revenue from non-exchange transactions | | |
| Transfer from Government Entities | - | 70,628,801 |
| Proceeds from Domestic and Foreign Grants | 28,262,182 | 50,259,287 |
| Grants From Ministry of Devolution and ASAL | 195,340,000 | 103,000,000 |
| Grants From Ministry of Devolution and ASAL (The Kenya SymbioCity Program) | - | 58,200,000 |
| Receipts in Kind | 49,369,027 | 32,762,392 |
| Rent Receivable | 2,526,186 | - |
| Interest on Staff Loan Fund | 5,159,554 | 740,266 |
| Bank Guarantee interest | - | 11,500 |
| Total revenue | 280,656,949 | 315,602,246 |
| Expenses | | |
| Use of goods and services | 145,181,984 | 179,522,972 |
| Employee costs | 138,383,900 | 120,776,269 |
| Depreciation expense | 15,639,593 | 16,328,788 |
| Repairs and maintenance | 10,957,367 | 4,793,486 |
| Kenya SymbioCity Program | 52,482,832 | 13,026,496 |
| Payments in Kind | 49,369,027 | 32,762,392 |
| Total expenses | 412,014,703 | 367,210,403 |
| Net Surplus for the year | (131,357,754) | (51,608,157) |

4.2. Human Resource

During the period under review, the Human Resources Department coordinated the end-to-end human resource support in the establishment totaling **80 Staff** with a distribution as follows.

| | | |
|---|-------------------------------|----|
| a | CoG Mainstream Officers | 50 |
| b | Project/Donor supported Staff | 17 |
| c | Seconded/Deployed | 13 |
| d | Interns | 10 |



The Department facilitated the following:

- **Reviewed the CoG Strategic HR and Admin Policy Manual** to incorporate emerging issues in the service and our environment.
- Reviewed the **Council Organization and Salary Structures** and Development of Council **Career Progression Guidelines and Job Description Manual** which will guide the HR Function at the CoG.
- **Recruitment:** Finalised the recruitment of Directors and a Monitoring and Evaluation Officer to fill the positions in the approved Structure.
- Developed the **HR and Administration Standard Operating Procedures (SOPs)** for use at the Council.
- **Succession Management Plan:** The Department facilitated developing the Succession Management plan for the CoG, which was approved and awaiting implementation.
- **Performance Management:** In Collaboration with Committees and Departments concluded the Performance Management reviews of **72 Officers** through our internal Appraisal System, which offered recommendations to be implemented in the next financial year.
- **Training and Capacity Development:** During the year under review, the CoG collaborated with Danish Fellowship Centre (DFC), Kenya School of Government (KSG), Kenya Building and Highways Training Institute (KBHTI) to train **10 Officers** in the areas of their expertise. Various online The CoG also availed various training opportunities to its technical team.
- **Staff Welfare:** Successfully implemented Staff Mortgage where **16 Officers** have benefited. The CoG also supported various Welfare initiatives to its Technical Team and Interns to improve employee engagement.

4.3. Maarifa Centre

Anchored under the Planning, Monitoring and the Knowledge Management Department, 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. **Annex 2** provides further summary of the stories and write-ups shared in the Maarifa platform.

Chapter 5: Challenges and Recommendations

5.1. Challenges

The implementation year had its fair share of challenges that affected devolution and the CoG in one way or the other. Among the major challenges included:

- i. Delayed disbursement of equitable share to the County Governments by the National Treasury. This led to non-compliance of County Governments regarding timely payment of employees' salaries and remittance of County employees' statutory deductions, delayed settlement of eligible pending bills, and derailed Counties' response measures to emergencies such as droughts, floods, and locusts in various parts of the country and the COVID-19 pandemic. These have negatively affected service delivery to Kenyans.
- ii. Several pieces of legislation (regulations, policies, bills that were considered in Parliament and laws that have been enacted) that claw back on devolution. These include, among others, the Tea Act, 2021 that establishes the Tea Board of Kenya, which will undertake regulatory functions meant for Counties under the Constitution, and The Business Laws (Amendment) Act No. 1 of 2020, which amends the Land Act, 2012 and Land Registration Act, 2012 by removing the requirement of obtaining certificates of payment of land rates or rent from the County Governments, a key source of revenue for Counties. Annex 1 provides a comprehensive enumeration of the bills and laws that the CoG reviewed during the reporting period.
- iii. Inadequate resourcing, both financial, physical, and human resource, for the CoG to effectively support the Counties in deepening and strengthening devolution.
- iv. The COVID-19 pandemic that continues to adversely affect the health sector and economy at large and pressing high demands on limited resources with rising cases of infections within Counties. This also affected the implementation of key activities at CoG among them, the Seventh and Final Annual Devolution Conference scheduled for May 2021, that has now been postponed for two years in a row.

5.2. Recommendations

- i. On legislation matters, the Senate and the National Assembly must constantly consult the COG on matters touching on the Counties to ensure that the bills and amendments meet the threshold of the constitutional requirements.
- ii. The COG will continue to reach out to partners to resource mobilize for the Counties and for the technical team. The technical team plays a significant role in supporting the COG and the Counties in strengthening and deepening devolution.

Annex 1: Review of New/Existing Bills, Acts and Regulations

| SN | NAME OF BILLS/ACTS/REGULATIONS | ISSUE | COG'S PROPOSAL | RECEIVING ENTITY | MATTER CONSIDERED | STATUS |
|----|--|--|--|-------------------|--|---|
| 1 | Nuts and Oil Crops Bill, 2020 | The creation of the Nuts and Oil Crops Board with the mandate of the development and regulation of the nuts and oil subsector contrary to the provisions of the Fourth schedule to the Constitution which has devolved the development and regulation of agriculture and trade excluding international trade to County Governments. | <ul style="list-style-type: none"> Deletion of functions of the Board that conflicts with the Constitution and provide for the roles of the County Governments which includes inter alia <ol style="list-style-type: none"> development, regulation and marketing of nuts and oil crops grown within the county. registration of collection centers, commercial nursery operators, warehouses, growers' grower associations, processors and dealers operating within the county Issuance of licenses of commercial nurseries, collection centers, warehouses, and processors. Increase the representations of the Counties in the Board to three representatives | National Assembly | The Bill has not yet been submitted to Parliament for consideration | The Bill is currently undertaking review at the Ministry of Agriculture |
| 2 | Coffee Bill 2020 | The creation of the Coffee Board of Kenya with the mandate of the development and regulation of the coffee industry at the exclusion of County Governments contrary to the provisions of the Fourth schedule to the Constitution which has devolved to the County Governments the development and regulation of agriculture and trade. | <ul style="list-style-type: none"> Increase the representation of the Counties in the Board to Three people. Amend the functions of the Coffee Board by removing functions that are predominantly for Counties. Provide for functions of counties which include inter alia <ol style="list-style-type: none"> development of coffee within the county. development and regulation of coffee marketing within the county. registration of nursery operators, coffee growers, packers, millers, and pulping station license holders issuance of coffee movement permits. issuance of pulping station, warehousing, coffee milling, packing and coffee roasting licenses. | National Assembly | There are two Coffee Bills currently pending before Parliament. One has been passed by the Senate and forwarded to the National Assembly for consideration while the other is pending at the Second Reading stage at the National Assembly | The Senate adopted the recommendations by the Council to its Bill save for the issuance of commercial license which has been retained by the Board. The Council to follow up with the National Assembly to ensure that the Bill is cognizant of devolution. |
| 3 | Fiber Crops Industry Bill, 2020 | The creation of the Fiber Crops Authority with the mandate of the development and 4regulation of the fiber crops industry at the exclusion of County Governments contrary to the provisions of the Fourth schedule to the Constitution which has devolved to the County Governments the development and regulation of agriculture and trade. | <ul style="list-style-type: none"> Increase the representation of the Counties in the Board to Three people. Amend the functions of the Board of the Authority by removing functions that are predominantly for Counties. Provide for functions of counties which include inter alia <ol style="list-style-type: none"> develop fiber crops within the county. implement national standards, the industry codes of practice and the regulatory framework for fiber crops. strengthen fiber crops farmer organizations for the production, processing, and marketing of fiber crops within the county. registration and licensing of nursery operators, smallholder growers, cooperative societies, unions and all other dealers except importers and exporters of fiber. | National Assembly | The Bill has not yet been submitted to Parliament for consideration | The Bill is currently undertaking review at the Ministry of Agriculture |
| 4 | Food Crops Industry Bill, 2020 | The creation of the Food Crops Industry Authority with the mandate of the development and regulation of the food crops industry at the exclusion of County Governments contrary to the provisions of the Fourth schedule to the Constitution which has devolved to the County Governments the development and regulation of agriculture and trade. | <ul style="list-style-type: none"> Increase the representation of the Counties in the Board to Three people. Amend the functions of the Board of the Authority by removing functions that are predominantly for Counties. Provide for functions of counties which include inter alia implement the national government policies to the extent that the policies relate to the county and shall be responsible for- <ol style="list-style-type: none"> development of food crops grown within the county. development and regulation of produce marketing within the county; | National Assembly | The Bill has not yet been submitted to Parliament for consideration | The Bill is currently undertaking review at the Ministry of Agriculture. |

| SN | NAME OF BILLS/ACTS/REGULATIONS | ISSUE | COG'S PROPOSAL | RECEIVING ENTITY | MATTER CONSIDERED | STATUS |
|----|--|---|---|-------------------|--|---|
| 5 | Horticultural Development Authority Bill, 2020 | The creation of the Horticultural Development Authority with the mandate of the development and regulation of the horticulture at the exclusion of County Governments contrary to the provisions of the Fourth schedule to the Constitution which has devolved to the County Governments the development and regulation of agriculture and trade. | <ul style="list-style-type: none"> • Increase the representation of the Counties in the Board to Three people. • Amend the functions of the Board of the Authority by removing functions that are predominantly for Counties. • Provide for functions of counties which include inter alia implement the national government policies to the extent that the policies relate to the county and shall be responsible for- <ol style="list-style-type: none"> a. Establishment of fora for coordination of horticulture development partners and service providers. b. register and regulate dealers of horticulture produce and products | National Assembly | The Bill has not yet been submitted to Parliament for consideration. | The Bill is currently undertaking review at the Ministry of Agriculture. |
| 6 | Miraa, Pyrethrum and Industrial Crops Bill 2020 | Creation and establishment of Miraa, Pyrethrum and Other Industrial Crops Authority with the responsibility of regulation, development, and promotion of the Miraa, Pyrethrum and other Industrial Crops industry at the exclusion of county governments. | <ul style="list-style-type: none"> • Increase the representation of the Counties in the Board to Three people. • Amend the functions of the Board of the Authority by removing functions that are predominantly for Counties. • Provide for functions of counties which include inter alia <ol style="list-style-type: none"> i. register and regulate the operations of industrial crops growers and processors. ii. register commercial industrial crops nurseries. iii. license industrial crops dealers, transporters, and processors. iv. license processing facilities. | National Assembly | The Bill has not yet been submitted to Parliament for consideration. However, a coconut industry Bill has been introduced in the Senate. | The Bill is currently undertaking review at the Ministry of Agriculture |
| 7 | Draft Animal Health Bill, 2019 | Insufficient involvement of the county governments in the regulation of animal health. | <p>More involvement of the county governments in the management of animal health which includes;</p> <ol style="list-style-type: none"> i. Declaration an area of the county to be a protected or restricted areas, for the purpose of preventing the spread of an animal disease. ii. Clearly provide for the role of the CECMs in animal health. iii. Regulations of dogs or cats iv. Registration and licensing of artificial inseminators in the country. | National Assembly | The Bill has not yet been submitted to Parliament for consideration | The Bill is currently undertaking review at the State Department of Veterinary Services |
| | Draft Veterinary Public Health Bill, 2019 | Assignment of the role of the County Governments to the Director of Veterinary Services at the national level. | Provide for the role of the county governments in the regulation of movement of meat or meat products from a slaughterhouse or a meat processing plant. | National Assembly | The Bill has not yet been submitted to Parliament for consideration | The Bill is currently undertaking review at the State Department of Veterinary Services |
| 9 | Animal Welfare and Protection Bill, 2019 | Insufficient representation of counties in the National Animal Welfare Advisory Committee. | Increase the representation of the Counties in the Committee from one to three persons. | National Assembly | The Bill has not yet been submitted to Parliament for consideration | The Bill is currently undertaking review at the State Department of Veterinary Services |
| 10 | Draft Agriculture Insurance Policy | The role of the county governments in development and promotion agricultural insurance. | More involvement of the county governments in the development and promotion of agricultural insurance for increased uptake by farmers. The Council of Governors was part of the Technical Team that is spearheading the process of developing the policy. | National Assembly | The Policy has not yet been submitted to Parliament for consideration. | The policy is pending at the Ministry of Agriculture. |

| SN | NAME OF BILLS/ACTS/REGULATIONS | ISSUE | COG'S PROPOSAL | RECEIVING ENTITY | MATTER CONSIDERED | STATUS |
|----|--|--|---|---|--|---|
| 11 | Plant Protection Bill, 2020 and Plant Protection (General) Regulations, 2020 | Recognition of the role of the county governments in plant protection. | Clearly provide for the role of the County Governments in the plant protection and disease control. | National Assembly | The Bill has not yet been submitted to Parliament for consideration. | The Bill is currently undergoing a public participation process being spearheaded by the Ministry of Agriculture. |
| | | Representation of Counties in the Membership of the boards and committees | The Council proposed a minimum representation of three members to these Board for adequate representation. | | | The Bills are still under validation by stakeholders |
| 12 | The Draft Survey Bill 2021 & The Land Surveying and Mapping Policy | Establishment of several Institutions and offices at the national level including the Surveyor General, National Director of Survey, National Mapping and Hydrographic Authority headed by a Director General and several Committees including Kenya National Spatial Data Infrastructure Committee, Hydrographic Committee, and the Geographical Names Committee. | These functions to be performed by the National Director of Surveys and the Authority established in the Bill to avoid duplication of functions and usurping the powers and functions of the County Governments through the established institutions at the National Level. | Ministry of Lands and Physical Planning | CoG proposals were incorporated in the draft Bill. The Bill is yet to be tabled before parliament | |
| | | The Bill provides for the office of the County Director of Surveys, there is no clear and express provision of the functions of County Governments on survey matters. | one of the schedules in the Bill should clearly provide for the assignment of functions | Ministry of Lands and Physical Planning | Under consideration | At the validation stage |
| 13 | Land Registration (Electronic Transactions) Regulations, 2020 | Maintenance of cadastral maps for purposes of registration Regulation 6 | Cadastral maps shall for purposes of registration under these Regulations, be maintained by the County Governments in electronic form | | CoG proposals not incorporated | The regulations are still at the validation stage |
| | | "Cadastral maps shall for purposes of registration under these Regulations, be maintained in electronic form. | | | | |
| | | Involvement of Counties in appointing Electronic Appeals Standing Committee to hear appeals against the termination of user's account. | Add the Cabinet Secretary in consultation with CoG and National Land Commission | Ministry of Lands and Physical Planning | CoG proposals were incorporated | |
| | | The Cabinet Secretary in consultation with the National Land Commission shall appoint an Electronic Appeals Standing Committee to hear appeals against the termination of user's account. | Add 2 members from the council of Governors and retain 2 from private sector | | CoG proposals were incorporated | |
| | | Representation of Counties in the membership of the Electronic Appeals Standing Committee | There should be a Established at County level – the Land management system should be administered at different Counties. | | CoG proposals were incorporated | |

| SN | NAME OF BILLS/ACTS/ REGULATIONS | ISSUE | COG'S PROPOSAL | RECEIVING ENTITY | MATTER CONSIDERED | STATUS |
|----|---|--|--|---|-------------------------------|---|
| 14 | Survey (Electronic Cadastral Transactions) Regulations, 2020 | The current Survey Act Cap 299 has not been amended since the inception of the Constitution 2010 to incorporate County Governments. | Amendment of this draft regulations to be stalled until amendment of the Survey Act Cap 299 is done | Ministry of Lands and Physical Planning | CoG proposals were considered | Regulations gazetted. A Taskforce has been established and is reviewing the Land Legal, Surveying Policy and Institutional framework |
| 15 | Land (Amendment) Regulations, 2020 | Requirement of land rates clearance certificates from County Governments | A proposal to have all land transactions to be accompanied with a land rates clearance certificate | Ministry of Lands and Physical Planning | The proposal not considered | Regulations gazetted. |
| 16 | Land (Extension and Renewal of Leases) (Amendment) Rules, 2020 | Regulation 4: "(3) Where the County Executive Committee Member approves an application d under paragraph (2), the County Executive Committee Member shall inform the Cabinet Secretary to- | 3) Where the County Executive Committee Member approves an application d under paragraph (2), the County Executive Committee Member shall inform the Commission to - | Ministry of Lands and Physical Planning | The proposal considered | Regulations gazetted. |
| 17 | The Land (Allocation of Public Land) (Amendment) Regulations, 2020 | Regulation 36: "36 (1) The cabinet secretary shall prepare and execute leases emanating from allocation of public land. (3) In order to facilitate the preparation of leases on public land, the cabinet secretary shall request for three copies of sealed cadastral plan and cadastral map in Form LA 12 set out in the Schedule from the office or authority responsible for surveys. | (1) The National Land Commission shall prepare and execute leases emanating from allocation of public land. (3) To facilitate the preparation of leases on public land, the National Land Commission shall request for three copies of sealed cadastral plan and cadastral map in Form LA 12 set out in the Schedule from the office or authority responsible for surveys | Ministry of Lands and Physical Planning | CoG proposals were considered | Regulations gazetted. |

| SN | NAME OF BILLS/ACTS/REGULATIONS | ISSUE | COG'S PROPOSAL | RECEIVING ENTITY | MATTER CONSIDERED | STATUS |
|----|--|---|---|---|-------------------------------|-----------------------|
| 18 | Physical and Land Use Planning (Electronic System) Regulations, 2020 | The Director-General shall maintain in the system, an electronic database for the – (i) approved physical and land use plans in accordance to provisions of the First and Second Schedules of the Act; (ii) development control instruments including handbooks, codes, zoning ordinances, policy statements, guidelines, circulars, and manuals; and (iii) registers of documents submitted by applicants for development Permission as provided in Schedule 1. | Include the 'County Planning Authority' to read: The Director-General in consultation with the County Planning Authority shall maintain in the system, an electronic database for the – i. approved physical and land use plans in accordance to provisions of the First and Second Schedules of the Act; ii. development control instruments including handbooks, codes, zoning ordinances, policy statements, guidelines, circulars, and manuals; and iii. registers of documents submitted by applicants for development Permission as provided in Schedule 1. | Ministry of Lands and Physical Planning | CoG proposals were considered | Regulations gazetted. |
| | | The Cabinet Secretary in consultation with the National Land Commission shall appoint an Electronic Appeals Standing Committee to hear appeals against the termination of user's account. (2) The membership of the Electronic Appeals Standing Committee shall comprise of: (c) One representative from Council of Governors | Amend to read: The Cabinet Secretary in consultation with the National Land Commission shall appoint an Electronic Appeals Standing Committee to hear appeals against the termination of user's account. (2) The membership of the Electronic Appeals Standing Committee shall comprise of: (c) Two representatives from Council of Governors; | Ministry of Lands and Physical Planning | CoG proposals were considered | Regulations gazetted. |
| | | (3) The Electronic Appeals Standing Committee shall nominate from among the members of the Committee one member from the Ministry and one Member from the Commission who shall serve as the secretariat. | Include one representative from the Council of Governors Secretariat (3) The Electronic Appeals Standing Committee shall nominate from among the members of the Committee one member from the Ministry, one member from the Commission and one Member for the Council of Governors who shall serve as the secretariat. | Ministry of Lands and Physical Planning | CoG proposals were considered | Regulations gazetted. |
| | | The Director of Planning and Land Use Planning shall, in liaison with relevant authorities and agencies, conduct routine surveillance visits for the purpose of – i. monitoring on-going developments in the county; ii. identify un-authorized developments or those in contravention to approval; | Amend to read : The County Director of Planning and Land Use planning shall in Liaison with the relevant authorities and agencies conduct routine surveillance visits for the purpose of- i. monitoring on-going developments in the county; ii. identify un-authorized developments or those in contravention to approval; | Ministry of Lands and Physical Planning | CoG proposals were considered | Regulations gazetted. |
| | | The Director of Planning and Land Use Planning shall prepare an enforcement notice for non-conforming developments in a prescribed Form ePLUPA004 which shall – i. specifying the contravention/breach committed; and ii. Remedial measures to be undertaken within a specified time. | Amend to read: The County Director of Planning and Land Use Planning shall prepare an enforcement notice for non-conforming developments in a prescribed Form ePLUPA004 which shall – iii. specifying the contravention/breach committed; and iv. Remedial measures to be undertaken within a specified time. | Ministry of Lands and Physical Planning | CoG proposals were considered | Regulations gazetted. |

| SN | NAME OF BILLS/ACTS/REGULATIONS | ISSUE | COG'S PROPOSAL | RECEIVING ENTITY | MATTER CONSIDERED | STATUS |
|----|--|--|--|---|---|---|
| 19 | The Land Surveyors' Registration Bill 2021 | Membership of the board | The Council proposed a minimum representation of three members to this Board for adequate representation. | Ministry of Lands and Physical Planning | Under consideration | At the validation stage |
| 20 | Draft Rural Electrification Fund Regulation | Establishment and access to the Rural Electrification Fund | County Governments should be included as one of the institutions that can apply for funds under the Rural Electrification Fund | Ministry of Energy | Under consideration | The regulations are under review at the Ministry of Energy |
| 21 | Integrated National Energy Planning (INEP) Framework | Definition of Energy providers to include County Governments | There is need to revise the definition of National Energy Providers to include County Governments as the activities listed as functions of the National Energy Providers are activities being undertaken by County Governments. Composition of INEP committee – 2 slots for 47 county governments is seriously under misrepresented there is therefore a need to increase it to 5 slots. All energy projects implemented by donors and other government agencies should be approved by the CECM in charge of energy. Counties should have the power to accept or decline a project. INEP and CEP be aligned with other planning tools such as CIDPs and MTP so that they are implemented concurrently, this will also ease lobbying etc. | Ministry of Energy | Under consideration | The framework and regulations are still under review |
| 22 | Draft Energy (INEP) Regulations | | | Ministry of Energy | Under consideration | The framework and regulations are still under review |
| 23 | Draft Energy (Consolidated Fund) Regulations | Allocation of some percentage to the County Governments Energy fund | Counties to establish an energy fund which will be funded partly from the National Consolidated Fund County Governments should be included as one of the institutions that can apply for funds under the Consolidated Fund Clause to be inserted that expressly provides the timelines for which the applications for funding will be received and approved. We propose that approval for funds should be done within thirty (30) days. The regulations should expressly have a clause that says that either the MOE or the Funds from Consolidated funds shall be used for direct support for the development of the first CEPs. As it stands, Counties do not have the technical or financial capacity to develop these CEPs. The subsequent CEPs can then be left to the counties. | Ministry of Energy | The proposals are still under consideration | The regulations are still under review at the Ministry of Energy |
| 24 | National Building Code Regulations | Representation of all professionals Introduction of Building Plan Reviewers To review and approve architectural and engineering design plans for all building works for compliance with National building performance standards and codes to facilitate issuing of building permits and applicable contractor and sub-contractor permit | The Code to recognize all professionals in the built environment sector Building reviewers to be deleted, this is a County Function and structures for approval have been provided under the Physical Planning and Land Use Act 2019 | National construction Authority | The proposals are still under consideration | The Regulations are still under review by the National Construction Authority |

| SN | NAME OF BILLS/ACTS/REGULATIONS | ISSUE | COG'S PROPOSAL | RECEIVING ENTITY | MATTER CONSIDERED | STATUS |
|----|---|--|--|---|---|---|
| 25 | The Draft Mini-Grid Regulations 2020 | Aligning the regulations with the Energy Act including definitions and cross references. Role of counties in the application and approval processes including exclusivity to and grid expansion, multi-site applications. | There was a proposal to have a standard approval process of obtaining the host county no objection to improve efficiency. Letter of no objections should have timelines Counties should play a role in site identification as opposed to giving that's function to National Government. CoG to be a member of the mini-grid EOI approval committee. | EPRA | CoG proposals are under consideration | The draft regulations are still under review at the Energy Petroleum and Regulatory Authority |
| 26 | The Draft Housing Bill | Housing is a concurrent function There is need for clarity on the functions allocated to County Governments Incorporation of City and Urban Boards in the Bill | A proposal to establish the Office of the County Director of Housing with clear mandates. Every City and Municipal Board, Town Committee shall Municipal Boards and town committees. (a) Initiate, plan, co-ordinate, facilitate, promote, and enable appropriate housing development; (b) secure land for housing development. (2) A City and Municipal Board, and Town Committee may participate in a national housing programme in accordance with the guidelines applicable to such programmes. | State Department of Housing and Urban development | CoG proposals incorporated in the draft Bill. The Bill is yet to be tabled before parliament | The Bill is still under review by the State Department of Housing and Urban Development |
| 27 | The Community Health Workers Bill, 2020 (NA Bill No. 30 of 2020) | The principal object of this Bill is to provide a framework for the regulation of community health workers. The Health Act, 2017 in the First Schedule recognizes Community Health Services at Level 1 in which the person in charge is the community health extension worker. The Community Health Workers is important as this is the health persona who deals directly with the community. The Community Health Worker knows the homesteads in the area he or she lives in and is familiar with the language of the people. By going door to door, they can know the people in need of various health care services. They thus help in preventive health care. However, despite their important role, most of these workers are volunteers and if lucky are only paid allowances. It is therefore important to develop a framework for their recognition and regulation so that they are entrenched in the government like other professionals. | The Bill should expressly differentiate community health services and what services amount to level 1 health services as this causes confusion in certain areas. While the bill establishes the office of the director of community health services, it fails to provide the qualifications requirements, tenure of office and what amounts to vacancy for the said office. Additionally, the Bill gives the county executive committee the power to decide whether establish the community health committee, but it is not clear on what should be considered by this committee when deciding on whether or not to establish the aforementioned committee. This bill when passed will not exist in isolation/independently. It will operate alongside other statutes, both national and county legislations. Therefore, it is important for a provision dealing with which statutes this bill would repeal when passed, if any, and the formalities and specifics on how this bill after being passed will come into operation. | Senate and National Assembly | Comments made at the Senate were incorporated into the Bill that has since moved to the National Assembly | Due for second reading at the National Assembly |

| SN | NAME OF BILLS/ACTS/REGULATIONS | ISSUE | COG'S PROPOSAL | RECEIVING ENTITY | MATTER CONSIDERED | STATUS |
|----|---|---|--|------------------|--|--------------------------------|
| 28 | The Reproductive Healthcare Bill (Sen. Bills No. 23 of 2019) | Article 43 (1) (a) of the Constitution guarantees every person the right to the highest attainable standard of health including the right to reproductive health care. The Constitution further establishes two levels of government, the national government, and the county governments. These two levels of government have an obligation to ensure that every person has access to health care services. Further, Part 2 of the Fourth Schedule requires county governments to provide county health services including, promote, primary health care. In addition, section 6 of the Health Act, 2017 states that every person has the right to reproductive health care. | The Bill should be aligned to the Constitution of Kenya and standard definition provided by WHO as well as the Kenya Adolescent Sexual Reproductive Health Policy of the terms adolescent, Adolescent-friendly reproductive health services, trained health professional. Further, the council proposed for additional words to be defined including consent, | Senate | We await the outcome of the Bill that will be introduced to the National Assembly. | Due for Committee of the Whole |
| 29 | The Health (Amendment) Bill (Senate Bills No. 26 of 2020) | The Bill seeks to enhance the functions of the Kenya Health Human Resource Advisory Council to empower it to advise the National and the respective county governments on health human resources. The mandate of the Council shall include advising the National government and the respective county governments on recruitment, employment and deployment of health human resources; considering and recommending applications for inter-county and intergovernmental transfers; reviewing and making recommendations on training and remuneration of health human resources. Due to the enhanced responsibilities of the Council, the Bill also proposes to increase the representation of the County Public Service Boards in the Council. This is because the counties are expected to employ the bulk of the health human resources and decisions of the Board are likely to greatly influence the functions of county governments regarding employment of health human resources. | There are two Bills in the house proposing different amendments to the same sections. COG notes with concern that this piecemeal approach to Amendments to the Health Act raises fundamental issues such as the discrepancies and contradictions mentioned above that ought to be avoided. COG therefore recommends that all the three Bills be consolidated into one Bill that comprehensively addresses all the proposed amendments in a harmonized manner that avoids contradictions such as those mentioned above. Parliament should thus, send all the amendment Bills that seek to Amend the Health Act to the Ministry of Health to consolidate them and harmonize the proposed amendments. | Senate | We await the outcome of the Bill that will be introduced to the National Assembly. | Due for Second Reading |

| SN | NAME OF BILLS/ACTS/REGULATIONS | ISSUE | COG'S PROPOSAL | RECEIVING ENTITY | MATTER CONSIDERED | STATUS |
|----|--|---|--|------------------|---|--|
| 30 | Kenya Food and Drugs Authority Bill, 2019 | <p>The regulation of medicines, pharmaceutical practice, food, drugs, scheduled substances, therapeutic cosmetics, medical devices, and related substances has been in fragmented legislation. In keeping with international best practices and guidance from the World Health Organization, the aim of the proposed national health products regulatory system is to safeguard the health of the public by ensuring the quality, safety and efficacy/effectiveness of medicines, food, and related health products; based on principles of sound science, evidence and transparency. This requires an institutional framework with a clear legal mandate, and with the requisite expertise and independence in decision-making. It is for these main reasons that the Kenya Food and Drugs Regulation Bill is proposed. The proposed Authority will be established within National Government, its functions being a critical and integral part of Health Policy, as set out in the Fourth Schedule to the Constitution.</p> | <p>This Bill concerns County Governments by containing provisions that affect the functions and powers of the county governments as set out in the fourth Schedule, which functions include but not limited to;</p> <ul style="list-style-type: none"> Promotion of primary health which when unbundled includes prevention and control of food borne illnesses Licensing and control of undertakings that sell food to the public Veterinary services (excluding regulation of the profession) <p>The bill fails to recognize that regulation and quality assurance for food including animal and fish products during production, processing and marketing domestically was transferred to counties. To undertake the function counties are expected to use standard and protocols developed by national government in consultation with the counties. This role is not a preserve of the National Government as seen in the Bill.</p> <p>The main function for the National Government as seen in the fourth schedule is to set standards and protocols for quality assurance in food. Further, the National Government is expected to undertake quality assurance for imports and exports</p> <p>Currently at Nyandarua County are developing a laboratory to ensure quality check can be done at the county level. The Councils opines that this should be promoted since counties are core enforcement food quality and standards.</p> <p>The Bill needs to create coordination and reporting mechanism between the Board and the counties taking into consideration the constitutional functions of the two levels of government.</p> <p>Any government-backed bill must present a Regulatory Impact Assessment, covering the costs involved, and the benefits to the nation. But for the KFDA Bill that analysis is not very clear since the report was not presented.</p> <p>The Food, Drugs and Chemical Substances Act Cap 254 and the Public Health Act Cap 242 have provisions on some of the issues raised in the introduced Kenya Foods and Drugs Authority Bill. There are laws which existed before promulgation of Constitution are still in force and are effectively applicable at county level in line with Constitution. Further, the two laws cater for almost everything proposed in this bill and provide clear redress and penalties. There is no need to replicate the same. If CAP 254 is repealed, the proposed Bill does not give guidance on how or who will pick up the medical examination of food handlers and licensing of food premises and markets designed to reduce public health risks.</p> <p>The bill seeks to disband the Veterinary Services Board, the Pharmacy and Poisons Board and the Department of Public Health, wrapping them up into one and managing their roles together with the roles of quite several other agencies, which include the Kenya Bureau of Standards, the Kenya Plant Health Inspectorate Services, and the Government Chemist's Department. Such a move is likely to be not economically viable.</p> <p>The control of communicable diseases transmitted due to poor sanitation, and contaminated food and water such as cholera, diarrhea, dysentery, typhoid, bilharzia, and salmonella will be greatly affected because the draft bill does not stipulate the protocol to mitigate for such.</p> | NDITC | The Bill is yet to be forwarded to Parliament. We await the outcome | Bill is still currently under the Ministry of Agriculture for consideration. |

| SN | NAME OF BILLS/ACTS/REGULATIONS | ISSUE | COG'S PROPOSAL | RECEIVING ENTITY | MATTER CONSIDERED | STATUS |
|----|---|---|--|---------------------|--------------------------------------|--|
| 31 | Public Health (COVID-19 Indoor Meetings) Rules, 2020 | These rules give guidance for meetings held indoors during the period of the COVID-19 pandemic. | There is need to further describe what the scope of a public gathering is. Do schools, churches, weddings, fall under that category? Work meetings such as institutional internal meetings? Further, it is important to guide on the number of people who should be in a well aerated room at any one time. Further, borrowing from the protocol of religious gatherings, there is need to protect the older and vulnerable members of the society by limiting their exposure in indoor gatherings | Senate | The CoG's comments were not taken up | The rules were passed by the Ministry of Health and have been in place. |
| 32 | Community Groups Registration Bill (National Assembly Bill) No 20 Of, 2021 | Provides a regulatory framework for the registration and regulation of community groups and for connected purposes which oversteps the mandate of the Counties as provided for in the 4th Schedule of the Constitution particularly the 14th Function that states that the role of counties is "Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level" | Opposition of the Bill in its entirety as it contravenes the Constitution of Kenya and is flagrant claw back to devolution. | Parliament | - | The Council's submissions made to the National Assembly Departmental committee on labor & social welfare for consideration |
| 33 | Basic Education Amendment Bill, 2020 | (1) The National Government shall in consultation with County Governments and, in a bid to increase school enrollment and to ensure the nutritional wellbeing of learners, provide milk to learners enrolled in pre-primary and primary schools. | Delete the provision | The Senate of Kenya | Amendment adopted by the Senate | |

Annex 2: Summary of Documented and Shared Stories in the Maarifa Platform

| | TITLE OF STORY | COUNTY | SECTOR | LINK |
|----|--|----------|------------------|---|
| 1 | Machakos County Converts Stadium into a Make-Shift Hospital in Response to COVID-19 Threat | Machakos | Health | https://maarifa.cog.go.ke/assets/file/75473776-machakos-county-converts-kenyatta-st.pdf |
| 2 | Kericho County Mitigates the Inadequacy of Reagents by Using Radiology to Test Covid-19 and Initiate Treatment on Time | Kericho | Health | https://maarifa.cog.go.ke/lib.php?f=kericho-county-mitigates-the-inadequacy-of-reagents-by-using-radiology-to-test-covid-19-and-initiate-treatment-on-time |
| 3 | Kericho County Partners with Unilever to Provide Dedicated Medical Care for its Health Workers and their Families during the COVID-19 Period | Kericho | Health | https://maarifa.cog.go.ke/209/kericho-county-partners-unilever-provide-dedicated-medical-care-for-its-health-workers-their-families/ |
| 4 | Corona Virus Response in Correction Facilities in Kenya: A Case Study of G.K Prison, Migori County | Migori | Health/Legal | https://maarifa.cog.go.ke/assets/file/f70cb5a8-corona-virus-response-in-correction-.pdf |
| 5 | Homabay's Harmonized COVID 19 Coordination Framework Enhances Timely Interventions and Accountability | Homa Bay | Health | https://maarifa.cog.go.ke/188/homabay-s-harmonised-covid-19-coordination-framework-enhances-timely-interventions-accountability/ |
| 10 | Nyeri County Governors Delivery Unit: A Delivery Tool for the County's Development Agenda and Comprehensive Response to COVID-19 | Nyeri | SDUs | https://maarifa.cog.go.ke/210/nyeri-county-governors-delivery-unit-tool-for-countys-development-agenda-comprehensive-response-covid/ |
| 11 | Implementing the Kwa Mbila Earth Dam to Improve Access to Water for Water Scarce Kathonzwani and Kitise/Kithuki Wards | Makueni | Water | https://maarifa.cog.go.ke/resource/implementing-the-kwa-mbila-earth-dam-to-improve-access-to-water-for-water-scarce-kathonzwani-and-kitise-kithuki-wards |
| | Mombasa County Opens a Toll-Free Line and Sets Up a Situation Room for Survivors for Gender Based Violence Prevention and Reporting | Mombasa | Gender | https://maarifa.cog.go.ke/resource/mombasa-county-opens-a-toll-free-line-and-sets-up-a-situation-room-for-survivors-for-gender-based-violence-prevention-and-reporting |
| 13 | Targeted GBV Interventions to Address Rising Cases in Makueni County During the Covid-19 Crisis | Makueni | Gender | https://maarifa.cog.go.ke/182/targeted-gbv-interventions-address-rising-cases-in-makueni-county-during-covid-19-crisis/ |
| 14 | Launch of a Gender Based Violence Recovery Center (GBVRC) and a Toll-Free Number to Help End GBV in Kwale County | Kwale | Gender | https://maarifa.cog.go.ke/194/launch-gender-based-violence-recoverycenter-gbvrc-toll-free-number-help-end-gbv-in-kwale-county/ |
| 15 | Kilifi County Unveils 'My Voice Matters' Campaign Against the High Prevalence of Teenage Pregnancy | Kilifi | Gender/Youth | https://maarifa.cog.go.ke/resource/kilifi-county-unveils-my-voice-matters-campaign-against-the-high-prevalence-of-teenage-pregnancy |
| 16 | Kilifi County Mitigates the High Prevalence of Teenage Pregnancy to Keep the Young Girls in School | Kilifi | Gender/Youth | https://maarifa.cog.go.ke/assets/file/06177118-kilifi-county-mitigates-high-prevalence.pdf |
| 17 | Kitui County Launches Distribution of Free Face Masks for All Learners Ahead of School Reopening in January 2021 | Kitui | Health/Education | https://maarifa.cog.go.ke/assets/file/9cd06d7e-kitui-county-launches-distribution-f.pdf |
| 18 | Early Childhood Development Centers in Mombasa to Offer Lessons in Robotics and Artificial Intelligence (AI) | Mombasa | Education | https://maarifa.cog.go.ke/201/early-childhood-development-centres-in-mombasa-offer-lessons-robotics-artificial-intelligence-ai/ |

| | TITLE OF STORY | COUNTY | SECTOR | LINK |
|----|---|----------|----------------------|---|
| 19 | Constructing and Equipping ECDE Centers with Suitable Furniture to Enhance a Child-friendly Learning Environment in Kakamega County | Kakamega | Education | https://maarifa.cog.go.ke/assets/file/4f8f860c-constructing-equipping-ecde-centres-.pdf |
| 20 | Kisumu County 60 Day Campaign to Counter Community Negligence of Covid-19 Protocols Bears Fruit | Kisumu | Communication/Health | https://maarifa.cog.go.ke/200/kisumu-county-60-day-campaign-counter-community-negligence-covid-19-protocols-bears-fruit/ |
| 21 | The Kisumu County Covid 19 Response Call Centre Providing Timely and Critical Information, Referral and Linkages at the Peak of the Emergency | Kisumu | Communication | https://maarifa.cog.go.ke/211/kisumu-county-covid-19-response-call-centre-providing-timely-critical-information-referral-linkages-peak/ |
| 22 | Lamu County Using a Town Crier to Sensitize Locals on COVID-19 | Lamu | Communication/Health | https://maarifa.cog.go.ke/198/lamu-county-using-a-town-crier-sensitize-locals-covid-19/ |
| 23 | County Government of Nandi Launches a Toll-Free Number to Receive Feedback on Public Matters | Nandi | Communication | https://maarifa.cog.go.ke/203/county-government-nandi-launches-toll-free-number-receive-feedback-public-matters |
| 24 | Kajiado County Embraces Private Sector Patented Innovation Dubbed M-Riziki to Scale Up Digital Food Distribution to Vulnerable Groups | Kajiado | ICT/Social Services | https://maarifa.cog.go.ke/172/kajiado-county-embraces-private-sector-patented-innovation-dubbed-m-riziki-scale-up-digital-food-distribution/ |
| 25 | Makueni Innovation Challenge 2021 to Catalyse the Growth of Start-ups within the County and Beyond | Makueni | ICT | https://maarifa.cog.go.ke/207/makueni-innovation-challenge-2021-catalyse-growth-startups-within-county-beyond/ |
| 26 | County Climate Change Fund Adaptation Intervention through Provision of Clean and Safe Water by Constructing A Sand Dam, Sump Tank And Distribution Lines for Ngai Ndethya Area In Mito Andei Ward in Makueni County | Makueni | Climate Change | https://maarifa.cog.go.ke/215/county-climate-change-fund-adaptation-intervention-through-provision-clean-safe-water-by-constructing/ |
| 27 | Applying PVCA Approach in Building Community Based Climate Change Resilience, Adaptation and Mitigation in Makueni County | Makueni | Climate Change | https://maarifa.cog.go.ke/214/applying-pvca-approach-in-building-community-based-climate-change-resilience-adaptation-mitigation-makueni/ |
| 28 | Makueni County Environment and Climate Change Directorate Implements Community Based Rehabilitation of Yekanga, Muuni and Mbui Nzau Hills To Mitigate Hydro Meteorological Hazards, Water Shortage And Land Degradation | Makueni | Climate Change | https://maarifa.cog.go.ke/213/makueni-county-environment-climate-change-directorate-implements-community-based-rehabilitation-yekanga/ |
| 29 | Community Based Nature Restoration and Protection of The Degraded Kiu/ Kiboko Catchment in Makueni County | Makueni | Climate Change | https://maarifa.cog.go.ke/212/community-based-nature-restoration-protection-degraded-kiu-kiboko-catchment-in-makueni-county/ |

Annex 3: Summary of Kenya Symbio City Program Achievements

| COUNTY | SN | PROJECTS | IMPACTS |
|--------------------------|----|---|---|
| KAKAMEGA | 1 | Survey and beaconing; fencing, and earthworks on public land (Butere Eco-Park) | Securing public land for later development through change project and other County Interventions |
| | 2 | Construction of refuse chambers in Sabatia Market and Lower Butere Market | Improved waste management within the markets |
| | 3 | Installation of thirteen- 3-Color-Coded clearly labelled and segregated waste collection bins. | Improved waste management within Mbita town. |
| | 4 | Installation of two-250 kilograms Solid Waste Bulking Bins | |
| | 5 | Installation of five Street Benches fully branded with Solid Waste Management Messages | |
| | 6 | Fencing of Rusinga Retail Market | |
| HOMA BAY (MBITA TOWN) | 7 | Training and capacity building of 20 Solid Waste Actors on Solid Waste Management and Recycling. | Increased awareness on the importance of maintaining a clean environment |
| | 8 | Public Baraza held to sensitize the public on the importance of maintaining a clean environment | |
| | 9 | Provision of water tanks and solar security lights a primary school, a dispensary, and a secondary school | Improved environmental sustainability and service delivery at public facilities |
| KITUI | 10 | Ablution block comprising 2 rows of three washroom cubicles for ladies and gents, a septic tank, soak pit and water tank in Kwa Vonza Town | Improved sanitation within the commercial area. |
| | 11 | New market facility in Kwa Vonza town consisting of new model container shops, freely accessible market toilet, litterbins, a bulk container, a new drainage system, civil works (paved walkways), graded and levelled market surface with ballast cover, and solar security lighting | Improved economic activity and the environmental quality of the main public space within the town |

| | | | | |
|----------------|----|---|--|--|
| KISUMU | 12 | Training of 25 waste management champions | | Improved waste management and drainage systems by increasing solid waste collection and storm water management |
| | 13 | Fabrication of 10 Litter Bins. | | |
| | | Fixing of drainage 400 meters drainage system including culverts | | |
| | | A Section of Drain Construction and Upgrading (800 M) | | Reduced flooding within the commercial area. |
| | 14 | Fabricated Stalls (15 Units) | | Enhanced Trading Environment |
| | 15 | Installation of six 15-Metre-High Mast (Flood Lights) | | Enhanced security and lighting within Maembe Area. |
| | 16 | Market Upgrading (Old Supa) | | Operational and increased trading activities |
| | 17 | 10 Door Ablution Block Upgrading | | Reduced Open Defecation. |
| | 18 | 5 Door Ablution Block Renovation | | Improved sanitation within the commercial area. |
| | 19 | 10 Door Ablution Block (Old) Renovation | | Increased income to youth and women operating the facility. |
| MERU | 20 | Tree Planting and Maintenance | | Increased aesthetics and tree cover |
| | 21 | Construction of Seven Park Benches | | Enhanced access to recreational facility |
| | 22 | Environmental Impact Assessment Consultancy | | Better managed environment by mitigating adverse effects |
| | 23 | Solid Waste Management and Organic Composting Consultancy | | Increased awareness and community involvement in waste management |
| | 24 | Installation of security lights in Makutano, Ontulili and Katheri markets | | Improved security due to the lights have led to proliferation of property developments as witnessed by the increased erection of ten new buildings around Ontulili market and extended businesses hours. |
| | 25 | Installation of street benches | | |
| | 26 | Single Waste bins | | |
| TRANS NZOIA | 27 | Double waste bins | | Improved waste management. |
| | 28 | Tree Planting | | |
| | | Procurement of Bulk bins | | |
| | 29 | Drainage works along Ndalu Road, Saboti Road And Chief's Lane | | Improved drainage systems. |
| | 30 | Rainwater harvesting system (slabs, tanks, gutters) in Masaba Primary, Masaba Secondary, Kiminini Primary, St. Brigid's Primary and St. Vincent's Secondary Schools | | Improved water access. |



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ISBN 978-9914-9872-9-4



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