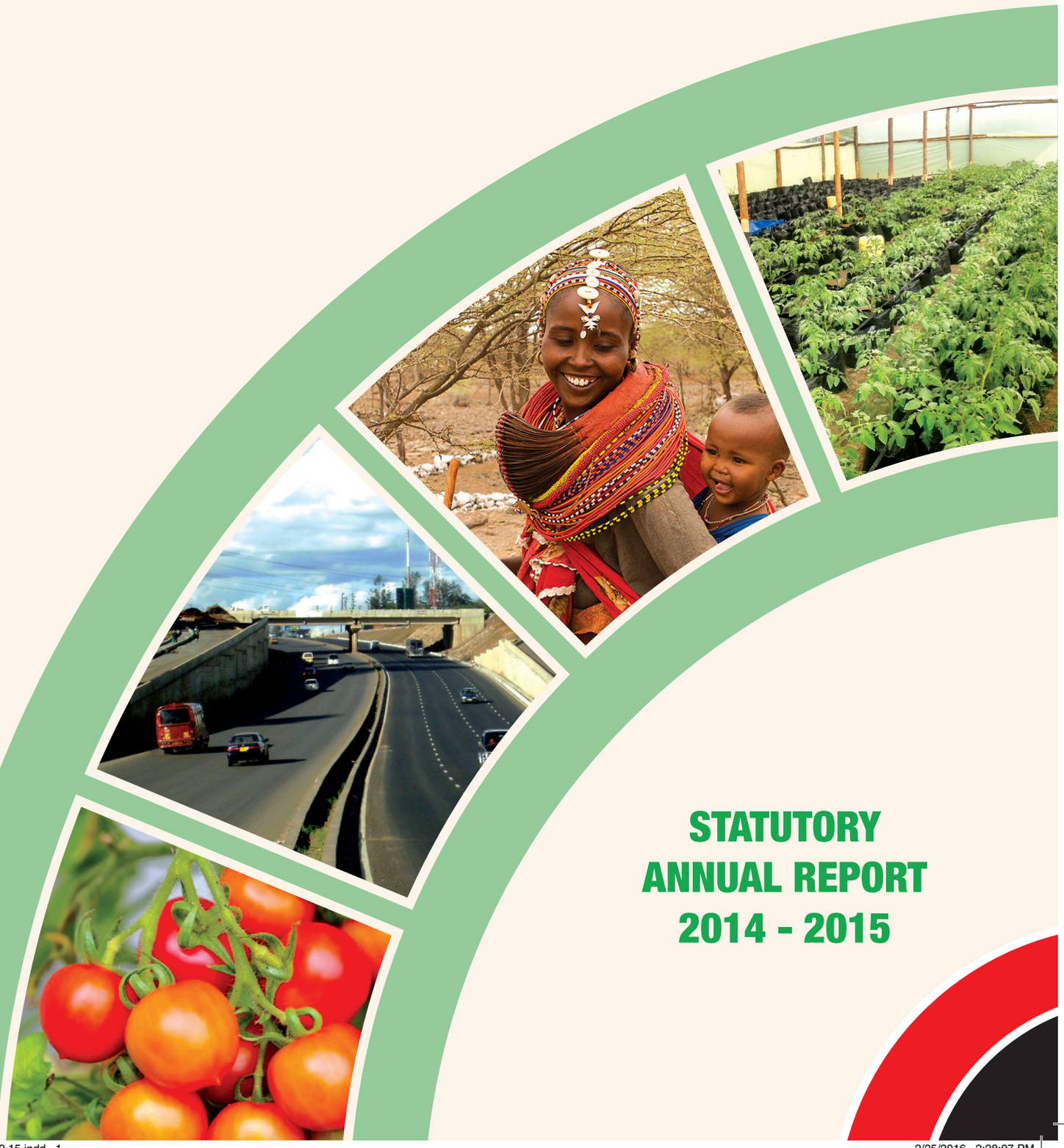
THE COUNCIL OF GOVERNORS



STATUTORY ANNUAL REPORT 2014 - 2015

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THE COUNCIL OF GOVERNORS

STATUTORY ANNUAL REPORT
2014 - 2015

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List of abbreviations

AFFA	Agriculture, Fisheries and Food Authority
AHADI	Agile and Harmonized Assistance for Devolved Institutions
AG	Attorney-General
ASAL	Arid and Semi Arid Lands
CAF	County Assemblies Forum
CAK	Communication Authority of Kenya
CARPS	Capacity Assessment and Rationalization of the Public Service Programme
CEC	County Executive Committee
CIC	Commission for the Implementation of the Constitution
CIOC	Constitutional Implementation Oversight Committee
CPSB	County Public Service Board
CRA	Commission for Revenue Allocation
CoB	Controller of Budget
CoG	Council of Governors
DAI	Department for International Development
DORB	Division of Revenue Bill
EALGF	East African Local Government Forum
ECD	Early Childhood Education
EU	European Union
FIDA	International Federation of Women Lawyers
ICT	Information and Communication Technology
IDLO	International Development Law Organisation
IFC	International Finance Corporation

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IFMIS	Integrated Financial Management Information System
IGRA	Intergovernmental Relations Act
IGRTC	Intergovernmental Relations Technical Committee
JHPIEGO	Johns Hopkins Program for International Education in Gynecology& Obstetrics
KEGOSES	Kenya Governors Strategic Execution Support
KNCHR	Kenya National Commission on Human Rights
KYISA	Kenya Youth Inter-County Sports Association
LAPFUND	Local Authorities Provident Fund
LAPTRUST	Local Authorities Pension Trust
MoALF	Ministry of Agriculture, Livestock and Fisheries
MoDP	Ministry of Devolution & Planning
MoH	Ministry of Health
MoLHUD	Ministry of Lands Housing and Urban Development
NLC	National Land Commission
NCPWD	National Council of Persons With Disabilities
NYGGS	National Youth Green Group Summit
OAG	Office of the Auditor-General
PFM	Public Finance Management
SALAR	Swedish Association of Local Authorities and Regions
SNV	Netherlands Development Organization
SRC	Salaries and Remuneration Commission
TA	Transition Authority
TDGA	Transition to Devolved Government Act
UNDP	United Nations Development Programme

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UNICEF	United Nations Children's Emergency Fund
UNV	United Nations Volunteers
USAID	United States Agency for International Development
WHO	World Health Organization

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Foreword

On 27th August 2010, Kenyans promulgated a new Constitution which significantly transformed the system of governance in the country. The Constitution 2010 was a culmination of many years of struggle against bad governance, marginalisation distribution of power and resources in Kenya's political, economic and social systems. The shift, from the concentration of power at the center and an imperial presidency, to devolved governments signalled the beginning of a new era aimed at ensuring that national resources and prosperity are shared across the County to the grassroots. The overwhelming support for the new Constitution was a statement by the people of Kenya that they were reclaiming their sovereignty and sovereignty was consequently to be exercised at both the National and County levels.

Indeed, we now have 47 County Governments enshrined in the First Schedule of the Constitution and the two levels of government are obligated by the Constitution to work in a spirit of cooperation and consultation. In recognizing that we are one Republic, and that there is need for dialogue in the implementation of devolution, the Intergovernmental Relations Act 2012 (Intergovernmental Relations Act) established institutions that would promote cooperation and mutual relations between the two levels of government. I am honored for the year 2015 to have chaired one of such bodies - the Council of Governors (the Council), a creation of Section 19 of the IGRA. The Council was formally established in March 2013, after the elections that brought into office the County Governments.

> As we face the coming year, we do it with optimism, unshaken in our values and ready to meet the formidable challenges ahead...

The mandate of the Council is canvassed in Section 20 of the IGRA as a forum for consultation and information sharing amongst County Governments. As we celebrate our accomplishments, I am aware that the greatest of these is that the Council has contributed significantly to the progress of our transition to a fully devolved system. In the reporting period, the Council has successfully played a role in promoting intergovernmental relations by establishing beneficial and strategic linkages between County

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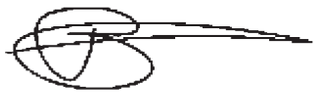
Governments and the National Government Ministries, departments and agencies, Parliament and the private sector including civil society. This multifaceted approach has provided a platform for policy and legislative collaboration, and importantly, the Council has been able to step up confidently and assert itself as a leader and custodian of devolution.

The Council has managed to regularly bring together the Governors to discuss issues of mutual interest and find consensus on the same. The country has heard us speak in one voice on critical matters, including, matters of health, human resource, disbursement of funds to Counties, legislation of interest to County Governments and transfer of functions. Through our Committees, we have been able to share best practices, promote cohesiveness amongst Counties and address key service delivery concerns.

During the year, the Council managed to usher in a new Executive Committee - the Chairman, the Vice - Chairman and the Whip. It is my hope that with the unwavering support of my fellow colleague Governors, the new team will continue to steer the Council as the authoritative institution it has been known to be on all matters devolution. On partnerships, I would like to acknowledge the continued support of development partners to our work, both in the Counties and in our Secretariat. They have been valuable, offering both technical and operational assistance and in the year under review, they have consistently stood with us.

As we face the coming year, we do it with optimism, unshaken in our values and ready to meet the formidable challenges ahead, with determination to maintain fidelity to the Constitution and the rule of law. Devolution is working, and as a body at the center of the entire devolved architecture, we affirm our commitment to ensuring that the devolution objects envisioned in the Constitution are achieved.



H.E. Peter Munya

Chairman Council of Governors

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Note from the Ag. Chief Executive Officer

Excellency Governors,

On behalf of the team at the Secretariat for the year 2014-2015 we would like to thank you for providing leadership on matters of intergovernmental relations that were weighty and heavy. Every passing day it is becoming clearer that the Council of Governors is a key player in the governance of the country both at County and National level especially on matters of policy and law. It is now a matter of common knowledge that Governors get things done in a record turn around time. Apart from that they are known to develop innovative solutions to the challenges faced by the citizens.

In the year under review through the CoG Governors have continued to share and exchange on best practices, speak with a collective voice on national policy and have committed to improve relations between the various actors of national government and County Governments. We have particularly sought to ensure that the principles of devolution have guided all engagements in this year because this is what guides what the Secretariat does for and on behalf of Governors. Last year was therefore a very productive year.

> The strength of the Council continues to be its bipartisan approach to issues and Governors' participation in meetings to enhance the collective voice on all matters.

Last year, most Counties indeed affirmed the notion that they are the "new sheriff" in town in matters of investment, employment, innovation and creativity. Counties formed new economic blocs to spur development based on economies of scale and comparative advantage. These blocs – six in number will be a must watch must support for all those who want to engage with Counties.

The CoG secretariat continued with its role of bringing together County Executives in charge of all the sectors to compare experiences and explore new ideas. The year under review saw over 100 meetings held involving over 1000 County and National Government officials working on matters of health, agriculture, energy, improvement of the road infrastructure and support, trade and development, donor liaison and resource mobilisation, public administration and governance, management of the Governors office and diary,

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ASAL, intergovernmental relations; County law and policy among others.

To make these interactions possible, the CoG secretariat was supported by development partners who have stood faithful with the CoG secretariat since its formation namely; UNDP Governance Unit and AHADI – USAID. We can never thank them enough.

The Council managed to hold its mandatory two meetings as per the law and four extra ordinary meetings at the same time there was one Summit meeting in December 2014. Although this report covers the period ending June 2015, it is critical to mention that one Summit meeting was held in December 2015.

On matters of transfer of functions the year ended with uncertainty and myriad of cases in court whose decisions are key in ensuring optimal service provision for citizens in the Counties. However, the year 2015 did end in a celebratory note as the court pronounced itself favourably on County roads by ordering that the same be immediately transferred to County Governments as envisaged in the Constitution. Certainly, the judiciary continues to be pivotal as custodian for devolution.

The strength of the Council continues to be its bipartisan approach which enables Governors to participate in meetings with clarity and articulate on issues affecting the 47 County Governments in one voice. We look forward to a more vibrant Council in the coming year and as we go towards the closure of the chapter of the Pioneer Governors, pioneer County Governments and end of the transition period. . We urge you to make it count for the Council as a team.

Sincerely,

Jacqueline Mogeni

Ag. CEO Council of Governors

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Acknowledgements

The very nature of the role and functions of the Council of Governors requires interaction with many institutions and stakeholders in the pursuit of the constitutional spirit of consultation and cooperation. Activities covered in this report are as a result of this interaction as the Council pursues its mandate. The report has, therefore, benefited from various institutions and individuals who have, in many ways, contributed to achievement of the objectives of the Council. The Council is grateful to County Governments that continue to support the activities of the Council and the Secretariat, and to the National Government ministries and institutions; the primary partners in the pursuit of its mandate. The Council is also grateful to other stakeholders including: development partners, the civil society, and members of the public who continue to support the Council in various ways. The Council is particularly grateful to the USAID funding that is channelled through AHADI and the UNDP for supporting most of the Council's programmes and activities for the year 2014/15.

The Council and the Secretariat not only provided information and reports of activities that formed part of this report but also coordinated the writing of the report. The Rules and Business Committee, under the leadership of H. E. Governor Evans Kidero, provided overall leadership in the preparation of the report. A number of Secretariat staff were key to the preparation of the report, a special mention of Judy Oduma, Rosemary Njaramba, and Sharon Makena who ensured the finalisation of the report.

Finally, the Council is grateful to everyone that made this report possible, we remain entirely grateful.

Council of Governors

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Executive Summary

This report covers the activities of the Council of Governors (CoG) for the year 2014/15 (June 2014 to June 2015). This is the second annual report of the CoG and the CoG continued carrying out its mandate and activities as provided for under the Intergovernmental Relations Act (IGRA). County Governments have been in office for slightly over two years and significant progress has already been made with regard to implementation of the devolved system of government. The CoG has the task of linking Counties and facilitating the sharing of lessons and experiences, inter-County consultation, coordination of capacity building, public engagement, dispute resolution among Counties, and other functions spelt out in the IGRA.

The transition period of 3 years, which comes to an end in March 2016 may see the exit of the institutions that were tasked with overseeing the transition to County governance, such as, the Commission for the Implementation of the Constitution (CIC), and the Transition Authority (TA). These institutions have played a key role in ensuring transition to County governance. However, there are critical areas of transition that remain unaddressed. It is important for key institutions involved in the transition to define a common way forward as the transition period comes to a close. The CoG has closely interacted with the institutions involved in the transition process and remains keen to engage and ensure a smooth transition to County governance as envisaged in the Constitution.

Being a transition period, the CoG's activities in 2014/15 focused on County engagement with relevant processes at the national and County levels to the transition. A summary of the specific activities of the CoG is provided below.

Inter-Governmental consultation

Inter-County consultation and activities

The CoG facilitated a number of activities that ensured productive linkages and interactions between the Counties during 2014/15. The CoG facilitated discussions and deliberations among Counties on ways in which they can pool efforts and resources to ensure overall effectiveness in development and service delivery. An important output from this is the formation of regional economic blocs by Counties with a view to planning regional activities, e.g. the Counties around the Lake Victoria have launched the Lake Basin economic blueprint to guide economic development in the Lake Basin Region. The highlight of 2014/15 was the Second Annual Devolution Conference that was held in Kisumu County in April 2015.

The CoG has also facilitated several activities and forums between Counties to enhance discussions and deliberations on issues common to Counties. Specifically, the CoG, through its 18 Committees has facilitated sectoral-based discussions with Governors, the County Executives, and senior County officials on different sectoral issues. These forums have typically focused on proposed national legislation and policies for the different sectors, sectoral transition, consultations with National Government, etc.

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Consultation with National Government and other institutions

The National Government is the primary partner of the Counties in the implementation of devolved government. Powers, functions, and resources are divided between the two levels of government and the Constitution provides for consultation and cooperation. The Summit is the highest decision-making organ in the National and County Government joint structures. While the CoG routinely holds meetings with different National Government institutions, Summit meetings have been less frequent; only one meeting was held during 2014/15. Summit meetings are essential during the transition period when many issues require deliberations, consultations and possible compromises between the two levels of government.

The CoG held at least two meetings with the recently formed Intergovernmental Relations Committee (IGRTC). The IGRTC is supposed to provide administrative and secretariat support to both the CoG and the Summit. However, the formation of this body was unduly delayed. With the operationalization of the IGRTC, it is hoped that past resolutions of the Summit will be followed up and that implementation of future Summit decisions is guaranteed.

The CoG held various meetings and forums with different sectoral ministries, departments, and national agencies to discuss proposed laws and policies and plans. The CoG reports that there have been effective deliberations in many of the forums but there are major issues that still require intervention of the Summit.

Capacity building

The CoG is required to facilitate capacity building of Governors and their respective teams at the County. The CoG has managed (with fairly limited resources) to facilitate a number of capacity building activities for the Governors and various County officials. Capacity building activities included study tours to countries such as USA and Sweden as well as other countries in the region such as Botswana and Ethiopia. Various County officials were also trained on important aspects of County governance as detailed in the report. The CoG also collaborated with the National Government in identification of capacity gaps in the Counties and the development of training and capacity building measures, based on the gaps identified.

Dispute Resolution

The CoG has developed measures to and systems of processing disputes between Counties. The Constitution emphasises alternative dispute resolution and the CoG is the forum through which any disputes between Counties is usually dealt with and a number of disputes that would have otherwise ended up in courts have been settled under the CoG. The CoG also promotes the same principle of amicable settlement of disputes with the National Government and other institutions. However, while a few of these disputes have been settled between the CoG and other National Government, a number of disputes have found their way to courts. The CoG is involved in over 30 cases in the courts, either as a party or interested party. It is hoped that all institutions will embrace the spirit of consultation and cooperation and solve disputes amicably.

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Public Engagement

The CoG is required to engage the public and respond to issues raised by the public on the CoG's role. The CoG has undertaken various measures to ensure effective public engagement. The Secretariat has staff dedicated to managing communications and responses to queries from the public. The CoG also engages members of the public through traditional media forums as well as the social media.

Committee activities

The CoG has organised itself into 18 Committees to facilitate the execution of its mandate. The Committees are supported by the CoG in the performance of their functions and the Committees report to the full Council. The CoG sets the mandate of the various committees. The Committees undertook and coordinated various activities with the help of the Secretariat. The activities included:

- Review of policies and laws of the different sectors.
- Coordinating resource mobilisation strategies for the CoG and individual Counties.
- Coordinating capacity building activities for the CoG and the Counties.
- Negotiations and consultation with the National Government and other partners on behalf of County Governments.
- Organising forums and activities for Counties to share lessons and experience-sharing to enhance effectiveness.

Finance and Administration

In order to carry out the activities elaborated above, the CoG requires resources as well as capacity to deliver. The mandate vested in the CoG requires resources to be committed to activities carried out by the CoG and the Secretariat. While the CoG has made remarkable progress in its responsibilities, it continues to face resource constraints due to minimal resources. The CoG does not receive ex-chequer funding but instead receives a grant from the Ministry of Devolution and Planning (MoDP). The grant is inadequate to finance the functions of the CoG and it has had to rely on development partners for a majority of activities. In 2014/15, the Council received a grant of Ksh. 30.5m and a further 112.5m from the supplementary budget of 2013/2014. Many planned activities could not be effectively carried out due to this constraint.

The same constraints have been felt under the Human Resource of the CoG. The CoG Secretariat has a total of 44 members of staff against a target of 57. Shortage of financial resources has limited the number of staff that the CoG can retain (especially qualified staff). Furthermore, a majority of staff members are either seconded from the National Government or sponsored by partners. The CoG does not have direct control over a majority of the staff serving in its Secretariat.

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1

Introduction and Background

This report covers the annual activities of the Council of Governors (CoG) for the year 2014/15 (June 2014 to June 2015). The report is a statutory requirement under section 22 of the Intergovernmental Relations Act 2012 (IGRA) under which the CoG is established. The CoG is primarily established to provide a forum of consultation for the forty-seven County Governments that are created in the Constitution. The Constitution of Kenya, adopted in August 2010, provides for the establishment of two levels of government composed of the National Government and the forty-seven County Governments across the country. While the Constitution creates two separate levels of government, Article 6 (2) of the Constitution provides that the two levels of government are distinct but interdependent and "shall conduct their mutual relations on the basis of consultation and cooperation". Accordingly, the two levels of government are required to carry out their respective mandates in a manner that promotes consultation and interaction between the two levels.

The principle of cooperation and consultation is further enhanced under Article 189 of the Constitution. The Constitution requires the two levels of government to respect the functional and institutional integrity of one another. The Constitution recognises that the two levels of government can cooperate in the performance of functions and this may entail the formation of joint structures to enable the effective performance of functions. The Constitution also calls for the amicable settlement of disputes between the two levels of government, in case of a conflict or dispute pitting the two levels or between governments at the County level. Consultation and cooperation is, thus, a core principle and indeed the defining feature.

The CoG exists as the main avenue through which consultation and cooperation can be pursued among the forty-seven County Governments. The CoG provides a further forum for consultation with the National Government and other institutions that interact with the County Governments. The functions and responsibilities vested in the CoG under section 20 of the IGRA reflect this role. The responsibilities of the CoG include:

- Consultation amongst County Governments;
- Sharing 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 action;
- Considering matters of common interest to County Governments;
- Dispute resolution between Counties within the framework provided under the IGRA;

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- Facilitating capacity building for Governors;
- Receiving reports and monitoring implementation of inter-County agreements on inter-County projects;
- Consideration of matters referred to the Council by a member of the public;
- Consideration of reports from other intergovernmental forums on matters affecting national and County interests or relating to the performance of Counties; and
- Performing any other function as may be conferred on it by this Act or any other legislation or that it may consider necessary or appropriate.

The above mandate and responsibilities of the CoG facilitate the CoG to pursue and promote the collective interests of the County Governments and this contributes to the objectives of devolved governance.

The CoG facilitates inter-County consultation on various matters that are of collective interest and priority to Counties in the implementation of devolved governance. County Governments appreciate that effectiveness in the respective roles and functions can be enhanced if they consult and cooperate in the performance of functions and other activities of mutual interest. The CoG has also enabled the Counties to deliberate and adopt a common stand in their negotiation and consultation with the National Government. While the forty-seven Counties have a different mandate and responsibilities to their respective electorates, there are matters of common concern that require them to engage collectively at the national level. The CoG has provided an opportunity to the Governors to present a common and united stand on critical issues, e.g on proposed national policies and laws that affect all the Counties.

H.E. Peter Munya, Chairman of the Council of Governors addressing participants during the Launch of the Council of Governors County Spatial Planning Framework at Safari Park Hotel, Nairobi.

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There are general needs and priorities that are common to all Counties and the CoG provides an appropriate avenue to identify and pursue these priorities. The CoG has facilitated Counties to identify the common gaps in their respective capacities and means and ways through which this can be addressed. The CoG also provides an avenue through which potential conflicts (between Counties or with National Government or other institutions) can be settled. The CoG also engages with members of the public through various forums. This has enabled the CoG to promote public understanding of the mandate of the CoG and to explain the collective role of County Governments in enhancing objectives of devolution and other general constitutional objectives.

The activities and engagements of the CoG during 2014/15 are reported in six main areas:

- Inter-County consultation, projects and activities.
- Consultation with National Government.
- Capacity building and resource mobilisation.
- Dispute resolution.
- Public engagement.
- Sectoral/ Committee activities.
- Finance and Administration.

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2

Context and Environment

The Constitution of Kenya 2010 introduces a fundamental change to governance and political structures and processes in the country. At the core of this transition is the desire of Kenyans to take charge of their collective destiny as a nation. Years of alienation from governance coupled with misuse and abuse of state powers and resource led to a popular clamour for comprehensive reforms through constitutional change. This process resulted in the promulgation of the current Constitution in August 2010. Article 10 of the Constitution contains a list of national values and principles. The values and principles listed in the Constitution include:

- Patriotism.
- National unity.
- Sharing and devolution of power.
- Democracy and participation of people.
- Human dignity.
- Equity and social justice.
- Inclusiveness and equality.
- Human rights.
- Non-discrimination and protection of the marginalised.
- Integrity, transparency and accountability.
- Sustainable development.

The values and principles listed above are born of real challenges and struggles that informed the demands of citizens for a new constitutional dispensation. These national values bind all state organs, state officers and all persons who are mandated to interpret and implement the Constitution.

Sharing and devolution of power is one of the core principles in the Constitution. The principle of devolving powers and resources received universal support by the public during the constitutional review process. Indeed, the Constitution of Kenya Review Commission (CKRC) noted that there was no single public that opposed the principle of devolving and sharing power. Article 174 of the Constitution lists nine objectives of the devolved system of government and these are:

a) To promote democratic and accountable exercise of power;
b) To foster national unity by recognising diversity;

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c) To give powers of self-governance to the people and enhance the participation of the people in the exercise of the powers of the State and in making decisions affecting them;
d) To recognise the right of communities to manage their own affairs and to further their development;
e) To protect and promote interests and rights of minorities and marginalised communities;
f) To promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;
g) To ensure equitable sharing of national and local resources throughout Kenya;
h) To facilitate the decentralisation of State organs, their functions and services, from the capital of Kenya; and,
i) To enhance checks and balances and the separation of powers.

The objectives of devolved governance listed above mirror the national values and principles of governance in the Constitution. A dominant theme that runs through the nine objectives of devolved governance is to ensure more effective involvement of people in the governance process. The forty-seven County Governments are thus seen as the constitutional avenue through which people can be involved in governance and take part in public decision-making on matters that affect their lives. Indeed, devolution has seen increased participation of the people in development activities and other public decision-making processes in areas and regions of the country that were perennially neglected.

Inequity in development and access to essential public services has been identified as one of the causes of political conflicts in the country. Decades of skewed allocation of public resources and opportunities for development led to perceptions of exclusion on the basis of ethno-geographic considerations. Devolution is seen as one of the primary means of addressing these socio-economic inequalities. The Constitution devolves the provision of services in essential areas such as health, agriculture, water and sanitation, local development, to County Governments. Counties have the potential to address inequalities by ensuring the effective provision of these services and development across the country. As the level of government that is closest to the people at the local level, Counties provide an appropriate avenue through which democratic accountability can be realised. Accordingly, County Governments are the centre of the transformation that is envisaged by the Constitution.

However, it is not lost to the Counties and the CoG that the new constitutional dispensation is being introduced in the context of the old institutional and political culture that has been built over the years. The old governance culture, traceable to the colonial era, led to the concentration of powers and resources at the centre. This led to a lack of accountability in the use of public resources and power and inefficiencies in the provision of services and decentralised development. It is this very culture that the current Constitution seeks to reform and make it in tandem to the constitutional values, principles and objectives listed above.

The transition period that was provided for in the Constitution will lapse in March 2016. While a lot has happened since the March 2013 general election when Counties came into existence, a lot of processes envisaged in the transition are yet to be completed. The process of restructuring institutions and governance processes to ensure compliance with the Constitution is yet to be completed. Vital powers and resources that have been devolved to Counties in the Constitution are still controlled by various national level institutions, despite clear constitutional and legal provisions requiring their transfer to the Counties.

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While the delay in the transition to County governance may be occasioned by the very complexity of the transition process, other delays are caused by resistance to transfer of powers and resources to the County level. Implementers and decision-makers should be guided by the national values and principles of governance and other constitutional objectives in their decisions. The CoG is aware and understands the central role that County governance should play in the transformation that is envisaged in the Constitution. The CoG has also had to deal with the emerging challenges in the implementation of devolved governance.

While the challenges to implementation and realisation of the objectives of devolved government abound, it is the position of the CoG that constitutional values, objectives, and principles should be the "constant North" for the CoG and indeed all other institutions involved in the implementation process. The CoG is committed to an implementation process that is bound by the values, principles and objectives that are well articulated in the text of the Constitution of Kenya 2010. These same values and objectives will consistently inform all the activities and engagements of the CoG.

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3

The Structure and Organs of the Council of Governors

The CoG is composed of the forty-seven Governors. The IGRA requires the CoG to elect a chairperson and a vice-chairperson from among its members. The chairperson and his deputy hold office for a period of one year and are eligible for re-election once. The CoG held its third election on 21 May 2015 where a new chairperson and a vice-chairperson were elected for the first term. The CoG has powers, under sections 20(2) and 20(3) of the IGRA, to form further structures that can enable it to perform its mandate. The CoG has established seventeen committees to facilitate the planning and performance of the activities of the CoG. The committees are:

- Health Committee.
- Agriculture Committee.
- Infrastructure and Energy Committee.
- Urban Development, Planning and Lands Committee.
- Tourism and Wildlife Committee.
- Water, Forestry and Mining Committee.
- Cooperatives and Enterprise Development Committee.
- Trade, Industry and Investment Committee.
- Education, Youth, Sports, Culture and Social Services Committee.
- Finance, Planning and Economic Affairs Committee.
- Human Resources, Labour and Social Welfare Committee.
- Legal and Human Rights Committee.
- Intergovernmental Relations Committee.
- Security and Foreign Affairs Committee.
- Resource Mobilization Committee.
- Information, Technology and Communications (ICT) Committee.
- Rules and Business Committee (oversees the operations of the Secretariat).
- Arid and Semi-Arid Land (ASAL) Committee (ad hoc).

The committees were initially fifteen in number but have been increased to eighteen and the mandate/ focus of each of the committees has been restructured to ensure effectiveness in the execution of the overall mandate of the CoG. The mandate and activities of the committees are determined and given direction by the full Council that is composed of the 47 County Governors. (See Annex I for the Committees and their respective mandates/ Terms of Reference).

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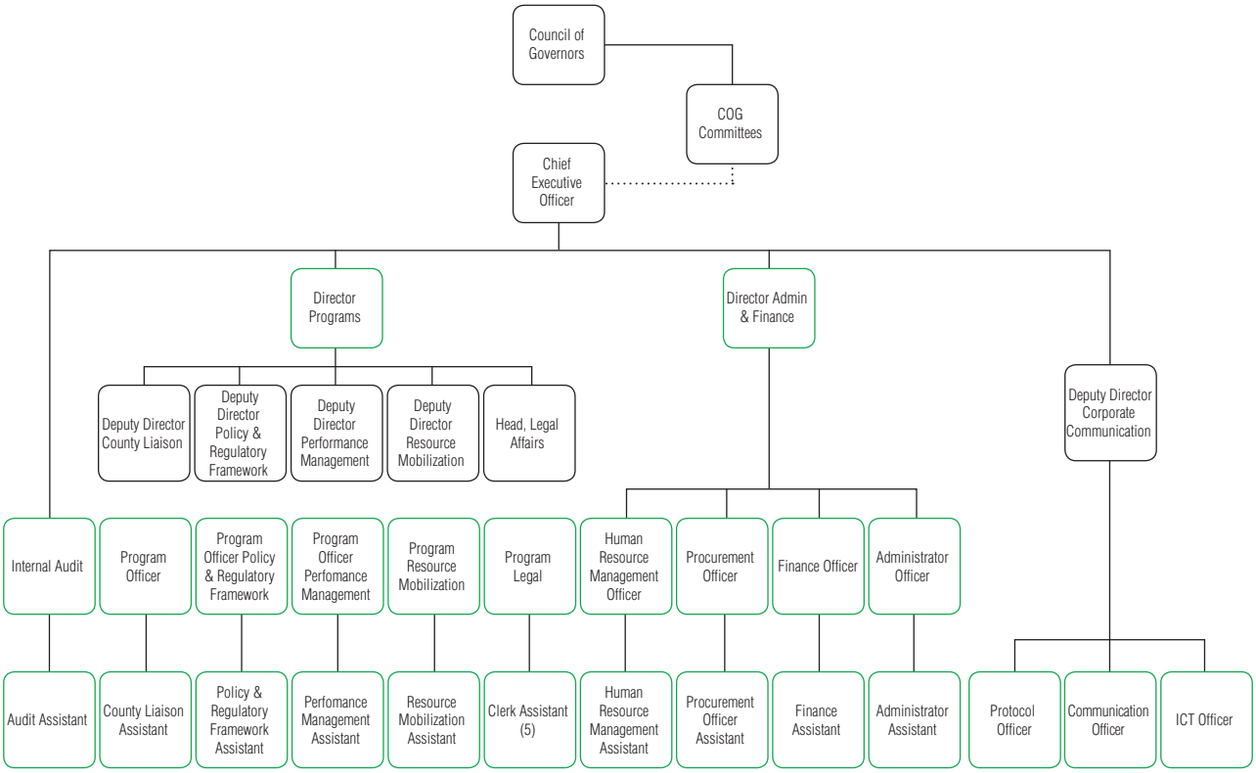
The CoG has established a Secretariat to assist and facilitate in the execution of the mandate of the CoG. A Chief Executive Officer (CEO) who reports to the Council heads the Secretariat. The Secretariat is divided into three directorates: Directorate of Programmes, Directorate of Administration and Finance, and Directorate of Corporate Communications. Directors and deputy directors who are answerable to the CEO head the three departments. Below is an organogram that represents the organs and structures of the CoG.

The proposed structure of the Council of Governors and the Secretariat



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4

Activities of 2013/14

This part provides the details of the activities that the CoG undertook during the period 2014/15. The programmes, plans and activities of the CoG are all tied to the mandate and responsibilities that are vested in the CoG under Section 20 of the IGRA. The eighteen Committees of the CoG are the primary means through which the CoG executes its mandate. The Secretariat supports the Committees and CoG by providing a means of coordination and technical capacity to undertake the various roles.

As the main forum for consultation among Counties, the CoG dedicated much of its resources towards facilitating consultation and cooperation among Counties. Counties have taken advantage of the common opportunities and started forming structures and processes that can enhance their collective effectiveness. The CoG has also coordinated the identification and development of the capacities of Counties.

The CoG provides a further platform for sharing lessons and experiences as well as developing of a common approach and position on common issues. The CoG has greatly enhanced institutional interaction between the County level and other government institutions as well as other actors (including the public) interested in devolved governance. The specific activities of the CoG and its Committees are covered below.

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The Chairman of the Council of Governors with the Commissioners and Secretariat of the Kenya National Commission on Human Rights (KNCHR) during the signing of a Memorandum of Understanding between the two institutions.

4.1 Inter - County consultation, projects and activities

Facilitation of "regional economic integration"

Counties appreciate the importance of cooperation and a joint approach to development and provision of public services. Through cooperation, Counties can realise economies of scale in the provision of services as well as development and other economic activities. The Constitution and enabling legislation recognise the need for Counties to work together and specifically recognises that Counties can come up with joint structures to integration between the Counties. The CoG is currently facilitating the formation of economic clusters for the County Governments and providing an avenue through which different groups of Counties can come together to plan and execute joint activities and development.

- During the Second Annual Devolution Conference that was organised by the CoG and held in Kisumu in April 2015, ten Counties in the "Lake Region" (Kisumu, Siaya, Homa Bay, Kisii, Migori, Nyamira, Trans-Nzoia, Bungoma, Busia, Kakamega, Vihiga, Kericho, and Bomet Counties launched the "Lake Region Economic Blueprint: A Better Life". The blueprint seeks to tap on the collective resources and common objectives of Counties in the Lake Region. It identifies the strategic growth sectors for the region (mainly Agriculture and Tourism) and proposes flagship projects that the Counties can undertake in order to enhance the economic potential of the region. The blueprint also identifies the education and health sectors as critical sectors for social service delivery and proposes flagship projects to enhance social development in the region.

- The CoG is facilitating the Counties in the coastal region (Mombasa, Kwale, Kilifi, Taita-Taveta, Tana River, and Lamu Counties) to develop a Pwani Economic Blueprint. The Counties will also identify regional strategies and plans for development and improvement of social services.

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- Other regional initiatives facilitated by the CoG include the Central region (Meru, Tharaka-Nithi, Embu, Nyandarua, Nyeri, Kirinyaga, Murang'a and Kiambu), and Northern Region (Garissa, Wajir, Mandera, Marsabit, Isiolo and Turkana).

- The number and size of Counties has often emerged as a constraint to effective economic development. However, clustering County Governments and ensuring cooperation between the different Counties that share socio-economic factors can counter this challenge.

Inter-County forums and activities

The CoG organises and coordinates a number of activities and forums that bring the forty-seven Counties and other stakeholders together. These forums are important for sharing ideas, lessons, and experiences between the Counties. Important stakeholders including the National Government, members of the public, the private sector, development partners, civil society organisations and other stakeholders, usually attend most of these forums. The forums therefore provide an opportunity for exchange of ideas and feedback to Counties regarding the performance of their functions. The following inter-County activities were organised by the CoG in 2014/15:

- The CoG organised the Second Annual Devolution Conference that was held in Kisumu County at the Tom Mboya Labour College from 21 April to 23 April 2015. The Conference themed "Celebrating the gains of devolution; appreciating devolved governance; working together to realize the objectives of devolution" was attended by a total of 4, 760 participants who included:
    - All the 47 Governors and the 47 Deputy Governors.
    - Senators, members of the National Assembly.
    - Members of County Assemblies (MCAs).
    - Development partners .
    - Civil Society Organisations.
    - Members of the public.
    - 153 exhibitors.

- The CoG organised a Conference of senior officers of the County Executive from the 47 Counties. 448 County Chief Executive Officers, development partners, Civil Society Organisations, and other stakeholders who participated in the main conference attended the Conference that was held at Safari Park Hotel as precursor to the main conference. Resolutions for support of devolution were suggested as agenda for deliberation in the main conference.

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The President of Kenya, H.E Uhuru Kenyatta at the opening ceremony of the Second Annual Devolution Conference in Kisumu County, April 2015.

Plenary session on the Role of County Governments in Security in Kenya during the Second Annual Devolution Conference.

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Plenary session on Gender Representation during the Second Annual Devolution Conference.

An interactive session at the Tom Mboya Labour College during the 2015 Devolution Conference in Kisumu County.

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- The CoG facilitated several sector-based meetings between County Governments in order to deliberate on issues and develop a common position and approach to engagement with the National Government. Specifically, the CoG and the Counties have used the CEC forums for different sectors to deliberate on proposed national laws and policies for the different sectors. The forums have also been used to deliberate on sectoral transition issues and develop a common position as County Governments. Among the sectoral meetings convened by the CoG for Counties include:
    - Meetings by the CECs in charge of Water and Sanitation to discuss and deliberate on the Water Bill 2015.
    - Meetings by the CECs in in charge of health to deliberate and develop a common position on the Health Bill.
    - Meetings by CECs in charge of Agriculture to deliberate on various proposed national laws and policies and other sectoral issues.
    - Meetings by CECs in charge of Infrastructure and Energy to deliberate on proposed legislation and delay in the transfer of functions.
    - Meetings by CECs in charge of urban development, planning and lands to discuss proposed sector legislation as well as other sectoral issues.
    - Meetings by CECs in charge of tourism to deliberate on County model legislation for tourism.
    - Meetings by CECs in charge of Finance to deliberate on national processes such as the Budgetary policy Statement, Public Finance Regulations, and amendments to the Public Finance Management Act.

The Water, Forestry and Mining Committee of the CoG with Senate Committee after the CoG Committee presented its views and position on the Water Bill 2015. The Committee called for amendments to the Water Bill 2015 to delete provisions that infringed on County functions in the Water and Sanitation Sub-Sector.

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- The Committees of the CoG also meet on a regular basis and deliberate on sectoral issues. The Committees are chaired by different County Governors and have specific mandates as explained earlier above. Some of the major issues that the Committees have dealt with include:
    - Coordination and facilitation of inter-County sectoral activities
    - Providing technical assistance to inter-County forums on specific issues
    - Resource mobilisation and support to County Governments
    - Capacity building initiatives
    - Facilitating sharing of lessons between Counties, etc.

County Executive Committee Members in charge of Tourism during one of the sectoral consultative meetings at the CoG conference room.

4.2 Consultation with the National Government and other institutions

The Constitution requires the two levels of government to consult and cooperate in the performance of their respective functions. The CoG represents County Governments and is the body through which matters that affect Counties generally are deliberated with the National Government and other institutions and offices whose functions impact on Counties generally. The forty-seven Governors are members of the Summit, the body that is the apex of intergovernmental relations. Accordingly, most of the issues affecting Counties should be deliberated in the Summit and decisions taken. However, there are a number of challenges that have faced Summit and the implementation of decisions therefrom.

The Summit

Only one Summit Meeting was convened during the period of reporting (the meeting was held on 8 December 2014). Given the important role that the Summit plays in the implementation of devolution and intergovernmental consultation, there is a clear need for Summit meetings to be held more regularly. Section 9 of the IGRA provides that Summit meetings should be held at least twice a year.

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However, the challenges and issues emerging from the transition to County governance and general constitutional implementation require the National and County Governments to meet more regularly in order to address the challenges affecting implementation.

In the last Summit meeting, the CoG formally tabled a number of issues affecting implementation and the issues and decisions taken. However, there is virtually no mechanism for follow-up to ensure implementation of the decisions/resolutions of the Summit. The deliberations of the last Summit meeting are provided under Annex II of this report.

The IGRA establishes the Intergovernmental Technical Relations Committee (IGRTC) as the Secretariat of the Summit. However, it was not until March 2015 that the IGRTC was established. This means that the Summit operated without a functioning Secretariat for two years. The lack of a Secretariat effectively denied the CoG a formal avenue through which to follow-up on the implementation of Summit decisions and resolutions.

The Intergovernmental Relations Technical Committee (IGRTC)

The CoG has made contact with the newly established body and two meetings were held in 2014/15 between the CoG and the IGRTC. During the two meetings, the CoG presented to the members of the IGRTC a list of resolutions and decisions that had been made in previous Summit meetings. Being a new body, the IGRTC is in the process of setting up systems and the necessary institutional capacities to enable it carry out its functions.

The CoG has handed over to the IGRTC all the resolutions and decisions that have been made from the previous Summit meetings. The CoG is yet to receive a formal response from the IGRTC with regard to the information availed to the Committee. Understandably, the IGRTC is still trying to find its ground and, hopefully, it will provide an opportunity to ensure effectiveness of the Summit and the decisions taken at the Summit. Specifically, the IGRTC should move with speed and establish systems and structures for review and appropriate follow-up on all the resolutions and deliberations reached in all the three Summit meetings that have been held.

Sectoral Intergovernmental consultation

While the IGRA establishes the Summit and the CoG as statutory bodies, the Act provides for formation of further structures to enhance intergovernmental consultation. The two levels of government have established Sectoral intergovernmental Committees composed of all the Sector CECs and the respective Cabinet Secretaries for the sectors. The Sectoral forums have provided avenues through which sector issues are handled. The CoG has facilitated County Governments to participate in these forums; issues handled include:

- Proposed national laws and policies.
- Consultation on division of sectoral functions.
- Standard setting and national regulations.
- Sectoral plans and priorities.

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H.E. Prof. Paul Chepkwony leading discussions during an intergovernmental meeting on education, between the CoG, Kenya National Union of Teachers, Ministry of Education and County Executives in charge of Education.

The CoG coordinates the activities above through its committees, which are divided according to the public service sectors. Details of County activities in the various sectors are captured in the committee activities later below. Apart from National Government institutions, the CoG also interacts with independent institutions and offices. The institutions and offices have functions and mandates that require consultation and cooperation with the Counties. These institutions include: The CoB, the CRA, OAG, TA, CIC, AG, among other institutions and offices. Again, interaction with these institutions is mainly through the CoG and details are given under the committee activities under section 4.6 of this report.

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4.3 Capacity building and resource mobilisation

Capacity Building

The CoG has a mandate to build the capacity of Governors. While the IGRA covers only Governors, the CoG has, in practice, extended capacity building efforts to teams in the Counties that work under the Governors. Capacity building is normally based on the identified needs and gaps of Counties generally. The CoG mainly plays a facilitative role by coordinating capacity building for the Governors and various teams in the 47 Counties. The CoG facilitated and coordinated the following capacity building measures in 2014/15:

- The CoG participated, together with other stakeholders, in the development of the National Capacity Building Framework (NCBF), an initiative of the MoDP aimed at strengthening the capacity of County Governments in Public Finance Management, Human Resource Management, Integrated Development Planning, and Performance Management. The CoG provided inputs on the capacity and skills gaps that should be addressed through the national framework.

- Governors selected by the CoG participated (together with other participants from independent offices and representative of the legislative arm of Counties) in a study tour of the US states of Tennessee and Oklahoma between 10 July 2014 and17 July 2014. The study tour had the objective of introducing the Governors to good practices, unique approaches, structures, strategies and policies, for devolution/decentralization that have been successfully applied, tried and tested in the US and might be replicated in Kenya. The study tour was also an opportunity to create appropriate institutional linkages between the CoG and other state and federal institutions for future collaboration and cooperation. During the tour, the Governors were able to participate in the summer session of the US National Governors Association held in Nashville Tennessee between 10 July 2014 and 12 July 2014. The team also visited Oklahoma City and surrounding Counties between July 14th – 16th 2014. The Study Tour is implemented through the Kenya Governors Strategic Execution Support (KEGOSES) Project of the Governance Center of Strathmore University.

- Governors selected by the CoG participated in an intensive study visit to Sweden from 22 March 2015 to 28 March 2015. The study was coordinated by SALAR and focused on various issues including: urban development, open spaces, water efficiencies and recycling technologies, modern solid waste collection technology and other governance processes. The team of Governors was given a tour of a "Symbio-City" (sustainable city) of HammarbySjostad that is modelled on the "symbiocity". A key outcome of the study visit was a commitment between SALAR and the CoG to support a similar initiative in Kenya including a pilot project in seven Counties in the country which is implemented under the Urban Development, Planning and Lands Committee.

- The CoG organised training for County Executive Committee members in charge of health for a training on maternal health. The training targeted Counties with the highest maternal and infant mortality rates.

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- The CoG Health Committee carried out a study visit to Ethiopia to study community health interventions. A report of the study tour was prepared by the CoG and distributed to all the Counties for consumption.

- The CoG has partnered with DAI to assist in providing or facilitating specific human resource gaps in the Counties. During a needs assessment for the DAI intervention, Counties identified capacity gaps in public finance management, statistical analysis, Monitoring and Evaluation (M&E). DAI has committed to a process of phased implementation of the identified resource gaps that will eventually reach all the 47 Counties through the United National Volunteers Programme (UNV) that will provide additional support to ensure that the programme is a success.

- The Health Committee conducted a study of the status of delivery of health services and shared the results of the assessment with the Counties for remedial measures.

Excellency Governors during the Urban Executive Leadership Conference in UN Headquaters, Gigiri.

COG staff during 'Champions for Change' Training at the CoG secretariat.

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Resource Mobilisation

One of the greatest challenges faced by Counties is inadequacy of resources to enable the Counties to perform their functions. The CoG, in consultation with the Counties, identified a need to build the capacity of Counties to mobilise resources to finance their functions and activities. While many donors and potential development partners have expressed willingness to work with County Governments, there was no efficient coordination of County Governments. The CoG is in the process of developing a resource mobilisation strategy that will guide the CoG and Counties in the mobilisation of resources. The main challenge that was identified during consultation with stakeholders was the lack of a coordination point for resource mobilisation. The following measures have been undertaken to enhance resource mobilisation by Counties:

- The CoG has ensured the placement of an officer in charge of resource mobilisation and the liaison coordination point for all resource mobilisation strategies in all the forty-seven Counties. The CoG has provided the contacts of these persons to all the development partners who have been in touch with the CoG.
- The CoG has shared the contacts of the development partners willing to work with County Governments. The development partners and potential donors have direct contact with the Counties of interest.
- The CoG has shared all the documentation and concepts that it has used for resource mobilisation with the Counties. The materials will assist the Counties to engage directly with donors and potential development partners.
- Under a project named "Linking Counties to opportunities", the CoG has facilitated contacts between Counties and potential donors. The Lions Club of Kenya has partnered with some Counties under this initiative by making contribution for the provision of wheelchairs to Persons With Disability (PWD). Counties have also partnered with the Lions Club in a cornea harvesting from willing donors.
- In a project dubbed "Linking Counties to Foundations", the CoG has organised meetings between Counties and over forty foundations that have an interest in working with County Governments.

The Chairman of CoG after a consultative meeting with officials from the Department for International Development (DFID) (left) and the World Bank (Kenya) (right) at the CoG secretariat.

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4.4 Dispute resolution

The Constitution and the IGRA requires the National and County Governments to take all measures necessary to ensure the amicable settlement of potential disputes and conflicts. The CoG has generally taken this approach in the resolution of all disputes with the National Government, between Counties, and with other institutions (private and public). While the CoG is involved in litigation, this usually comes as a last resort after all other avenues of remedying a conflict have been exhausted.

Disputes between Counties

The CoG has developed procedures and systems for handling and processing conflicts between Counties. Conflicts between County Governments are supposed to be referred to the CoG Committee in charge of Intergovernmental Relations. The Committee is mandated to hear the parties and make a preliminary assessment of the matter before a referral to the full Council. The full Council then selects an ad hoc committee from the Committee in charge of Intergovernmental Relations and other members of the council to hear and determine the matter. The Committee selected to hear the matter can enter into any form of dispute settlement including conciliation, negotiation, and mediation between the Counties involved in the conflict.

In 2014/15, two matters were referred to the Council (County boundary disputes and where there is experienced misplaced allocation of funds to two Counties). All the matters were dealt with at the CoG level to the satisfaction of the Counties involved. Other potential conflicts between Counties such as those on insecurity are dealt with through National Government structures and processes.

Disputes between the CoG and the National Government

The CoG has cited a number of areas of potential and existing disputes between the National and County Governments. The IGRA requires any party in dispute to exhaust all avenues of alternative dispute resolution, including negotiations. Where negotiations fail, parties are required to declare a formal dispute. Disputes between the CoG and the national level should be referred to the Summit. The challenges facing the Summit have been noted earlier in this report. The CoG has raised concerns on many issues that form a basis for disputes. However, Summit meetings are rarely convened and decisions taken from the Summit are rarely followed up or implemented. There are no clear systems and processes for the implementation of the decision of the Summit. The IGRTC may facilitate the establishment of systems and procedures for handling disputes referred to the Summit.

In 2014/15, the CoG compiled a list of resolutions and position of the CoG on various policy matters that were presented during previous Summit meetings. The resolutions and decisions of the CoG were formally adopted but have not been implemented. The CoG presented the list of resolutions and position of the CoG to the IGRTC and expects that the IGRTC will put in place measures to ensure implementation of the previous decisions reached by the Summit.

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Areas of potential dispute that have been raised formally in previous Summit meetings include:

- The allocation of frequencies by the CAK. A formal request was made to the CAK to issue frequencies and the Authority responded that it could not allocate frequencies without regulations to guide the process.

- The CoG has formally and consistently raised concerns regarding the perennial delay of disbursements of the equitable share to County Governments.

- The CoG has raised concerns on the manner the lack of consultation and involvement by the National Treasury in the negotiation and management of loans and donor grants for functions that belong to Counties.

- The CoG has formally raised concerns on the use of the newly introduced e-procurement system. The system has not only made the procurement system overly bureaucratic but has also excluded sections of the society that are unable to access Internet services. Counties in regions with low Internet activity have also been affected, as they are unable to access the system to enable the respective Counties to carry out procurement processes.

- The CoG has noted the incomplete transfer of functions and accompanying resources as the end of the transition period approaches. The CoG has on numerous occasions raised these issues.

The lack of progress with the Summit on the issues above prompted the CoG to approach the Senate to intervene on some of the issues. The CoG met with the Senate Committee on Devolution and raised concerns regarding the delay of funds from the national level. The Senate Committee undertook to follow up the matter by summoning the Cabinet Secretary in charge of Finance to respond to concerns regarding the delay.

The Senate too is yet to give a formal response to the CoG on measures taken to address the delay of disbursements to County Governments.

Disputes before courts of law

The CoG is engaged in a number of matters that are currently before the courts. While the CoG has embraced the principle of consultation and cooperation, the weak ineffective structures systems have, in many instances, necessitated court action. The CoG has been compelled to approach courts to seek certain reliefs and orders that will contribute to the effectiveness of the implementation of devolution. The CoG has been sued in many instances and it has also been drawn into disputes by being enjoined as an "interested party". Currently, the CoG is directly or indirectly involved in a total of thirty (30) judicial and quasi-judicial matters (including a commission of inquiry for the dissolution of Makueni County). The CoG has commenced nine (9) of the thirty (30) suits and has been sued (as a respondent) in eight (8) matters. The CoG has been sued or enjoined as an interested party in eleven (11) other court matters.

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The Constitution requires amicable settlement of disputes and the exhaustion of alternative avenues of resolving a dispute. The CoG has followed this constitutional requirement in all disputes where it is involved. However, many cases still find their way to the courts e.g. through private disputes that touch on devolved government issues that are of interest to the CoG. There are also cases where all reasonable efforts to solve a matter come to naught and the CoG has no option than to resort to courts for guidance.

4.5 Public engagement

The CoG has a responsibility to consider issues referred to it by a member of the public. The CoG has established a directorate of cooperate communications in the Secretariat to handle all communication by the CoG. In 2014/15, the directorate prepared a Draft Strategic Communication Plan 2014-2017. The Draft Plan will assist the CoG to plan and manage all communication in the most efficient and effective manner. Specifically, the Draft Strategic Communication Plan sets out the following:

- The objectives and goals of communication and public engagement by the CoG.
- Strategies to promote understanding and awareness of the mandate of the CoG.
- A system for handling and processing matters referred by the public.
- Internal and external channels of communication for the CoG Secretariat.
- The resources required (human and financial) to ensure effective communication.
- Opportunities and challenges in ensuring effective communication and public engagement.

Matters referred to CoG by the public are usually referred to the directorate of communications. The matter is then referred to the technical team or office that is relevant to the public query raised. An appropriate feedback is then prepared and sent to the members of the public. A majority of the issues referred to the CoG are done through social media (twitter and facebook where the CoG communications directorate has opened interactive forums) and the CoG official email address. Not many members of the public make a physical visit to the CoG offices for inquiries. The queries that are routinely handled by the CoG Secretariat include:

- Queries on procurement issues for members of the public that want to engage with the tendering process.
- Queries regarding strikes by County staff and other governance challenges in specific Counties.
- Clarifications, queries, and replies to messages put out by the CoG Communications team on social media platforms.
- Specific requests (mainly by the media) for interviews and clarification of issues in the public regarding the CoG or matters of County governance generally.

The CoG Corporate communications directorate addressed all the queries raised by members of the public. Technical matters were addressed with the assistance of the relevant departments e.g. queries regarding procurement were addressed by the department in charge of procurement.

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Other activities related to communications and public engagements in 2014/15 include:

- Governors and senior officials of the CoG Secretariat have attended over 50 talk shows in 2014/15 in various media stations to promote the agenda and mandate of the CoG.

- The CoG issued over 100 press statements in 2014/15 on various issues affecting County governance and the implementation of devolved governance.

- During major CoG activities such as the Annual Devolution Conference (held every April) there are interactive forums that are held between Governors and the public. Over 5000 people usually attend this conference and the CoG takes the opportunity to engage with members of the public and give responses to issues raised.

Excellency Governors interacting with members of the public during a visit to Tana River County.

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4.6 Committee activities and sectoral engagements

The CoG's technical work and engagements are planned and executed through the seventeen committees of the CoG. All the seventeen committees prepared and finalised their respective work plans in 2014/15.

The work plans informed the activities that the committees undertook in 2014/15. The table below contains a description of the activities that the committees undertook during the year.

No.	Committee	Activity in 2014/15
1.	**Health**	• The Committee coordinated the deployment of over 700 health professionals to the Counties (mainly doctors and pharmacists) based on specific County requests. • The Committee facilitated negotiations with the Danish Development Agency (DANIDA) that led to a Kshs. 2 billion funding to dispensaries and health centres in the 47 Counties. • The Committee made inputs to the Health Bill (2015). A memorandum on the agreed position between the CoG and the Ministry of Health was finalised and will be presented to Parliament. • The Committee coordinated an assessment of the health sector investments in the 47 Counties. The report that identified the gaps in each County was distributed to the Counties for remedial action. • The Committee organised a study tour to Ethiopia to learn about community health interventions. • The Committee coordinated a UNDP-funded training for the 47 County chief finance officers on management of health finances in April 2015. • The Committee facilitated meetings for the County Executive Committee members in charge of health. The CECs Health have developed a calendar for quarterly meetings for coordination of sector issues including annual plan for activities. • The Committee coordinated a training on maternal and new-born health for Counties with the highest infancy and maternal death rates. • The Committee facilitated discussions on the Health Care Financing Strategy. • The Committee coordinated the submission of financial report to the donors and to the Office of the Auditor General. • The Committee coordinated measures to address personnel issues in the sector which included: Pending promotions, Arrears from pending promotions, Schemes of services for all health workers (disseminated to all Counties for consideration), Harmonisation of allowances (on-going), Inter-County transfers and Capacity building programmes. • The Committee facilitated the formation of a Technical Advisory Team that will work on an ad hoc basis and will advise the Committee/ CoG on various sectoral issues. ToRs for the team have been prepared. The team draws membership from the IFC, WHO, Policy and Intra Health Projects (USAID), JHIEGO, CIC, MoH, and University of Nairobi.

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No.	Committee	Activity in 2014/15
2.	**Agriculture**	• The Committee prepared and submitted licensing modalities by Counties to the various national directorates including: Coffee and tea, Horticulture, Pyrethrum and industrial crops, Food crops, Nuts and oil crops, Sugar, Fibre crops. The Committee represented the CoG in various discussions with the Ministry of Agriculture, Livestock and Fisheries (MoALF), the Agriculture, Fisheries and Food Authority (AFFA) and other stakeholders on sector licensing and has advised Counties to prepare agriculture licensing laws pursuant to section 17(2) of the Crops Act. • The Committee reviewed the following proposed laws and policies during 2014/15: o The National Agriculture Policy (NAP). o The National Veterinary Policy. o The Animal Breeding Policy. o The Agriculture Mechanization Policy. • The Committee jointly developed (with the Director of Veterinary Services) the Delivery of Veterinary Services Guidelines. • The Committee reviewed the following proposed laws/ amendments in 2014/15: o Potato Produce and Marketing Bill. o Fisheries Management and Development Bill. o The Irrigation Bill. • The Committee met several times with the National Government (including the office of the Deputy President) to have the AFFA Act amended. • The Committee held several meetings with the with the Office of the Deputy President to discuss and deliberate on possible amendments to the AFFA Act and Crops Act to ensure conformity with the Constitution. • The Committee has had consultations with the Senate Committee on Agriculture to propose amendments to sector legislation. • The Committee has facilitated the development of the following County model legislation: o Model Livestock Bill. o Model Livestock Policy. o Model Cooperatives Policy. o Model County Agricultural Licensing Bill. o Model Coffee Bill. • The committee provided inputs on sectoral issues in an “omnibus” suit being prepared by the CoG on the infringement of County Government functions. • The Committee has facilitated the formation of sector-based Intergovernmental Technical Working Groups on the following areas: o Policy and legislation. o Projects and outputs. o Food security, extension and capacity building. o Monitoring and Evaluation.

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No.	Committee	Activity in 2014/15
		• The Committee jointly procured fertilizer and other farm inputs with the MoALF for various Counties and specifically assisted in identifying the varied and specific needs of the Counties. • The Committee facilitated and coordinated County efforts for readiness for the El Nino rains. Measures taken by the Committee included: o Ensuring that Counties had an emergency plan complete with a sectoral budget. o Collecting emergency contacts for all the forty-seven Counties. o Coordinated donor/ development partners' assistance for target Counties. • The Committee has facilitated the sharing of lessons, successes and experiences in the sector during the Second Annual Devolution Conference, the CoG Website and through the media.
3.	**Infrastructure and Energy**	• The Committee has reviewed the following Bills: o Mining Bill. o Petroleum Exploration and Development Bill. o Energy Bill. • The Committee facilitated and organised meetings and consultation with the national Ministry of Energy and relevant stakeholders on the sector's transition. • The Committee provided inputs and sectoral issues on an "omnibus" petition being prepared by the CoG against the National Government for transfer of functions to Counties.
4.	**Urban Development, Planning and Lands**	• The Committee reviewed and made inputs to the following national policies and laws: o Physical Planning Bill. o Community Land Bill. o Land Laws (Amendment) Bill. o National Urban Development Policy. • The Committee has facilitated the development of a framework for County spatial planning to guide Counties development of own Spatial Plans and funding arrangements for the Plans. • Consolidation and sharing of lessons, experiences and emerging issues in urban County governance. This has been shared in the CoG website and various forums. • The Committee has facilitated five sector meetings with MoLHUD and the NLC. • The Committee facilitated a study tour of Governors to Sweden to learn about sustainable urban governance. • The Committee facilitated the launch of the "Symbio-city Project", a programme that is funded by the Embassy of Sweden and which is intended to create self-sustaining urban centres.
5.	**Tourism and Wildlife**	• The Committee facilitated meeting of CECs to discuss the Laikipia County Model Tourism Bill and Policy. • The Committee convened CECs in the Sector to deliberate on sectoral issues that included: o County profiling for purposes of marketing. o Identification of joint County products for tourism marketing at the national and international level. o Development of a Tourism Strategic Plan for each County. o Budgetary allocation for tourism sector by Counties. o Resource mobilisation for the Sector's development.

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No.	Committee	Activity in 2014/15
6.	**Water, Forestry and Mining**	• The Committee facilitated inter-County sectoral meetings to discuss the laws, policy and other sectoral issues. • The Committee made inputs to the following proposed legislation: o The Climate Change Bill 2014. o The Mining Bill 2014. o The Natural Resources (Benefit Sharing) Bill 2014. o The Environmental Management and Coordination (Amendment) Bill 2014.
		• The Committee coordinated donor support (SNV, UNICEF, Kenya Markets Trust (KMT)) for ten Counties to develop their water supply and urban sanitation strategic plans for the period 2015-2019. The beneficiary Counties are: Siaya, Kakamega, Kisumu, Nandi, Homabay, Vihiga, Marsabit, and Kitui. • The Committee facilitated and coordinated support from the Water Services Trust Fund (WSTF) to pilot water and sanitation projects in: Laikipia, Kwale, Nandi, Migori, Narok and Tharaka Nithi. • The Committee facilitated County participation in the NYGGS-2015. The Summit provided opportunity for the National and County Governments as well as other stakeholders to identify gaps and develop measures to enhance the participation of the youth in sustainable growth and development.
7.	**Cooperatives and Enterprises Development**	The Committee is newly formed and internal meeting/ consultations have been held and Terms of Reference developed for future engagements of the Committee.
8.	**Trade, Industry and Investment**	• The Committee facilitated three consultative meetings between the CECs in charge of the Sector to deliberate and develop a common position on sector issues. • The Committee participated in the review of the following proposed laws and policies: o National Investment Policy. o National Policy on County Tax administration. o National Trade Policy. o Special Economic Zone Bill 2014.

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No.	Committee	Activity in 2014/15
9.	**Education, Youth, Sports, Culture and Social Services**	• The Committee facilitated inter-County sectoral meetings to deliberate on laws and policies concerning gender, sports, culture and social services. Laws and policies reviewed included: o The National Early Childhood Development Policy. o The National Equality Policy. o The National Gender Based Violence Policy. o The Draft Music Policy. o Basic Education Act. o Basic Education (Amendment) Bill. o The Heritage Bill. • The Committee facilitated the registration of Kenya Inter-County Youth Sports Association (KYISA). This led to the first KYISA games from 24 April 2015 to 1 May 2015. • The Committee has held several meetings with different sports associations and other relevant sports sector institutions on possible collaboration. These include: The Technical and Vocational Training Authority, Kenya National Union of Teachers, Civil Society, Sports Federations (Kenya Football Federation, Kenya Volleyball Federation, Kenya Netball Association), the NCPWD and development partners to support the Committee and its initiatives. • The Committee has established a gender advisory group drawing members from FIDA, the National Gender and Equality Commission, MoDP, Interreligious Council of Kenya, NCPWD, academia and select CECs. The Committee provides the CoG advisory services on gender issues.
		• The Committee facilitated discussions with the County Governments on the following County model laws: o County Culture and Heritage Bill. o County Culture Policy. o Draft Public Participation Bill. o County Sports Bill. o County Youth Policy. o The Kenya Law Reform Commission shared the following laws during the forum: • Model County Childcare Facilitie. • Model County Control of Drugs and Substances. • Model County Pre Primary and Early Childhood Education. • Model County Law on Social Protection. • Model County Law on Social Development Fund. • Model County Law on Citizen Participation. • Model County Law on Persons with Disability. • The Committee collaborated with the NGEC on the development of the Duty Bearers' Handbook on Prevention and Response to Gender Based Violence (GBV). The Handbook will assist Counties in civic education and other social programmes at the County level. • The Committee participated in the "Mwamko Mpya" initiative, a programme under the Gender Directorate of the National Government meant to sensitise the public on women's rights and gender issues. • The Committee collaborated with the MoDP in assessing the development of Women Economic Empowerment Strategy in the forty-seven Counties.

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No.	Committee	Activity in 2014/15
10.	**Finance, Planning and Economic Affairs**	• The Committee led consultations with the National Treasury and other institutions to ensure that the Budgetary Policy Statement conformed with the needs of Counties. • The Committee provided inputs to the following Bills: o Division of Revenue Bill 2015. o County Allocation of Revenue Bill 2015. o Public Finance Management (Amendment) Bill 2014. o Public procurement and Assets Disposal Bill 2014. o Public Finance Management Regulations 2015. • The Committee participated in sector meetings and consultations (Intergovernmental Budget and Economic Council (IBEC), Summit, Sector Working Group (SWP). • The Committee facilitated consultation amongst the CECs Finance on matters of common interest (revenue sharing, legislative reform, Division of Revenue Bill (DORB). • The Committee facilitated and coordinated capacity building programmes for County Governments in the following areas: o Governors' training on IFMIS e-procurement. o CECs training on IFMIS and e-procurement. o County Chief Officers, Head of Supply Chain and procurement officers trained on e-procurement. • The Committee facilitated consultative meetings with the National Treasury through the Accountant General, PS Treasury, IFMIS Director on the management and disbursement of conditional allocations to Counties. A disbursement schedule was agreed.
11.	**Human Resources, Labour and Social Welfare Committee**	• The Committee facilitated discussions with the Intergovernmental Steering Committee on CARPS to review the draft CARPS Report and discuss the pertinent issues of its implementation. • The Committee also participated in three meetings by the Inter-Agency Technical Committee to review the report and incorporate the recommendations from the Steering Committee. • The Committee reviewed and made inputs to the County Retirement Scheme Bill. • The Committee participated in the establishment of an Umbrella Scheme of the County Governments. • The Committee is currently negotiating the merger of administrative services for the LAPTRUST and LAPFUND to offer administrative services to the new Umbrella Scheme and closed funds. • The Committee coordinated (in collaboration with the Kenya School of Government) the training of 220 Trainers of Trainers (ToTs) from Counties on the following areas: o Results based Monitoring and Evaluation. o Leadership and Management. o Leadership and Management, Human Resource Management, County Planning and Results Based Monitoring, Evaluation and Planning. • The Committee organised a meeting of County secretaries and in charge of performance contracting to consider the County performance contracting guidelines.
12.	**Intergovernmental Relations Committee**	• The Committee, in collaboration with the MoDP begun implementation of the East African Local Government Forum (EALGF) Strategic Plan and has undertaken a study in the five East African Community member Countries. The Committee selected 3 key areas of study: Local Economic Development, Local/Sub-National Government Financing and Public Participation.

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No.	Committee	Activity in 2014/15
13.	**Security and Foreign Affairs**	• The Committee facilitated a meeting with the National Government (Ministry of Interior, National Counter-Terrorism Centre, National Intelligence Service, Office of the Director of Prosecution, Attorney General) to discuss the role of Counties in the Security Sector. A resolution was reached to establish a joint taskforce between the National and County Government that will develop a collaboration framework for the Security Sector. • The Committee participated in the development and gazettement of County Policing Authority Guidelines. • The Committee facilitated inter-County meetings to deliberate on security systems and skilled security personnel at the County level. • The Committee rendered administrative support to various CoG and County delegations in foreign travel including organising for issuance of diplomatic passes for Deputy Governors.
14.	**Resource Mobilization Committee**	• The Committee facilitated the following measures aimed at strengthening the CoG Secretariat: o Recruitment of Director of Programmes for the Secretariat. o Coordinated the renewal of contracts of CoG Secretariat staff supported by development partners. o Coordinated and mobilised resources for the Second Annual Devolution Conference. o Facilitated a CoG Secretariat retreat to prepare the Annual Workplan for the year 2015/16.
		• The Committee is in the process of developing a strategic plan for resource mobilization. • The Committee coordinated the hiring of County mobilisation officers for each of the 47 County Governments. • The Committee coordinated and facilitated the hiring of 35 United Nations Volunteers (UNVs) to various Counties to assist in PFM, Monitoring and Evaluation and statistics. • The Committee developed and shared concepts and proposals for funding with the 47 County Governments. • The Committee linked Counties with various development partners and private foundations that are willing to partner with Counties in various areas of development and service delivery • The Committee facilitated the involvement and participation of the CoG in various regional and international forums. These included: o Membership of the CoG in the ORU/ FOGAR. o Representation and participation of the CoG in the Commonwealth Local Government Network Conference (Gaborone, June 2015) where the role of sub-national governments in Sustainable Development Goals (SDGs) was discussed. • The Committee facilitated a UN Women funded programme for gender mainstreaming in the Counties. • The Committee facilitated the training of County liaison officers on "attracting investment to County Governments". • The Committee facilitated discussions with the National Government on alignment and coordination of National Government development programmes that are focused on County functions e.g. the Climate Smart Agriculture Programmes funded by the World Bank and Food and Agriculture Organisation (FAO). • The Committee facilitated donor support (UNDP and AHADI) to various Counties. • The Committee reviewed and external donor assistance to ensure County representation and participation. • The Committee facilitated an agreement between the EU to support 15 Counties through its IDEAS Project.

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No.	Committee	Activity in 2014/15
15.	**Information, Technology and Communication (ICT) Committee**	The Committee is newly formed.
16.	**Legal Affairs and Human Rights**	• The Committee facilitated and coordinated the training of County Attorneys in the following areas: o Model County Law Office. o Legislative Drafting. • The Committee organised and facilitated meetings between the CoG and the Judiciary (Chief Justice and Deputy Chief Justice) to deliberate on areas of collaboration, including cooperation in the enforcement of County laws.
		• The Committee collaborated with the National Council on the Administration of Justice (NCAJ) in hosting the First CoG NCAJ Annual Conference wherein deliberations focused on human rights in the Counties and the role of the Counties in the justice sector. • The Committee participated in sectoral discussions on laws and policies (convened by other committees) and provided inputs and insights into the following proposed legislation: o County Retirement Scheme Bill. o Health Bill. o Constitutional Amendments (consultation with the Senate Committee on Legal Affairs. o Memoranda sent to the National Assembly and Senate on key Bills. o Draft National Devolution Policy. o KLRC Draft County Model Laws. • The Committee facilitated the development of a Sectoral Policy and Legislative Analysis Report that consolidated the CoG's position on various sectoral legal and policy issues. • The Committee coordinated CoG's involvement in litigation.
17.	**Rules and Business**	• The Committee is charged with supporting the Chair of the CoG to coordinate and ensure the overall business of the CoG and the Secretariat run smoothly. The Committee has carried out the following activities: o Developed ToRs for all the CoG Committees (see Annex). o Developed rules and procedures for orderly conduct of CoG meetings. • Prepared a calendar of CoG meetings. • Monitoring mechanism for Committee activities. • Developed mechanism for monitoring budget implementation for the CoG.
18.	**Arid and Semi-Arid Land (ASAL) Committee (on an ad hoc basis)**	This is *an ad* hoc Committee that meets on a need by need basis to address selected issues facing Counties in the ASAL areas. The Committee did not have any meetings during 2014/15.

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4.7 Finance, Human Resource and Administration

The CoG requires resources (both human and financial) to enable it to carry out the mandate and responsibilities bestowed on it under the IGRA. The structures and organs of the CoG (the CoG, the Committees, and the Secretariat) were described in detail at the beginning of the report. The CoG continues to strengthen the Secretariat in order to enhance effectiveness. The systems and structures put in place require continuous improvement to ensure overall effectiveness. This is not possible without requisite resources to support the administrative structures and systems at the Secretariat. The report has discussed some of the resource mobilisation strategies that both the CoG and Counties are using to fill the resource gaps.

Human Resource and Administration

The CoG Secretariat has a total of 44 members of staff against a target of 57 as per the Staffing Structure provided earlier. The staff shortage is as a result of inadequate resources to employ the required staff. Secondly, most of the current CoG staff members are on secondment from the National Government and development partners who support the activities of the CoG. Of the 44 staff members, the CoG directly employed 13; 19 members of staff are on secondment from the National Government while various development partners facilitate 12 staff members (i.e UNDP, Ahadi, IDLO and USAID). This means that a majority of the staff at the Secretariat (70 percent) are not directly under the control and management of the CoG. The table below shows the current composition of the CoG Secretariat:

Category	Male	Female	Total
Youth (below 35 years)	18	18	36
Persons with Disability	0	1	1
Marginalised communities	2	1	3
Other	2	2	4
Total Staff	22	22	44

As a support function of the CoG, the Secretariat is tasked with a huge responsibility of actualizing the principles of devolution. The Secretariat is the contact window between the two levels of Government and its importance cannot be over emphasized.

Lack of resource allocation to the personnel emoluments has made it difficult for the Council to recruit additional personnel to support the discharge of its mandate. Since its establishment and inception, the Council Secretariat has had a skeleton staff, mostly hired on contract basis of six (6) months to one (1) year or on deployment from Ministries or from the Counties on an ad hoc basis. Despite these challenges, the Secretariat team has made important progress with regard to the execution of CoG's mandate and operations.

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The CoG Secretariat during a team-building event.

Finance

The CoG continues to grow in an effort to fulfil its constitutional mandate. The period under review, (July 2014-June 2015) was challenging and yet productive for the CoG.

The funding for the CoG Secretariat is normally through an allocation allowed in the operationalization of the devolution activities under MoDP. Other sources of funding included bilateral donors through financial assistance to the activities of the CoG.

The IGRA under Section 37 provides that; "The operational expenses in respect of the structure and institutions established in this Act shall be provided for in the annual estimates of the revenue and expenditure of the National Government to cater for, among others, the CoG and its sectoral working groups".

The CoG undertook key activities in order to provide support the 47 Governors achieve their collective mandate. Therefore, a culmination of the efforts of many individuals and stakeholders who provided their expertise and capacity in support of the work of the CoG was important. During the 2014/2015 Financial Year, the Council did receive an allocation of Ksh. 30.5M and a further 112.5M from the supplementary budget of 2013/2014.

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The CoG has thus not been able to perform all the activities as planned due to the inadequacy of resources. The CoG has taken various measures to address the resource shortfall; including establishing a resource mobilisation unit in the Secretariat and it is hoped that this will address the resource shortfall. The tables below provides the sources of revenue for the CoG and the main expenditure items for the CoG during 2014/15:

Revenue Sources (2014/15)	**(Kshs) '000'**
Grant from the MoDP	143, 000
County Government contributions	588, 354.57
Donors	17, 260
Total	**748, 614.57**

Expenditure overview (2014/15)	**(Kshs) '000'**
Communication, supplies and services	5,600
Foreign travel and subsistence	15,200
Printing, advertising and information supplies & services	69,900
Training, Conferences and workshops expenses	89,200
Hospitality supplies and services	10,100
Insurances	2,700
Office and general supplies and services	3,308
Routine maintenance – vehicles and other transport equipment	2,987
Routine maintenance – other assets	109,500
Cluster meeting expenses	4,300
Personnel	25, 000

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5

Challenges, opportunities, and recommendations

The implementation of devolution under the Constitution of Kenya 2010 is guided by the objectives of devolved governance under Article 174 of the Constitution. The Counties are the main players in the direct realisation of the objectives of devolved governance. Critical scores have been made with regard to the implementation of the devolved system of government: national and County institutions and structures have been put in place, a considerable number of national laws and policies have been put to facilitate the performance of respective functions, there is evidence that Counties have enhance access to services and contributed to local development. Despite this progress, a number of implementation related challenges and issues abound.

As the common platform for Counties, the CoG plays a critical role in ensuring effective County governance by promoting and giving effect to the constitutional spirit of consultation and cooperation. The specific issues, challenges and opportunities in the implementation of devolution and main recommendations are discussed below.

5.1 Transition

Transition to devolved governance has been an on-going process since 2010 when the Constitution was promulgated. While the period before the March 2013 general election was dedicated to enactment of enabling legislative framework. The entry of County Governments after the March 2013 election ushered in the next phase of transition with the Counties taking up the actual functions. The three-year transition period that was provided for in the Constitution and the TDGA comes to an end in March 2016. The mandate of the CIC and the TA lapses at the end of the period. However, many issues remain unresolved and there is need for further measures to ensure a smooth and complete transition.

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Management and transfer of national and County functions

While the TA has, through various Legal Notices, transferred various functions to County Governments, several critical issues have not been addressed. The TA has not effectively unbundled and clarified all functions under the Fourth Schedule. TA is yet to finalize the unbundling and costing of concurrent fucntions. The delays have led to difficulties in ascertaining the functional boundaries between the two levels of government and other important processes such as National and County budgeting.

National legal and policy framework

The Constitution provides clear timelines within which Parliament was to pass enabling legislation to facilitate the implementation process. Parliament was expected to have passed all laws by August 2015. However, this period has been extended by Parliament to allow more time for debate and passing of the laws. There are many laws that need to be passed to provide the national legal framework for effective implementation of devolution.

Institutional restructuring and alignment

The Constitution requires extensive restructuring of institutions at the national and County levels to pave way for the Constitution of Kenya 2010. Indeed, institutions like the Provincial Administration , State Corporations and Regional Development Authorities, are required to undergo fundamental restructuring to align with the Constitution. More importantly, the process of institutional restructuring implies a fundamental realignment of functions (as well as accompanying resources) between the two levels of government and other institutions and offices whose functions are carved out in the Constitution. However, not much has happened in terms of restructuring of institutions and as the transition period comes to an end, there is a need for an assessment of the transition process as a well as discussions on the way forward with the pending institutional transition issues.

Recommendations

- A meeting between the CoG and institutions overseeing transition to County governance such as CIOC, the TA, and CIC should be urgently convened to review the implementation process and develop a way forward after the end of the transition period. Deliberations should focus on, among other things:
    - The incomplete transfer of functions (and accompanying resources).
    - Pending laws and policies.
    - The way forward regarding on-going transition process.
- A Summit meeting should be urgently convened to deliberate on issues regarding the transition and provide the way forward for Counties and the national level as regards the transition process.

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5.2 Public Finance Management and financing of County functions

One of the principles of devolved government is that Counties should have adequate resources to carry out their functions. The funds transferred to Counties should also be utilised towards the delivery of essential services and other functions that have been transferred to the Counties.

Prudent and accountable use of public funds allocated to Counties

There have been concerns about the misuse of resources allocated to Counties. The legislative and executive structures at the County level are required to plan and use resources in the performance of their functions. The County assemblies also need to exercise effective oversight in the use of County resources. The Constitution vests important functions of ensuring accountability in the use of resources in the National Treasury, CoB, and the OAG. These institutions should prepare systems that can enhance checks and oversight in the use of County resources. The CoG remains committed to ensuring that the forty-seven Counties are committed to the principles of transparency, prudence, accountability and participation in the use of County resources.

Efficient disbursement of funds to County Governments

The constitutional requirement for Counties to have adequate resources implies timely and efficient disbursement of monies due to Counties. Consistent delays in the disbursement of monies have, on numerous occasions, led to derailment of service provision and halting of development projects. The National Treasury and other institutions that are involved in the disbursement of funds meant for Counties should put in place measures to ensure the timely disbursement of funds to Counties. This will enhance overall effectiveness in the performance of County functions.

Recommendations

- The delays in funds to the Counties has become a repeat phenomena in every financial year, the Counties call upon the National Treasury and the Senate and other relevant institutions to ensure a timely disbursement of funds to the Counties.
- The CoG and the SCAF need to come together and dialogue on prudent use of resources allocated. to Counties. The same dialogue should be extended to the County level between individual County legislative and executive organs.
- The national budget process should be completed timely in order to allow Counties to budget for their functions effectively and realistically.

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5.3 Intergovernmental Relations

Institutional capacity and effectiveness

Most of the challenges that have faced the transition process can be addressed through effective consultation and cooperation. However, the current challenges facing the institutions put in place to enhance institutional dialogue and interaction have hindered effectiveness in this regard. The challenges facing the Summit have been highlighted in this in report. There is a need for requisite capacity and systems that will ensure follow-up on decisions that are meant to enhance the implementation of devolution. Indeed, the CoG and the Summit are the highest organs of deliberation for the two levels of government; there is need for effective structures and systems to ensure that persistent and emerging issues are adequately addressed.

Developing a new institutional and political culture of dialogue

Apart from structure-related challenges to the implementation of intergovernmental relations, there is a need for change of culture, values and attitude. A number of decisions have, on many occasions, been taken at the national without reference or consultation with Counties. The most recent example is the leasing of medical equipment by the National Government. Such a process requires the decision-makers at the national level to consult with Counties and reach a consensus since the issue concerns delivery of health services, a function that has been primarily donated to the Counties by the Constitution.

Recommendations

- The Summit should convene more frequently in order to address the emerging main issues that are hindering transition and implementation of devolution.
- The resolutions from the past meetings of the Summit should be followed-up and appropriate measures taken to implement the decisions.
- The IGRTC should take leadership in developing the required capacity of the Summit to undertake its functions as provided for under the IGRA.
- Parliament should hasten the process of amending the IGRA to provide for the CAF in order to facilitate relations between the executive and legislative arms at the County level.
- The two levels of government and indeed all other public institutions should put effort to resolve all potential conflicts amicably through negotiation and consultation before approaching courts.

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5.4 Institutional and financial support to the Council of Governors

Resources

The CoG requires financial resources in order to discharge its functions as elaborated in the report. Being a statutory body, the CoG receives funding from the National Government (in the form of a grant from the Ministry of Devolution and Planning). However, the funding is hardly enough to support the CoG's activities. The CoG heavily relies on donor support and support from the Counties to enable it to perform its functions. There is a need to ensure that the CoG has adequate capacity to perform its functions and execute its mandate effectively.

Administrative and technical capacity

Apart from financial resources, the CoG requires administrative capacity in order to coordinate and ensure that the functions allocated to the CoG are effectively discharged. While the national level has seconded some staff to be based at the CoG Secretariat for various functions, there is still a severe human resource shortage at the CoG Secretariat. As indicated earlier in this report, the CoG relies on development partners to support a number of staff members at the Secretariat. There is a need to ensure that the CoG is equipped with adequate human resources and capacity to enable it perform its functions.

Recommendations

- There is need for more funds to enable the CoG to adequately discharge its duties and mandate.
- The funds to CoG should be facilitated to hire more human resources (especially technical expertise in the various sectors) to enable the CoG to perform its functions.

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Annexes

Annex I: CoG Committees and Terms of Reference

No	Committee	Terms of Reference
1.	**Health Committee**	Health Committee considers all matters relating to health sector at the Council of Governors. It looks at the institutional structures and related laws, frameworks, policies and programmes on health. The committee will**:** • Develop a framework to guide and assist County Governments in the establishment of institutional structures for the management of health; • Coordinate intra and inter agency and governmental consultations on health sector issues, including existing and evolving health policies, legislation, regulations and programmes; • Coordinate and harmonise CoG views and perspectives on health matters; • Create forums for sharing of emerging issues and best practices, including modalities for prioritisation and promotion of health an instrument for socio-economic growth; • Provide a platform to share ideas on how the lessons from past health challenges can inform future proactive health management strategies and solutions; • Provide a platform for review and mainstreaming of on-going health programmes, within respective County Integrated Development Plans (CIDPs); • Provide a forum for harmonisation of planned regional and nationwide health interventions by various stakeholders, including ideas of how Counties can respond to specific health needs; • Providing a framework for the review and mainstreaming development partners engagement and support to County Governments on health management issues; • Coordinate County research and analytical studies on key areas of health issues. Provide response to need for researched papers for national and international fora on County health service delivery.

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No	Committee	Terms of Reference
2.	**Agriculture Committee**	The Committee on Agriculture works towards ensuring policies relating to Agriculture production and value chains, marketing and value addition are considered to provide agriculture and economic development. The committee does this through; • Engaging in discussions and providing mechanisms for alignment of national policy and legislation to devolved system of government; • Promoting inter- County coordination of the agriculture sector; • Providing technical assistance in terms of information, research and policy analysis on County Governments across a range of policy issues targeting the development of agriculture infrastructure for increased accessibility to markets in all parts of the country and the world; • Engage needs based dispute resolution mechanisms in the agricultural sector; • Monitor the status of agricultural implementation under devolution; • Providing an effective research and knowledge management platform for sharing best practices in the agriculture sector to promote agriculture development; • Review legislation and policies affecting the sector and making proposals for the benefit of the Counties interests, in close collaboration with stakeholders in the sector; • Comprehensive communication on devolution in agriculture to all stakeholders; • Coordinating, developing and consolidating collective County positions on agricultural matters; • Providing a framework for increased investment in the agriculture sector; and • Coordinating the participation of County Governments during local, regional and international learning activities on agriculture.
3.	**Infrastructure and Energy Committee**	This Committee considers all matters relating to Energy; that is, oil and gas mining sector; energy provision and reticulation, and affordable, accessible energy for all Citizens and ii) Roads transport and infrastructure; road networks and classifications; road management and maintenance. This is achieved through: • Coordination of intra and inter agency and governmental consultations on Energy sector issues, including existing and evolving energy policies, legislation, regulations and programmes; • Coordination and harmonisation of CoG views and perspectives on energy and infrastructure matters; • Providing technical assistance in terms of information, research, policy analysis, and resource development for County Governments across a range of policy issues targeting the development of transport infrastructure for increased accessibility of all parts of the country; • Providing a framework for the review and mainstreaming development partners' engagement and support to County Governments on energy provision and management issues; • Establishment of an effective research and knowledge management platform for sharing best practices in the sector in comparison to other jurisdictions to enhance service delivery;

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No	Committee	Terms of Reference
		• Review legislation and policies affecting the sector and make proposals for the benefit of the Counties interests, in close collaboration with stakeholders in the sector; • Report on progress and achievements to the Council of Governors.
4.	**Urban Development, Planning and Lands Committee**	This Committee considers all matters relating to Urban Development, Planning and Lands at the Council of Governors. It looks at the institutional structures and related laws, frameworks, policies and programmes on land, Urban Planning. The committee will: • Develop a framework to guide and assist County Governments in the establishment of institutional structures for the management of urban areas, as envisaged in Urban Areas and Cities Act; • Coordinate intra and inter agency and governmental consultations on urban sector issues, including existing and evolving urban policies, legislation, regulations and programmes; • Coordinate and harmonise CoG views and perspectives on urban development matters; • Create forums for sharing of emerging issues and best practices, including modalities for prioritisation and promotion of urban areas as engines of socio-economic growth; • Provide a platform to share ideas on how the lessons from past urban development challenges can give insights into future proactive urban management strategies and solutions; • Provide a platform for review and mainstreaming of on-going urban development programmes, within respective County Integrated Development Plans (CIDPs); • Provide a forum for the harmonisation of planned regional and nationwide urban interventions by various stakeholders, including ideas of how Counties can respond to specific urban development needs; • Providing a framework for the review and mainstreaming development partners engagement and support to County Governments on urban development and land management issues; • Coordinate arrangements for the CoG Bi-Annual Urban Development Forum, to precede the World Urban Forum; • Coordinate the participation of County Governments in local, regional and international conferences on urban development and management, e.g. World Urban Forum, Commission for Human Settlements (Habitat III), UN General Assembly, International Cities / County Management Association, WSSD.

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No	Committee	Terms of Reference
5.	**Tourism and Wildlife Committee**	The Committee on Tourism & Wildlife deals with all matters related to tourism in the Counties and wildlife management. Specifically, the Committee shall: • Engage in discussions and provide mechanisms for alignment of national policy and legislation touching on the tourism function to the devolved system of government. • Promote inter- County coordination of the tourism sector. • Providing technical assistance in terms of information and research on issues targeting the development of tourism infrastructure for increased marketability, viability and profitability of Counties to the domestic and international markets. • Through research and information recommend short to medium term strategies that mitigate legal and policy barriers in the tourism sector. • Identify existing tourism products, especially wildlife, and recommend entry points for County Governments in conservation and protection. • Providing an effective research and knowledge management platform for sharing best practices in the tourism sector. • Coordinating the participation of County Governments in local, regional and international learning platforms on tourism.
6.	**Water, Forestry and Mining Committee**	The Committee considers all matters relating to sustainable water management; mining, climate change, environment management and conservation, forestry, natural resources, pollution and waste management. The committee's mandate revolves around policy, legal and institutional frameworks affecting devolution (before parliament and County Assemblies), best practices, emerging trends, technologies and inter-County collaboration and relations in regard to water, mining and natural resources. The committee; • Provides technical assistance though responding to correspondence on inquiry, research, policy analysis, and resource development for County Governments across a range of issues targeting Counties as engines of Counties' sustainable economic growth; • Coordinates intra and inter agency and governmental consultations on water, forestry, mining and environmental issues including discussions on climate change including existing policies, legislation, regulations and programmes; • Coordinates and harmonises CoG views and perspectives on water, forestry and mining; • Creates fora for sharing of emerging issues and best practices on Water, Forestry & mining; • Provides a platform for review and mainstreaming of current and upcoming policies and legislation in the sector to conform to devolution and which impact on devolution e.g. Climate Change; • Provides a forum for the harmonisation of planned interventions by various stakeholders on water, forestry, mining and the environment;

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No	Committee	Terms of Reference
		• Provides a framework for the review and mainstreaming of private sector, non-governmental organizations development partners engagement and support to County Governments on water, forestry, mining and environmental conservation • Coordinates the participation of County Governments in local, regional and international conferences on water, forestry, mining and environmental/climate change matters, e.g. COP (Conference of Parties).
7.	**Cooperatives and Enterprise Development Committee**	This committee works to ensure the promotion and development of local cooperatives and enterprise development. It looks at promoting and facilitating the creation of an environment for County Local Economic Development through initiating and encouraging enterprise development. The committee aims to: • Promote self-help initiatives, mutual assistance in communities and cross County exchanges through co-operative approach; • Advise the Counties on ways of improving the governance, efficiency, and performance of primary co-operatives to strengthen their capacity to access markets, create jobs, generate income, reduce poverty, provide social protection and give their members a voice in the society; • Liaise with other stakeholders to establish a legal and policy environment conducive to the development of co-operatives in Counties and provide support services; • Promote, develop, protect and strengthen the co-operative movement in Counties by providing effective and efficient services through partnership and collaboration; • Provide technical advice to Counties on the promotion of the fullest possible participation of communities within the Counties in the economic and social development of all the people as a business model in Counties; • Facilitate the promotion of inter-County learning and information communication on best practices in cooperatives development.
8.	**Trade, Industry and Investment Committee**	This Committee deals with all matters relating to all matters of County Trade and Investments such as:- • Review and monitor policy and legislation on matters relating County Trade; National Investment Policy, Trade Policy and Special Economic Zone Bill. • To advise the Council on Legislative amendments and intervention areas therein on all sectoral matters such as amendment to the Micro and Small Enterprises Amendment Bill 2015. • To advise County Governments on matters of policy and legislation with respect to County functions such as legislation on Trade, Property and agricultural products. • To coordinate and harmonize the Council's position on matters of Trade and Investment relations between the two levels of government. • To provide a forum for consultation on matters of Taxation for County Governments to facilitate enabling environment for investment.

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No	Committee	Terms of Reference
9.	**Education, Youth, Sports, Culture and Social Services Committee**	This Committee considers all matters relating to i) Education: coordination and management, in particular, the Pre-Primary and Technical Education at County level, and ii) Policies and frameworks to promote Youth, Sports, and Culture & Social Services. This is achieved through: • Strengthening of inter-County coordination of the education, gender, youth, sports, culture and social services sectors; • Alignment of the National legislation, policy, guidelines and regulations to the devolved system of government • Monitoring of the implementation of devolution in education, gender, youth, sports, culture and social services sector; • Enhancing capacity for Counties in education, gender, youth, sports, culture and social services governance; • Comprehensive communication of the successes of devolution in the education, gender, youth, sports, culture and social services sector to all stakeholders; • Coordinating and harmonizing CoG views and perspectives on education, gender, youth, sports, culture and social services; • Providing a framework for the review and mainstreaming development partners engagement and support to County Governments on education, gender, youth, sports, culture and social services issues; • Coordinating the participation of County Governments in local, regional and international conferences on education, gender, youth, sports, culture and social services.
10.	**Finance, Planning and Economic Affairs Committee**	This Committee on Finance, Planning & Economic Affairs deals with all matters relating to Public Finance such as:- • Review and monitoring policy and legislation on matters relating to Revenue sharing; Budget Policy Statements, Revenue Sharing formulae, Division of Revenue Bill and County Allocation of Revenue Bill; • Advise the Council on legislative amendments and areas of intervention therein on all sectoral matters such as amendment to the Public Finance Management (PFM) Act, Public Procurement and Asset Disposal Act, County Governments PFM Regulations; • Advise County Governments on matters of policy and legislation with respect to County functions such as National Government's Budget analysis, County Budget analysis and National Government's expenditure framework; • Coordination, development and harmonization of the Council's position on matters of fiscal relations between the two levels of government; • Providing a forum for consultation on matters of County Planning, Budgeting and Public Private Partnerships for County Governments; • Provision of intergovernmental linkages between County Governments and the National Government on matters relating to fiscal relations such as revenue collection by the two levels government; • Contribution to National Dialogue on matters of County Public Financial Management and Planning, development planning and economic management.

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No	Committee	Terms of Reference
11.	**Human Resources, Labour and Social Welfare Committee**	This Committee considers all matters relating to Manpower and Human Resource Planning; trade union relations, national heritage, cultural activities, public entertainment and public amenities. This is achieved through: • Dissemination of information through the Chief Executive Officer of the Council to the Committee and other entities of the County Executive arms; • Coordinating and harmonizing of CoG views and perspectives on Human Resource matters; • Coordinating the participation of County Governments in local and regional conferences, meetings/workshops with stakeholders e.g. County Pensions Fund (CPF), Transition Authority (TA), etc, to learn, discuss and contribute ideas of how Counties can respond to specific human resource issues, for instance, Pension matters and County Public Service; • Management of the transition and the emerging Human Resource Transition issues like County personnel/staffing; • Focusing on the International best practices in relation to pension schemes and other benefits for County personnel; • Facilitate together with the County Public Service Boards, the development of an integrated Human Resource Planning and Management framework and advice on the Human Resource Management and Development; • Working together with stakeholders (SRC, CPSBs) to contribute in review of pensions and gratuity for County Public Service Employees.
12.	**Legal and Human Rights Committee**	This Committee on Legal Affairs and Human Rights deals with all matters relating to constitutional affairs; the organization and administration of law and justice; elections; promotion of principles of leadership, ethics and integrity; and implementation of the provisions of the Constitution on human rights. Specifically, the Committee shall: • Offer legal support and guidance to all committees of the Council of Governors and respond to legal issues of interest to the Council and County Governments. • Consider, review and monitor policies, laws and regulations that affect County Governments and devolved functions. • Support initiatives that seek to entrench the promotion and protection of human rights in all the 47 Counties and advise on the adherence to international human rights instruments. • Advise all committees on relevant legislative amendments and intervention areas in sectoral matters. • Coordinate intra and inter agency and governmental consultations on all legal issues. • Advise, on specific cases, whether or not to institute court matters.

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No	Committee	Terms of Reference
13.	**Intergovernmental Relations Committee**	This Committee on Intergovernmental Relations deals with all matters relating to the relationship between National Government and County Governments; dispute resolution between the two levels of government; and engagements with other intergovernmental relation bodies. Specifically, the Committee shall: • Create sustainable linkages between the National Government and the County Governments that allow for the formation of vibrant intergovernmental forums able to handle contentious policy and legislative sectoral issues. • Provide a linkage between County Governments and international associations that promote best practice sharing on devolution. • Provide a platform and develop a framework for dispute resolution between Counties. • Act as a mediator on intra-County disputes. • Consider reports from other inter-governmental institutions. • Monitor the implementation of Council resolutions through the Intergovernmental Relations Technical Committee (IGRTC)
14.	**Security and Foreign Affairs Committee**	This Committee considers all matters relating to security and foreign affairs; County policing, County level security, international relations & Diplomacy. This is achieved through: • Dissemination of information through the Chief Executive Officer of the Council to the Committee and other entities of the County Executive arms; • Coordinating and harmonizing of CoG views and perspectives on security and foreign affairs ; • Coordinating the participation of County Governments in foreign relations matters; • Engaging in Intergovernmental forums on enhancement of security by the National Government at the County level; • Focusing on the International best practices in relation to security and Foreign Relations at the sub-national level; • Working together with stakeholders (Ministry of Interior and Coordination, Ministry of Foreign Affairs Foreign Missions in Kenya) to contribute in the review of policy and legislation on Security and International Relations; • Monitoring implementation of legislation and policy in regard to Security and Foreign Relations.

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No	Committee	Terms of Reference
15.	**Resource Mobilization Committee**	The Committee on Resource Mobilization at the Council of Governors is a key committee that works towards ensuring adequate and efficient resources are available to support the implementation of the programmes at the Council for efficiency and effectiveness. The committee works to ensure; • That funds flow to devolved functions is in conformity with the Constitution and attendant regulations of the PFMA Act; • Alignment of County external resources to CIDPs and County priorities; • Consolidation and offer a collective County voice which informs effective design and implementation of programmes supported by external resources; • Advocate for direct funding to Counties for development programmes by development partners; • Increased linkages between County Governments and funding/investment opportunities; • Widening the resource base for the secretariat's programmes; • Participation in Resource Mobilization Intergovernmental Forums and sector working groups; • Represent County Governments in national, regional and international dialogue/and learning on effective foreign aid/investment; • Strengthen information sharing and knowledge management mechanisms & provide a channel of reference on County Government resource mobilization.
16.	**Information, Technology and Communications (ICT) Committee**	The Committee on Information, Communication & Technology is a key department in the Council of Governors. The department can only function appropriately if it has well researched and evidence- based information hence, it is intertwined with the department on Research, Knowledge Management and Best Practice. In relation to this core mandate, the Communication Department performs the following tasks: Generally: • Communicate the position of the Council of Governors; • Organize Media coverage of the Council of Governors; • Develop Service Charter for the Council of Governors; • Advocacy on matters of interest to the Counties; • Act as Liaison offices of the Governors; • Dissemination of information to the Council and the Executive arms of the Counties; • Communicate National and County policies and laws dealing with civic education and public participation. Internally the Communication department; o Supports inter and intra-departmental linkages to synergize out-put; o Provides internal notification of activities and events for staff action; o Provides seamless communication to improve organizational performance through timely access to relevant information; o Organizes press releases & press briefings and coordination of press conferences & Press interviews;

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No	Committee	Terms of Reference
		o Coordinates and collating information from the Counties to inform preparation of State of County Reports; o Researches for development of various pieces for the print and electronic media and Media Monitoring; o Is charged with editing and designing CoG web and production of newsletters; o Mobilizes electronic and print media to cover COG functions and events; o Is charged with the daily management of the website for sustained relevance and management of social media footage and preparing senior COG Officials ahead of programmed sessions with journalists; o Deals with coordinating advertising & securing best positions for crisp messages, for timely and effective advertising.
17.	**Rules and Business Committee**	***General Mandate:*** -develop rules for the conduct of committee business; and schedule committee business and issue guidelines on the prioritization of committee business. ***Specific Mandate:*** • Assist the Council of Governors Chairman in decision-making by coordinating, supporting and guiding the i) management and operations of the Council's Secretariat and ii) the operations, policies and mandates of all Committees. • Review the Terms of Reference for all the Committees of the Council of Governors. • Propose rules for the orderly and effective conduct of committee business. Such rules shall be approved by the Council of Governors and shall continue to be in force and shall be binding upon Committees until such time as they are amended or repealed by the Council of Governors. • Prepare a Council of Governors Meeting Calendar with the approval of the Council of Governors. • Receive, review and synchronize Committee calendars with the overall Council calendar. • Monitor the implementation of Committee business, schedules and programmes and oversee the functioning of the Committees of the Council of Governors by among others: o Reviewing and considering the activities and programmes of all Committees, including their need to travel and sit away from the Committee meetings; o Reviewing all Committee submissions and presentations prepared for Council meetings and determining the order in which reports are tabled in such meetings; o Ensuring compliance with the Committee Rules and Guidelines; and o Ensuring that all individual Counties fulfil their commitments, financial or otherwise, to the Council of Governors and determining appropriate sanctions therein.

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No	Committee	Terms of Reference
		• Oversee financial governance and compliance of the Council of Governors Secretariat by: o Deliberating on the annual operating budget of the Council and approving the budget items; and o Approving accounts and annual reports of audit before the same are submitted to the full Council meeting. • Consider such matters as may from time to time arise in connection with the business of the Committees and have and perform such powers and functions as are conferred on it by the Rules and Guidelines.
18.	**Arid and Semi-Arid Land (ASAL) Committee (ad hoc)**	The Committee on Arid and Semi Arid Lands deals with all matters related to tourism in the Counties and wildlife management. Specifically, the Committee shall: • Develop and coordinate an intergovernmental platform that considers and recommends for the application of Sustainable Development Goals (SDGs) that seek to improve health status and reduce vulnerability of rural communities living in arid and semi-arid lands of Kenya. • Promote inter- County coordination and best practice sharing on development of ASAL regions. • Ensure that National Government policies and budgets prioritize for the sustainable development of ASAL regions. • Providing technical assistance in terms of information and research on critical issues related to ASAL, including, access to safe water and sanitation as well as hygiene practices for rural pastoralist communities; livestock farming and food security. • Ensure that ASAL Counties have in place policies and legislation that will promote economic and social growth of those regions. • Provide a platform for linkages with development partners for the initiation of projects in the ASAL Counties.

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Annex II: Detailed Committee Activities.

July – December 2014

Committee	July	August	September	October	November	December
Agriculture Committee				Meeting of the Policy and Legislative Caucus of the County Executives in charge of Agriculture. **3 – 4 October 2014** Meeting between the Senate Committee on Agriculture, Livestock and Fisheries and the Committee. **10 October 2014** Joint Meeting between the Senate Committee on Agriculture, Livestock and Fisheries and the Committee. **16 – 17 October 2014**	Meeting between Cabinet Secretary, Agriculture, Livestock and Fisheries and the Committee . **3 November 2014** Meeting of the Intergovernmental Technical Committee on policy and legislation. **12 – 13 November 2014** Meeting of County Executives in charge of Agriculture and the Ministry of Agriculture, Livestock and Fisheries. **19 November 2014**	Meeting of the Intergovernmental Technical Committee on national projects and farm inputs. **10-11 December 2014** Meeting of the potato-growing Counties. **27 December 2014**
Infrastructure and Energy Committee.				Energy committee Meeting on building a secure environment for responsible investment in Kenya's extractives sector. **6th -7th October 2014**	Energy committee Meeting on Developing an effective local content policy guide in Kenya. **26-27th November**	Roads Meeting with Transition Authority on Sharing of Roads Equipment among Counties. **8th December**

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Committee	July	August	September	October	November	December
				First mediation meeting on classification of roads over Petition 472 of 2014, Council of Governors v Attorney General and others. **2 October 2014** Second mediation meeting on classification of roads over Petition 472 of 2014, Council of Governors v Attorney General and others. **24 October 2014** Third mediation meeting on classification of roads over Petition 472 of 2014, Council of Governors v Attorney General and others. **29 Oct 2014**	Meeting to Review the proposed County Public Participation Bill and guidelines. **19th -21st November 2014**	
Urban Development, Planning and Lands Committee.				UDC meeting with World Bank Metropolitan Development officers. **27 Oct 2014** Urban Sector Conference Breakfast Launch. **27th Oct 2014**	Meeting to Review the Urban Areas and Cities Act 2011. **10-14 Nov 2014**	Review of the Proposed amendments to the Urban Areas and Cities Act 2011. **16-18 Dec 2014** Meeting on Validation of the Devolution Policy. **10 December**

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Committee	July	August	September	October	November	December
Tourism and Wildlife Committee.				Meeting of CECs in charge of tourism to discuss sector policies and laws. **1 Apr 2015**		
Water, Forestry and Mining Committee.		CoG/ Kenya Forestry Working Group/ Kenya Forestry Service meeting to review sector legislation. **8 Aug 2014**		Meeting with Departmental Committee on Environment Management and Coordination (EMCA) (Amendment) Bill 2014. **14 Oct 2014** Second meeting with Departmental Committee on EMCA. **21 Oct 2014**		Stakeholder forum on Forest sub-sector draft policy and law. **2 Dec 2014** Consultative meeting with CECs in charge of Environment and Natural Resources convened by the Commission for the Implementation of the Constitution. **6-7 Dec 2014** Meeting with the Water Services Trust Fund and County Government representatives. **10 Dec 2014**

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Committee	July	August	September	October	November	December
Trade, Industry and Investment Committee.				Stakeholders breakfast meeting for Kenya International Investment and Trade Conference (KICCO 2014). **29 Oct 2014**		
Education, Youth, Sports, Culture and Social Services Committee.				Policy Workshop for the Committee. **8 – 9 October 2014**		Meeting with officials from Kanzu Kenya. **5 December 2014**
Finance, Planning and Economic Affairs Committee.				Meeting on with CRA on the 2nd Generation revenue sharing formula. **24 Oct 2014**	IBEC meeting with CECs Finance on the Borrowing framework **26 and 28 Nov 2014** Meeting with National Treasury on the monthly disbursement of funds to the Counties. **26th Nov 2014**	Meeting with CRA on Revenue sharing formula. **10th Dec 2014**
Legal and Human Rights Committee.			County Attorneys capacity building forum on the County Model Law Office. **Sept 2014**		Meeting of County attorneys to discuss proposed amendments to the County Attorney Bill. **14 Nov 2014** Meeting with the Judiciary and the Council of Governors. **18 Nov 2014**	Legislative Guide Retreat Committee Meeting. **17 – 18 Dec 2014**
Intergovernmental Relations Committee.						Third Presidential Roundtable. **5-6 Dec 2014**

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January-July 2015

Committee	January	February	March	April	May	June
Health Committee.	Intergovernmental Technical Committee Meeting on drought and food security situation in ASAL Counties. **10 Feb 2015**		Meeting County Executives for Health on coordination. **27 Mar 2015**	Meeting of the County Executives for Health to prepare for the inter -governmental meeting. **9 Apr 2015** Inter-governmental meeting with County Executives for Human Resources for health. **Apr 10 2015**	Inter-governmental with Council of Governors on intern Doctors. **15 May 2015** Meeting between Council of Governors with Kenyatta National Hospital. **19 May 2015**	
Agriculture Committee.	Meeting with representatives from the Jibambe na Kilimo Initiative. **5 Jan 2015** Committee meeting to discuss the Draft Coffee Bill. **14 Jan 2015**	National validation workshop. **24 Feb 2015**	Meeting with representatives of the Kenya Flower Council. **12 Mar 2015**		Meeting between the Council of Governors and the African Women Studies Centre. **8 May 2015**	Meeting of County Executives in charge of Agriculture, Livestock and Fisheries. **6 June 2015** Meeting between the Agricultural Food and Fisheries Authority, Council of Governors. **13 June 2015**

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Committee	January	February	March	April	May	June
Infrastructure and Energy Committee.	Roads Meeting with Transition Authority on Sharing of Roads Equipment among Counties. **14 January 2015** Energy committee meeting with Kenya Oil and Gas Association. **28th January 2015**	Energy committee meeting with Petroleum Institute of East Africa. **5th February 2015**	Meeting with CECs on Review of the Counties Natural resources Taxation laws Laws. **18 -19 March 2015**	CECs conference. **11th-13th April 2015** 2nd Annual Devolution Conference. **21-24 April 2015**	Meeting with TA to develop materials for Collection of MTF Equipment by Counties. **18th-19th May 2015**	Meeting with TA to develop materials for Collection of MTF Equipment by Counties. **8-9 June 2015**
Urban Development, Planning and Lands Committee.	Meeting with Kenya Institute of planners (KIP) on possible partnership to undertake capacity building for County urban officers. **9 January 2015**	Planning meetings for Training and sensitization of CECs for Urban Development to take place in March 2015. **18 February 2015**	Visit to Sweden. **20th-30th March2015**	CECs conference. **11-13 April 2015** 2nd Annual Devolution Conference. **21-24 April 2015**	Meeting of Executives in charge of Lands, Physical Planning and Urban Development to review proposed sector legislation. **13 May 2015** CECs meeting with National Land Commission. **28 -29 May 2015**	County cluster meetings to validate the NUDP. **25 May-17 June 2015** USRG meeting. **23 June 2015** CECs Lands and physical planning meeting to review Land Use Planning bill. **16 June 2015**

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Committee	January	February	March	April	May	June
					County cluster meetings to validate the NUDP. **25 May-17 June 2015**	
Education, Youth, Sports, Culture and Social Services Committee.		Meeting of County Executives, Gender, Youth, Sports and Culture. **17 – 18 February 2015**				Meeting at World Bank on the effectiveness of the youth policies. **18 June 2015** Meeting with Chinese Ambassador on proposed trip to China. **18 June 2015**
Finance, Planning and Economic Affairs Committee.	IBEC- Budget Committee meeting to review the Division of Revenue Bill,2015, County Allocation Bill 2015 and the Budget Policy Statement 2015. **23 January 2015**	Meeting with CECs to review the Public Finance Management Amendment Bill 2014. **10 February 2015**	Meeting with CECs to review the County Governments Public Finance Management Regulations. **25 March 2015**	CECs conference on Devolution. **11th -13th April 2015**	Meeting with CECs to review the Public Procurement and Asset Disposal Bill. **14 May 2015**	

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Committee	January	February	March	April	May	June
Human Resources, Labour and Social Welfare Committee.			Meeting held at Delta House on County Retirement Scheme Bill, 2014 (Senate Bill No.25). **17 March 2015**			
Legal and Human Rights Committee.	Monitoring and Evaluation Training by the International Republican Institute . **13 January 2015** Legislative Drafting Training for County Attorneys . **26 – 30 January 2015**	Legislative Guide Committee Meeting. **3 – 4 February 2015**	Legislative Guide Consultative Cluster Meeting. **22 – 27 March 2015**		**16th June, 2015**- IGSC meeting held at Harambee House. **25th June, 2015-** Inter- Agency Technical meeting held at Treasury Building.	**1st July, 2015**- Inter-Agency Technical at the Treasury Building. **1st July, 2015**- Inter- Agency Technical meeting at the Treasury Building. **13th -14th July, 2015-** Inter-governmental Steering Committee (IGSC) Retreat at Sagana Gatework Resort. **17th July, 2015-** Meeting convened by the Senate Standing Committee on Labour and Social Welfare at the Boma Hotel

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Committee	January	February	March	April	May	June
						21st July, 2015- I nter- Agency Technical meeting at NHIF Building **28th July,2015-** One day workshop to held at the Great Rift Valley in Naivasha
Intergovernmental Relations Committee.				Meeting of the Council of County Executive Committee members. **13 – 14 April 2015** Second Annual Devolution Conference. **21 – 23 April 2015**		
Intergovernmental Relations Committee.				Second Annual CECs Conference on Devolved Government in Kenya. **13-14 Apr 2015**		

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Annex III: List of proposed legislation and policies reviewed by the Council

Proposed National legislation

- Health Bill (2015).
- Potato Produce and Marketing Bill.
- Fisheries Management and Development Bill.
- The Irrigation Bill.
- Mining Bill.
- Petroleum Exploration and Development Bil.
- Energy Bill.
- Physical Planning Bill.
- Community Land Bill.
- Land Laws (Amendment) Bill.
- The Climate Change Bill 2014.
- The Mining Bill 2014.
- The Natural Resources (Benefit Sharing) Bill 2014.
- The Environmental Management and Coordination (Amendment) Bill 2014.
- Basic Education Act.
- Basic Education (Amendment) Bill.
- The Heritage Bill.
- Division of Revenue Bill 2015.
- County Allocation of Revenue Bill 2015.
- Public Finance Management (Amendment) Bill 2014.
- Public procurement and Assets Disposal Bill 2014.
- Public Finance Management Regulations 2015.

Proposed National policies

- The National Agriculture Policy (NAP).
- The National Veterinary Policy.
- The Animal Breeding Policy.
- National Investment Policy.
- National Policy on County Tax administration.
- National Trade Policy.
- Special Economic Zone Bill 2014.
- The National Early Childhood Development Policy.
- The National Equality Policy.
- The National Gender Based Violence Policy.
- The Draft Music Policy.
- The Agriculture Mechanization Policy.
- National Urban Development Policy.

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Model County legislation

- Model Livestock Bill.
- Model County Agricultural Licensing Bill.
- Model Coffee Bill.
- County Culture and Heritage Bill.
- Draft Public Participation Bill.
- County Sports Bill.
- Model County Childcare Facilities.
- Model County Control of Drugs and Substances.
- Model County Pre Primary and Early Childhood Education.
- Model County Law on Social Protection.
- Model County Law on Social Development Fund.
- Model County Law on Citizen Participation.
- Model County Law on Persons with Disability.

Model County Policies

- Model Livestock Policy.
- Model Cooperatives Policy.
- County Youth Policy.
- County Culture Policy.

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Annex IV: Resolutions of the CoG submitted to the Summit

COUNCIL OF Governors RESOLUTIONS AND POLICY DECISIONS

COMMITTEE COUNCIL OF Governors RESOLUTIONS

Health and Biotechnology

- Health Bill: The Health Bill shall be withdrawn before the National Assembly as it is unconstitutional. It seeks to reclassify County facilities and revert key facilities back to the National Government.
- Health Policy: The Health Policy should be reviewed and aligned to the Constitution.
- Liabilities: The Ministry of Health shall ensure that funds are allocated to County Governments for settling of all human resource liabilities.
- Funding for Level 5 Hospitals: Level 5 hospitals shall be fully funded. County Governments shall take steps to ensure that each County has its own level 5 hospitals.
- Health Equipment: The Managed Equipment Service Programme wherein health equipment was procured on behalf of County Governments shall be reviewed since there was no consultation with the Counties when the same was being procured. The National Government should avail the details of the parent contract between the suppliers and the Ministry of Health.
- Donor Funding: All development assistance towards the health sector should respect the Constitution and the Public Finance Management Act (PFMA). Funding should be done directly to Counties.
- Health Human Resource Management:
    - The Ministry of Health shall transfer all the health staff files to the County.
    - Governments so that promotion of doctors and transfers can be undertaken effectively.
    - The bonding of doctors who intend to pursue post-graduate studies shall be done by the County Governments.
    - The posting of interns in the Counties shall be done in a consultative manner through an intergovernmental committee constituting of the Council of Governors, the Ministry of Health, the Public Service Commission and the Transition Authority.

Agriculture and Lands

- The Agriculture, Fisheries and Food Authority Act is unconstitutional. The Directorates established therein have no mandate to issue licenses to farmers since Agriculture is a fully devolved function. Any call for farmers to register with the Directorates, or pay levies to the said Directorates is unconstitutional.
- All the policies developed by the National Government touching on the Agriculture function shall be subjected to a review.
- The Transition Authority shall to prepare to hand over all land identified as County Land immediately.

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Water, Mining and Natural Resources

- There is need for collaboration and consensus in the management of protected areas, forests, and game parks. The Wildlife endowment fund must be clearly structured.
- There is need for Counties and communities to benefit from natural resources situate in respective Counties.
- The National Government shall ensure that logging is stopped immediately and any actions with respect to forests must be done in consultation with County Governments.

Human Resource, Labor and Social Welfare

- The County Governments shall subscribe its staff to an existing umbrella pension scheme.
- The Senate County Retirement Scheme Bill is unconstitutional and its provisions are contrary to the provisions of the County Governments Act.

Finance, Commerce and Economic Affairs

- The Equalization Fund shall be disbursed to the relevant Counties directly.
- The sharable revenue to Counties must be increased.
- The borrowing framework for County Governments shall be streamlined to ensure it is fair.
- The framework must ensure that there are no unnecessary bureaucracies created for borrowing by Counties.
- There shall be no delays in the disbursement of funds to Counties.

Education and ICT

- The National Government must increase allocation for Early Childhood Development.
- The Communications Authority of Kenya shall immediately allocate frequencies to all the Counties that have applied for the same.

Legal Affairs and Human Rights

- The Attorney-General shall gazette all County laws whose gazettement is pending.
- The Attorney-General shall publish the draft gazette Notice which seeks to transfer County roads, electricity, gas and energy reticulation, and cultural activities, public entertainment and amenities.
- The National Assembly and the Senate shall withdraw all Bills that seek to claw back on devolution, among others, the Health Bill, the Water Bill, the Mining Bill, the County Retirement Scheme Bill.
- The National Government shall align the Provincial Administration to the devolved system of governance.
- The National Government shall ensure that State Corporations and Regional Authorities cease to undertake County Government functions. Following the Report of The Presidential Taskforce on Parastatal Reforms discussions must take place between the National Government and County Governments regarding the future of the State Agencies whose functions have been devolved.

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Energy, Roads and Transport

- County Roads must be transferred to Counties immediately. These are class D, E and other unclassified roads.
- The continued funding of KURA and KERRA from fuel levy is unconstitutional. Kenya Roads Board has used proceeds of fuel levy to the tune of 7 Billion Shillings for KURA and KERRA for roads maintenance. The money should be given to Counties.
- The Roads Equipment shall be transferred to Counties immediately as per agreed terms.

Security

- County Governments and the National Government shall collaborate in security matters.
- Governors must receive regular briefs in accordance with Section 54 (6) of the County Governments Act.

Urban Development

- The amendments proposed by the Council shall be incorporated in the Urban Areas and Cities (Amendment) Bill.

Resource Mobilization

- The National Government shall ensure that all development assistance is aligned to the Constitution and the Public Finance Management Act with respect to functions that have devolved.
- All agreements that were entered into before the inception of County Governments, and that touch on County functions must be reviewed.
- Strength key partinership with Devolution stokeholders including development partners and private sector with a rise to mobilizing adequate resources for Council of Governors secretariat and County Governments.

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Notes

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