

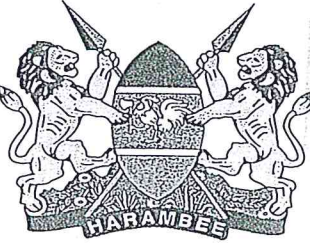
REPUBLIC OF KENYA

THE SENATE RECEIVED

03 APR 2019

CLERK'S OFFICE

COG  
recommended for approval  
for tabling.



PARLIAMENT

THE SENATE

TWELFTH PARLIAMENT

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04/04/19

~~Approved~~  
~~Amst~~  
9/4/19

PAPERS LAID	
REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET	10/4/19
TABLED BY	Scots Winton's Leader
COMMITTEE	FINON
CLERK AT THE TABLE	Lillian Banda

THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL, 2018

CLERK CHAMBERS  
THE SENATE  
PARLIAMENT OF KENYA  
NAIROBI

Rt. Hon Speaker  
You may approve for tabling.  
04/04/19

APRIL 2019

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## Membership of the Committee

The Committee was constituted by the House on Thursday 14<sup>th</sup> December, 2017, during the First Session of the Twelfth (12<sup>th</sup>) Parliament. The Committee as currently constituted, comprises the following Members-

1. Sen. (Eng) Mohamed M. Mahamud, CBS, MP - Chairperson
2. Sen. (Dr) Isaac Mwaura, CBS, MP - Vice Chairperson
3. Sen. Wetang'ula Moses Masika, EGH, MP - Member
4. Sen. Aaron Cheruiyot, MP - Member
5. Sen. Mutula Kilonzo Junior, MP - Member
6. Sen. (Dr.) Ali Abdullahi Ibrahim, CBS, MP - Member
7. Sen. (Dr) Rose Nyamunga, MP - Member
8. Sen. Boniface Mutinda Kabaka, MP - Member
9. Sen. CPA Farhiya Haji, MP - Member

## BACKGROUND AND EXECUTIVE SUMMARY

The County Wards (Equitable Development) Bill was sponsored by the Chairperson of the Finance and Budget Committee Senator (Eng) Mohamed M. Mahamud.

The Bill was published on 8<sup>th</sup> November, 2018 and subsequently tabled in the House for First Reading on 6<sup>th</sup> December, 2018 and thereafter committed to the Standing Committee on Finance and Budget for consideration pursuant to standing order 140(1) of the Senate Standing Orders.

The Bill seeks to promote further decentralization of development by creating a framework for identifying projects that are beneficial to locals at the ward level. It also has modalities of resource allocation to the projects, implementation and oversight of the identified projects.

The Committee considered the Bill and resolved to subject it to public hearings pursuant to Article 118 of the Constitution and Standing Order 140 (5). The Committee invited submissions from members of the public via advertisements on the daily newspapers. The Committee also invited the Council of County Governors, County Assembly Forum, Commission on Revenue Allocation, Controller of Budget and the National Treasury.

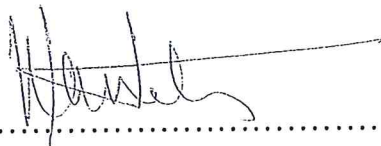
The Committee recommends that the House approves the Bill with amendments.

**ACKNOWLEDGEMENTS**

The Committee acknowledges the National Treasury, Commission on Revenue Allocation, Council of Governors, County Assembly Forum (CAF), Office of the Controller of Budget, Council of County Governors, International Budget Partnership (IBP), Institute of Certified Public Accountants of Kenya (ICPAK) and members of the public who made insightful contributions and recommendations to the Bill.

In addition, the Committee thanks the Offices of the Speaker and Clerk of the Senate for the support extended to the Committee in execution of its mandate. Appreciations to all Members of the Committee for their patience, sacrifice and commitment to public service, which enabled the Committee complete the assigned task within the stipulated time.

It is now my pleasant duty and privilege, on behalf of the Standing Committee on Finance and Budget, to present to the Senate, this Report of the Committee on the County Wards (Equitable Development) Bill, 2018.



SIGNED: .....

SEN. (ENG) MOHAMED M. MAHAMUD, CBS, M.P.

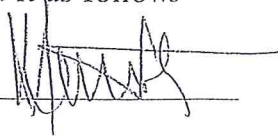
(CHAIRPERSON, STANDING COMMITTEE ON FINANCE AND BUDGET)

3 / 4 / 19

Date: .....

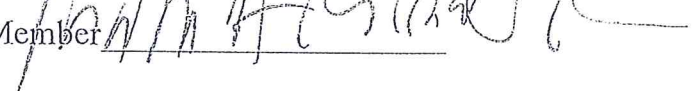
**ADOPTION OF REPORT**

Pursuant to standing order 213 (2) the Finance and Budget Committee considered the report on the County Wards (Equitable Development) Bill, 2018 and adopted it as follows-

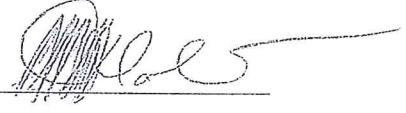
Sen. (Eng) Mohamed M. Mahamud, CBS, MP - Chairperson 

Sen. (Dr) Isaac Mwaura, CBS, MP - Vice Chairperson \_\_\_\_\_

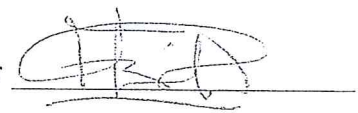
Sen. Wetang'ula Moses Masika, EGH, MP - Member 

Sen. Mutula Kilonzo Junior, MP - Member 

Sen. Aaron Cheruiyot, MP - Member \_\_\_\_\_

Sen. (Dr.) Ali Abdullahi Ibrahim, CBS, MP - Member 

Sen. (Dr) Rose Nyamunga, MP - Member \_\_\_\_\_

Sen. CPA Farhiya Haji, MP - Member 

Sen. Boniface Mutinda Kabaka, MP - Member \_\_\_\_\_

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## CHAPTER ONE

### INTRODUCTION

The County Wards (Equitable Development) Bill, 2018 seeks to promote the objects of devolution as set out under Article 174 of the Constitution. The bill proposes a legal framework that promotes equitable development across all wards in each county.

The Bill provides a framework for the promotion of equitable growth in the wards within the counties by providing for the allocation of funds for ward-based development projects; to provide mechanisms for selection of projects; to provide an oversight mechanism for the utilization of funds allocated for ward-based development projects.

The Bill is premised on Article 174 of the Constitution which sets out the objects of devolution, among them being –

- (a) 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;
- (b) to recognize the right of communities to manage their own affairs and to further their development;
- (c) to promote social and economic development and the provision of proximate, easily accessible services throughout Kenya by decentralizing the provision of services pursuant to Article 176(2) of the Constitution; and
- (d) to ensure equitable sharing of national and local resources throughout Kenya.

Further, the bill provides a framework for the participation of the residents of each ward in the identification of priority projects in county in respect of which funds are allocated.

It promotes the decentralization of functions and provision of services by county governments to the extent that it is efficient and practicable pursuant to Article 176 of the Constitution. It also ensures equitable sharing of resources within the county.

The principles of the Bill are:

- a) the promotion of the social and economic development of all persons residing within the ward in order to ensure the realisation of their economic and social rights under Article 43 of the Constitution;
- b) the principles and objects of devolution set out under Articles 174 and 175 of the Constitution;
- c) equity and the need to ensure that persons residing in marginalised areas in the wards access facilities and services that are available to other residents' in the respective county; and
- d) the promotion of the national values and principles of governance set out under Article 10 of the Constitution.

## CHAPTER TWO

### SUBMISSIONS FROM STAKEHOLDERS AND MEMBERS OF THE PUBLIC

As a constitutional imperative and pursuant to standing orders 140(5), the Committee facilitated public participation on the Bill. The chapter highlights the observations and recommendations submitted during the public hearings held on Tuesday, 14th March, 2019 as stipulated in Table 1 below. The Stakeholders include: International Budget Partnership-Kenya, Commission on Revenue Allocation, Controller of Budget, Uasin-Gishu County Assembly Committee on Budget and Appropriations, Mr. Dominic Mboya – Youth Representative from Homa-Bay County, Institute of Certified Public Accountants of Kenya – ICPAK, County Assemblies Forum, Council of Governors and the National Treasury and Planning.

Table 1: Summary of stakeholders' submissions

STAKEHOLDER	OBSERVATIONS AND RECOMMENDATIONS
International Budget Partnership-Kenya	Since the publication good improvements-by giving county governments to determine the criteria of such ward allocations.
	The Commission on Revenue Allocation play an advisory role to help counties come up with an equitable criterion for equitable distribution of resources.
	The unit of development used or implied in this Bill-Is it the ward or the village? Why organize all projects at the ward and village level? Since what we want is equitable development then the choice of level will have
	In Sec. 5 (3) on the minimum allocation-it is not clear the basis of 15 per cent minimum. While the ring-fencing will be done at the allocation stage, the actual expenditures vary and hence 15 per cent will be very different on the actuals. This means resources locked that cannot be used for other progressive purposes. How does this relate with the other existing ceilings such as minimum 30 per cent to development and not more than 35 per cent of recurrent to wages?
	Sec.7 (identification of projects)-Why should there be a separate identification of projects yet there would already be CIDP and ADP that has gone through public participation. There should be a validation process to



STAKEHOLDER	OBSERVATIONS AND RECOMMENDATIONS
	<p>avoid competing processes that create duplications and misuse of valuable resources.</p> <p>The County Executive should provide tentative cost of individual projects to help the public make realistic proposition when discussing projects, they would like funded under this law as provided in Section 7(4)</p> <p>The bill seems to go for different things at the same time. It seeks to push for intra county equity and intra ward equity at the same time.</p> <p>The reporting on implementation has to be placed in line with what the PFM requires in terms of quarterly reports. We should not have separate reporting on budget items that will already be captured in the budget estimates as indicated in Section 10.</p> <p>The bill should provide guidance on the size and number of projects that can be funded at any one time to avoid spreading the funds too thin. Lessons from counties like Elgeyo-Marakwet with the Equitable Development Act, 2012 show the risk of spreading even an equitable allocation too thin.</p>
<p>Commission on Revenue Allocation</p>	<p><b>Clause 2 Interpretation Definition of ‘community’:-</b>Delete reference to ‘location, sub location and village’ as the term ‘ward is all exhaustive and also defined under the proposed law.</p> <p><b>Clause 4 Guiding principles:-</b> Define ‘marginalized areas’ referred to under clause 4(c) Reference can be made to the marginalization policy on the identified marginalized areas</p> <p><b>Clause 5 County governments to ensure equitable development:-</b> Make this provision coherent in terms of chronological order</p> <p><b>Clause 5(b) on the advice of the Commission on criteria for allocation of a specific amount:-</b> Rephrase this provision to eliminate the advisory part by the Commission and instead refer to determination of criteria for allocation of revenue for the ward development projects identified under the Act according to the marginalization policy</p> <p><b>Clause 7 identification of projects-</b> CEC should coordinate from Ward level only. There is need to introduce a middle tier coordinated by the ward administrators between CEC and village councils</p>

STAKEHOLDER	OBSERVATIONS AND RECOMMENDATIONS
	<p>Clause 9 Criteria for selection of projects- This criteria is open ended and ambiguous due to use of terms such as ‘basic goods and services’ (see clause 9(i) and (ii), ‘facilities’ in clause 9 (a) (iii). It is unclear what these terminologies entail. Additionally in clause 9(d), reference to ‘a cross section of the residents of a particular area’ is also ambiguous.:- Redraft this criteria for specificity.</p> <p>Clause 12 Funds allocated to ward development projects-Under sub clause (4) (d) there is reference to ‘demonstrable actual work’ and sub clause (5) (c) refers to ‘substantial work’-these terms are open ended.:- Specify a threshold e.g. state in percentage form for specificity.</p> <p>The Bill addresses ‘equitable sharing of resources’:- This should be narrowed down to ‘revenue as opposed to ‘resources’ as the term ‘resources’ connotes diverse areas not subject of the Bill</p>
<p>Controller of Budget</p>	<p>In agreement with the provisions in the Bill the way it has been drafted</p>
<p>Uasin-Gishu County Assembly Committee on Budget and Appropriations</p>	<p>Amendment of Section 5 (3) that reads “In determining the criteria for allocation under subsection (2) (b), the county executive committee shall ensure that the allocation—</p> <p>(a) is not less than fifteen percent of the county government’s allocation for development expenditure as provided under section 107 (2) (b) of the Public Finance Management Act” to Read“<i>In determining the criteria for allocation under subsection (2) (b), the county executive committee shall ensure that the allocation—</i></p> <p><i>(a) is not less than thirty percent of the county government’s allocation for development expenditure as provided under section 107 (2) (b) of the Public Finance Management Act, 2012”.</i></p> <p>That, most counties spent 70% of their budget on recurrent expenditure leaving a partly 30% for development expenditure; and That, the 30% allocated for development expenditure by most counties is mainly conditional grants which accounts for 50% or more of the total development budget. Therefore the proposed 15% of the remaining 50% or less of the development budget is too little for a ward equalisation fund.</p>

STAKEHOLDER	OBSERVATIONS AND RECOMMENDATIONS
	<p><b>Amendment of Section 6 (2)</b> which reads “The county assembly shall approve or reject the criteria within fourteen days of receipt of the criteria” to read “The county assembly shall approve or reject the criteria within twenty one days of receipt of the criteria” This will enable the county assembly to effectively conduct public participation in line with article 201 of the CoK, 2010.</p> <p><b>Introduction of Section 8 (2)(b)</b> to read “The County Executive Committee Member for finance shall submit the approved projects to the County assembly for approval.”</p> <p><b>Amendment of Section 8 (3)</b> that reads, “the county executive committee member shall publicize the decision of the county executive committee by notice in the county Gazette and through such other media as the county executive committee member shall consider appropriate.” Be amended to read “the county executive committee member after considering any recommendations made by the county assembly on projects to be implemented to publicize the projects by notice in the county Gazette and through such other media as the county executive committee member shall consider appropriate.”</p>
<p>Mr. Dominic Mboya – Youth Representative from Homa-Bay County</p>	<p><b>Clause 5 (3) (a):-</b> it should be 15% of the total budget and not development expenditure.</p> <p><b>Clause 7(3):-</b>there was risk of the marginalised groups- like youth, women and persons with disability- not involved in the identification of projects since the village councils are comprised of village elders.</p> <p>There should be a mechanism to ensure funds set aside for specific projects are ring-fenced and not reallocated to other projects.</p> <p>There needs to set mechanism to protect/ prevent embezzlement of public funds which are set aside for wards projects.</p>
<p>Institute of Certified Public Accountants of Kenya -ICPAK</p>	<p>The law is created to cure an existing gap or protect mischief. The PFM Act was based on principle of equity and fairness but it was not implemented appropriately. If it was then, the County Wards (Equitable Development) Bill would not be necessary.</p>

STAKEHOLDER	OBSERVATIONS AND RECOMMENDATIONS
	<p>The Bill advances some level of duplicity especially on public participation and setting aside some projects to be undertaken using 15% of the allocation to development.</p> <p>The mechanism for integrating the projects under the Act in the CIDP and the ADPs has not been provided.</p> <p>Some counties may have already embraced the principle been fostered by the Bill but using different approach. The gaps been experienced may have resulted from absorption capacity of the counties. Since most of them perform poorly on utilisation of development budgets. The matters of equity been promoted in the bill may be dealt with if PFM Act was amended to entrench equity.</p>
<p>County Assemblies Forum</p>	<p><b>Part 2 Identification of ward-based projects for equitable development within counties:-</b> Include a clause for establishment of Ward Development fund Committees within each ward consisting of village elders, representatives of special interest groups within each respective ward. This will be in accordance with Article 174(d) which recognizes the right of communities to manage their own affairs and to further their development; and safeguard the interests of the women, youth, persons living with disabilities and children.</p> <p><b>Clause 7. Identification of projects:-</b> Revise the clause to provide for participation of Members of County Assembly (MCAs) elected in the respective wards. (3) The county executive committee member shall, for the purpose of subsection (2), collaborate with the respective village established in the county under section 53 of the County Governments Act councils and the MCA elected in the respective ward. This will ensure the participation of the elected ward representative in making decisions affecting the ward residents.</p>

STAKEHOLDER	OBSERVATIONS AND RECOMMENDATIONS
<p>Council of Governors</p>	<p><b>Clause 3 Objects and purposes of the Act:-</b> The objects and purposes of this Act are to—</p> <p>(a) promote the objects of devolution set out under Article 174 of the Constitution by providing a legal framework that promotes equitable development across all wards in each county;</p> <p>(b) provide a framework for the participation of the residents of each county in the identification of priority projects in county in respect of which funds are allocated under this Act;</p> <p>(c) promote the decentralization of functions and provision of services by county governments to the extent that it is efficient and practicable pursuant to Article 176 of the Constitution; and</p> <p>(d) to ensure equitable sharing of resources within the county</p> <p><b>Include the following provision immediately after sub-clause (d) to read as follows: -</b></p> <p>(e) Provide a mechanism through which the county governments are able to promote the interests of marginalized communities within the respective wards in accordance with Article 43 of the Constitution.</p> <p>To ensure equitable growth in the wards within the respective Counties, it is paramount to take into consideration the interests of the marginalized in the wards</p> <p><b>Amend Clause 6 County assembly approval of criteria- 6(2)</b> The county assembly shall approve or reject the criteria within fourteen days of receipt of the criteria. To read (2) The county assembly shall approve or reject the criteria citing reasons thereof in writing within fourteen days of receipt of the criteria.</p> <p>Article 47 of the Constitution provides that a person has a right to be given written reasons for an action that has adversely affected them. In this regard</p>

STAKEHOLDER	OBSERVATIONS AND RECOMMENDATIONS
	<p>and as a matter of good practice reasons for arriving at a certain decision ought to be provided for in writing.</p>
	<p><b>Amend Clause 8 Selection of projects by the County Executive Committee-</b> 8(3) The county executive committee member shall publicize the decision of the county executive committee by notice in the county Gazette and through such other media as the county executive committee member shall consider appropriate. To read 8 (3) The county executive committee member shall publicize the decision of the county executive committee by notice in the Kenya Gazette or County Gazette and through such other media as the county executive committee member shall consider appropriate. The County Gazette is yet to be established. Therefore, decisions by the County Executive Committee can be published through the Kenya Gazette and upon establishment of the County Gazette, decisions can be communicated through the County Gazette.</p>
	<p><b>Amend Clause 12 Funds allocated to ward development projects-</b> (2) If for any reason a project is cancelled or discontinued during the financial year, funds allocated for such a project shall be reallocated to another project to be implemented in the same ward. Introduce a new clause immediately after subsection 2 to provide for instances within which a project can be cancelled or discontinued. For purposes of good governance, integrity, transparency and accountability as envisaged under Article 10 (2) (c) reasons for cancellation should be provided for.</p>
	<p><b>Amend Clause 15:-</b> Report to County Assembly 15 (1) A county executive committee member shall submit quarterly reports to the county assembly on setting out information on the – (a – o)</p> <p>(2) It shall be gross misconduct for a county executive committee member to fail to report to the county assembly committee on the matters provided for under subsection (1).</p>

STAKEHOLDER	OBSERVATIONS AND RECOMMENDATIONS
	<p>Introduce a new clause immediately after sub-section 2 to provide for a sanction in the event misconduct is occasioned. To ensure strict adherence to the provision laid out in clause 15 (1), a sanction should be provided for in order to ensure that there is full compliance of the provisions.</p>
<p>National Treasury and Planning</p>	<p><b>Adequacy of the existing laws on fiscal decentralization-</b>The objects that the Bill proposes to address have been adequately covered by the Constitution of Kenya (2010), County Governments Act, 2012 and Public Finance Management Act, 2012. The Constitution provides the guiding principles and framework of devolution and public finance. In addition, it provides for the Equalization Fund. Article 3, of the County Government Act provides for, inter-alia, the same objects as enumerated in the Bill. The PFMA has a clear and elaborate framework of financing County Governments, budget execution, monitoring and oversight. It is not clear what legal gap the Bill is addressing outside the exiting legal and regulatory framework.</p> <p><b>The Bill negates on the fiscal powers of County Governments to plan, budget, spend and report on the revenue allocated pursuant to section 202 and 203 of the Constitution.</b> Article 202 of the Constitution provides for equitable sharing of revenue between National and County Governments (equitable share) and additional resources from the National Government Share as conditional or unconditional transfers. Articles 203 stipulates that revenue allocation criteria should take into account, inter-alia, the need to ensure county governments are able to perform the functions allocated to them, developmental and other needs of counties and economic disparities within and among counties and the need to remedy them. Moreover, Article 189 (1) (a) prescribes that Government at either level shall perform its functions and exercise its powers in a manner that respects the functional and institutional integrity of government and other level. County Governments should hence be let to determine their development deeds.</p>

STAKEHOLDER	OBSERVATIONS AND RECOMMENDATIONS
	<p>Section 5(3) (a) of the Bill proposes to allocate not less than fifteen (15) per cent of County Governments allocation for development expenditure to ward based projects.</p> <p>The Constitution contemplates that County Governments should [plan, budget, spend and account for the revenue independently. Consequently, legislating a formula for sharing the revenue among sub-units of counties as proposed by the Bill means taking away the fiscal powers of County Governments to determine the allocation of resources among the various County Government's needs.</p>
	<p><b>The Bill negates Economies of Scale of County Projects.</b> The Bill seems to spread county resources thinly across all wards to implement ward based projects. Section 3 (a) proposes that more than 15 per cent of development budget can be channelled through a ward based project system. This has the potential of reducing the capacity of County Governments to finance large scale projects which transcend more than one ward and high socio-economic impact.</p>
	<p>The Constitution stipulates that <b>the sovereign power of the people</b> is exercise at national and county levels which are distinct self-governing. That <b>any law that is in consistent with the Constitution is void to the extent of the inconsistency.</b> Counties are distinct entities and should be left to execute projects according to the County Integrated Development Plans, County Fiscal Strategy Paper and any other County Policy document. The Bill offends some provisions some provisions of the Constitution. Besides, the objects of the Bill have been addressed by existing legal and regulatory framework.</p>



## CHAPTER THREE

### COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

#### Observations

The Committee made the following observations on the Bill-

- a) that the Bill would promote equalization across the wards in every county. This is in light of the fact that development at the county level has been skewed in favour of some wards.
- b) the Bill takes into account the differences in development across wards in a particular county so as to achieve equitable development. Thus, the bill proposes formation of criteria for selection of projects.
- c) The ward based projects identified through this legislation will be integrated into the County Integrated Development Plan (CIDP) and Annual Development Plan (ADP).

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## Recommendations

The Committee recommends the following amendments to the bill-

- a) **Clause 2** -the definition of the term “community” be amended by deleting the words “location, sub-location or village and having common interests”
- b) **Clause 4** – be amended as below
  - paragraph (a) by inserting the word “equitable” immediately after the words “the promotion of the”;
  - deleting paragraph (c);
  - inserting a new paragraph to read as follows ‘the use of public funds in a prudent and responsible manner in accordance with Article 201 of the Constitution’.
- c) **Clause 5**, sub clause 3(a) be amended substituting the word “expenditure” with the word “budget”
- d) **Clause 6**- be amended by deleting sub clause 2 and introducing a new clause to read ‘the county assembly may approve or reject the criteria within twenty-one days of receipt of the criteria.’
- e) **Clause 7** be amended as below
  - Sub clause 1 replacing the word ‘county’ with the word ‘ward’
  - Sub clause (4) by replacing the words “the village councils” with the words “to the respective ward administrator”
- f) **Clause 8** be amended as below
  - subclause 1 by substituting the words “under section 7(4)” with the words “under section 7”.
  - by deleting subclause 2 and introducing a new sub clause to read ‘the projects identified under subsection (1) shall be submitted to the respective county assembly for approval.’
  - subclause (3) by inserting the words “upon approval by the county assembly” immediately before the words “the county executive committee member”.
- g) **Clause 12** be amended by deleting the words “(2) or”

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NAIROBI

## COMMISSION ON REVENUE ALLOCATION

OUR REF: CRA/CSO/P&S/11/Vol. III (04)

DATE: 13<sup>th</sup> March, 2019

Mr. Jeremiah. M. Nyegenye, CBS,  
Clerk of the Senate/Secretary,  
Parliamentary Service Commission  
NAIROBI

Dear Mr. Nyegenye

RE: INVITATION TO ATTEND A MEETING OF THE SENATE  
STANDING COMMITTEE ON FINANCE AND BUDGET

We refer to your letter of 4<sup>th</sup> March, 2019.

We wish to confirm our attendance in the meeting as captioned to make presentation on the County Wards (Equitable Development) Bill, 2018 which is in line with our mandate.

The Commission appreciates that the concerns we raised in the County Ward Development Fund Bill, 2018 have largely been addressed in this Bill.

Attached please find additional comments to the Bill.

Yours Sincerely

George Ooko  
COMMISSION SECRETARY/CEO

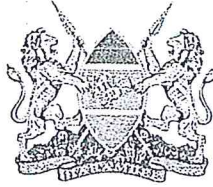
**CLAUSE BY CLAUSE ANALYSIS OF THE COUNTY WARDS  
(EQUITABLE DEVELOPMENT) BILL, 2018**

1.	<p><b>Clause 2 Interpretation</b></p> <p>Definition of 'community'</p>	<p><b>Recommendation:</b></p> <p>Delete reference to <u>'location, sub location and village'</u> as the term 'ward is all exhaustive and also defined under the proposed law.</p>
2.	<p><b>Clause 4 Guiding principles</b></p>	<p><b>Recommendation:</b></p> <p>Define 'marginalized areas' referred to under clause 4(c)</p> <p>Reference can be made to the marginalization policy on the identified marginalized areas</p>
3.	<p><b>Clause 5 County governments to ensure equitable development</b></p>	<p><b>Recommendation:</b></p> <p>Make this provision coherent in terms of chronological order</p>
	<p><b>Clause 5(b) on the advice of the Commission on criteria for allocation of a specific amount.....</b></p>	<p><b>Recommendation:</b></p> <p>Rephrase this provision to eliminate the advisory part by the Commission and instead refer to determination of</p>

		<i>criteria for allocation of revenue for the ward development projects identified under the Act according to the marginalization policy</i>
4.	<b>Clause 7 identification of projects</b>	<i>CEC should coordinate from Ward level only. There is need to introduce a middle tier coordinated by the ward administrators between CEC and village councils</i>
5.	<b>Clause 9 Criteria for selection of projects</b> This criteria is open ended and ambiguous due to use of terms such as 'basic goods and services' (see clause 9(i) and (ii), 'facilities' in clause 9 (a) (iii). It is unclear what these terminologies entail. Additionally in clause 9(d), reference to 'a cross section of the residents of a particular area' is also ambiguous.	<b>Recommendation:</b> <i>Redraft this criteria for specificity.</i>
6.	<b>Clause 12 Funds allocated to ward development projects</b> Under sub clause (4) (d) there is reference to 'demonstrable actual work' and sub clause (5)(c) refers to 'substantial work'-these terms are open ended.	<b>Recommendation:</b> <i>Specify a threshold e.g. state in percentage form for specificity.</i>

7.	The Bill addresses 'equitable sharing of resources'	<i>Recommendation:</i> <i>This should be narrowed down to 'revenue as opposed to 'resources' as the term 'resources' connotes diverse areas not subject of the Bill.</i>

REPUBLIC OF KENYA



## COUNTY ASSEMBLIES FORUM (CAF)

Flamingo Towers, 5th Floor Wing B, Mara Road, Upper Hill P.o Box 73552- 00200 Nairobi Kenya Tel: 0701 046 933  
Email:communication@countyassembliesforum.org www.countyassembliesforum.org

### MEMORANDUM ON THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL, 2018

*SENATE BILLS NO. 34 OF 2018*

To: The Clerk of the Senate  
cc: The Senate Standing Committee on Finance and Budget  
Dated: 21<sup>st</sup> March 2019.

## Background and General Comments

The principal object of this Bill is to provide a framework for the promotion of equitable growth in the wards within the counties by providing for the allocation of funds for ward-based development projects; to provide mechanisms for selection of projects; to provide an oversight mechanism for the utilization of funds allocated for ward-based development projects; and for connected purposes establish a mandatory retirement scheme for state officers and employees serving in the 47 County Governments.

We note with appreciation the commitment of the Senate in legislating on this important matter. Ensuring equitable development across all the wards in each of the 47 County Assemblies is critical to achieving the objects of devolution stipulated in Article 174 of the Constitution of Kenya.

We have perused the County Wards Development Bill, 2018 and support its enactment on the following reasons:

- 1). The provisions of the bill are in line with the object and principles of devolution of:
  - self-governance and participation of the people in making decisions affecting them;
  - right of communities to manage their own affairs and to further their development;
  - social and economic development and the provision of proximate, easily accessible services throughout Kenya;
  - equitable sharing of national and local resources throughout Kenya;
- 2). The provisions of the bill are in line with the principle of separation of power that allows County Assemblies to exercise oversight over county executives, and the Senate to perform oversight over national funds devolved to counties.

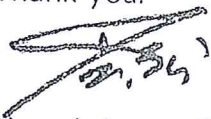
CAF however notes some pertinent concerns with the current provisions of Bill and proposes them for amendment as follows:



CLAUSE	PROPOSED AMENDMENT	JUSTIFICATION
Part 2. Identification of ward-based projects for equitable development within counties	Include a clause for establishment of Ward Development fund Committees within each ward consisting of village elders, representatives of special interest groups within each respective ward.	This will be in accordance with Article 174(d) which recognizes the right of communities to manage their own affairs and to further their development; and safeguard the interests of the women, youth, persons living with disabilities and children.
Clause 7. Identification of projects	Revise the clause to provide for participation of Members of County Assembly (MCAs) elected in the respective wards. <i>(3) The county executive committee member shall, for the purpose of subsection (2), collaborate with the respective village established in the county under section 53 of the County Governments Act councils and the MCA elected in the respective ward</i>	This will ensure the participation of the elected ward representative in making decisions affecting the ward residents.

The County Assemblies Forum (CAF) supports the speedy passing and enactment of this bill, as it will regulate the equitable development of all parts of the Country.

Thank you.



Hon. Johnson Osoi, MBS  
Chairperson, County Assemblies Forum.



## The County Wards (Equitable Development) Bill, 2018

Feedback from the International Budget Partnership-Kenya, 14 March 2019

1. Since the publication of the previous bill, we note that there has been good improvements. This is especially by giving county governments to determine the criteria of such ward allocations.
2. We applaud the step to ensure the Commission on Revenue Allocation play an advisory role to help counties come up with an equitable criterion for equitable distribution of resources. Including the use of the marginalized wards as identified by CRA.
3. We underscored then and still do now that we need to move from the brick and mortar approach of development. After 13 years of CDF and 6 years of County Governments we have covered a fair share of capital aspects of development and it is our opinion that we should be focusing more on providing the actual services which are recurrent heavy.
4. We are still concerned on the unit of development used or implied in this bill. Is it the ward or the village? Devolution is based on the subsidiarity principle which means that decisions should be taken as close as possible to the people and development work be done at the level where it is most effective to do so. Thus, why organize all projects at the ward and village level? Since what we want is equitable development then the choice of level will have to vary from place to place and that is a decision that should be left to respective counties.
5. In Sec. 5 (3) on the minimum allocation it is not clear the basis of 15 per cent minimum. While the ringfencing will be done at the allocation stage, we know very well that actual expenditures vary and hence 15 per cent will be very different on the actuals. This means resources locked that cannot be used for other progressive purposes. The spread sheet we have shown this (see Annex 1).
6. Further how does this relate with the other existing ceilings such as minimum 30 per cent to development and not more than 35 per cent of recurrent to wages?
7. On Sec.7 (identification of projects) we do not see why there should be a separate identification of projects yet there would already be CIDP and ADP that has gone through public participation. Maybe the language should be a validation. The point is to avoid parallel and often competing processes that create duplications and misuse of valuable resources.
8. The County Executive should provide tentative cost of individual projects to help the public make realistic proposition when discussing projects, they would like funded under this law as provided in Section 7(4)
9. The bill seems to go for different things at the same time. It seeks to push for intra county equity and intra ward equity at the same time.
10. The reporting on implementation has to be placed in line with what the PFM requires in terms of quarterly reports. We should not have separate reporting on budget items that will already be captured in the budget estimates as indicated in Section 10.
11. The bill should provide a guidance on the size and number of projects that can be funded at any one time to avoid spreading the funds too thin. Lessons from counties like Elgeyo Marakwet with the Equitable Development Act, show the risk of spreading even an equitable allocation too thin.

Annex 1: Simulation of 15 per cent development against estimates and actual expenditures

County	2017/18 Budget Estimates (Kshs. Million)				2017/18 Actual Expenditure (Kshs. Million)			Simulations			
	Rec	Dev	Total		Rec	Dev	Total	15 % of 2017/18 Estimated Dev. Budget	Proportion of the Ward Fund to the Total Budget Estimates 2017/18	Proportion of the Ward Fund to the Actual Dev. Expenditure 2017/18	
A	B	C	D	E	F	G	H	I	J		
Taita											
Taveta	3,892.92	1,631.48	5,524.40	3,131.10	206.45	3,337.56	244.72	4%	119%		
Vihiga	3,882.05	1,699.58	5,581.63	2,407.91	297.47	2,705.38	254.94	5%	86%		
Wajir	5,689.22	3,673.09	9,362.31	5,572.01	842.54	6,414.55	550.96	6%	65%		
Kisumu	6,376.83	2,837.89	9,214.72	5,758.33	669.36	6,427.69	425.68	5%	64%		
Meru	7,521.37	3,218.18	10,739.55	5,987.70	812.69	6,800.38	482.73	4%	59%		
Nakuru	9,947.60	6,151.33	16,098.93	7,977.11	1,576.63	9,553.74	922.70	6%	59%		
Nairobi City	25,284.30	8,365.39	33,649.69	22,362.22	2,179.31	24,541.53	1,254.81	4%	58%		
Nyamira	4,222.90	1,888.80	6,111.70	3,703.45	527.66	4,231.12	283.32	5%	54%		
Siaya	4,299.05	2,546.29	6,845.34	3,333.46	777.57	4,111.03	381.94	6%	49%		
Nandi	4,693.02	2,154.91	6,847.93	4,079.13	716.92	4,796.04	323.24	5%	45%		
Machakos	7,010.71	3,067.81	10,078.52	6,380.61	1,021.77	7,402.38	460.17	5%	45%		
Lamu	2,009.12	1,009.94	3,019.06	1,699.75	361.27	2,061.02	151.49	5%	42%		

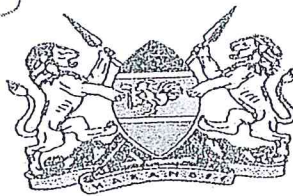
Baringo	4,245.69	2,713.70	6,959.39	4,214.92	987.44	5,202.36	407.06	6%	41%
Tana River	3,400.44	2,513.32	5,913.76	2,258.28	918.61	3,176.89	377.00	6%	41%
Kajiado	5,003.92	3,184.09	8,188.01	3,936.65	1,185.16	5,121.81	477.61	6%	40%
Samburu	3,379.31	1,453.35	4,832.66	3,038.00	549.02	3,587.02	218.00	5%	40%
Kirinyaga	3,985.80	1,709.20	5,695.00	3,871.06	722.27	4,593.34	256.38	5%	35%
Bungoma	7,689.80	3,563.59	11,253.39	7,123.60	1,507.06	8,630.66	534.54	5%	35%
Garissa	5,600.12	2,368.93	7,969.05	5,507.07	1,012.26	6,519.33	355.34	4%	35%
Homa Bay	5,049.12	2,519.87	7,568.99	4,067.27	1,078.23	5,145.50	377.98	5%	35%
Nyandarua	4,079.94	2,025.24	6,105.18	3,649.34	895.38	4,544.72	303.79	5%	34%
Makueni	6,095.39	3,579.50	9,674.90	5,591.49	1,603.30	7,194.78	536.93	6%	33%
Busia	5,059.61	2,389.41	7,449.02	4,730.26	1,078.18	5,808.44	358.41	5%	33%
Nyeri	5,471.57	2,489.53	7,961.11	4,506.03	1,140.32	5,646.34	373.43	5%	33%
Turkana	6,799.83	4,164.92	10,964.75	6,185.97	1,944.93	8,130.91	624.74	6%	32%
Bomet	4,377.78	1,864.13	6,241.91	4,074.41	873.54	4,947.94	279.62	4%	32%
Kericho	4,499.68	2,040.79	6,540.46	4,180.28	996.25	5,176.53	306.12	5%	31%
Elgeyo									
Marakwet	3,006.92	1,937.77	4,944.69	2,921.05	948.90	3,869.95	290.67	6%	31%
Kwale	5,202.14	4,113.35	9,315.49	4,444.79	2,143.28	6,588.07	617.00	7%	29%
Uasin									
Gishu	5,020.83	3,041.31	8,062.14	4,732.21	1,597.04	6,329.25	456.20	6%	29%
Laikipia	3,816.13	1,890.37	5,706.50	3,791.36	1,011.32	4,802.68	283.56	5%	28%
Trans									
Nzoia	4,632.20	1,996.33	6,628.53	3,137.98	1,077.21	4,215.20	299.45	5%	28%
Kisii	7,534.27	3,363.08	10,897.35	6,681.75	1,901.23	8,582.98	504.46	5%	27%
West Pokot	3,930.26	1,718.85	5,649.11	3,426.57	983.31	4,409.88	257.83	5%	26%
Narok	6,515.50	3,290.13	9,805.63	6,321.54	1,928.02	8,249.56	493.52	5%	26%
Embu	4,318.08	1,847.16	6,165.24	3,971.86	1,090.53	5,062.39	277.07	4%	25%

Kiambu	9,810.82	2,774.74	12,585.56	8,929.99	1,833.63	10,763.62	416.21	3%	23%
Mandera	6,471.92	5,774.94	12,246.86	5,644.55	3,892.28	9,536.83	866.24	7%	22%
Tharaka - Nithi	3,036.06	1,596.18	4,632.23	2,570.41	1,080.39	3,650.80	239.43	5%	22%
Migori	5,469.84	2,697.06	8,166.90	4,084.71	1,848.99	5,933.70	404.56	5%	22%
Kakamega	7,280.88	5,624.39	12,905.26	6,664.04	3,879.96	10,544.00	843.66	7%	22%
Kitui	6,688.21	4,555.14	11,243.35	5,845.59	3,281.01	9,126.61	683.27	6%	21%
Isiolo	2,768.51	1,572.29	4,340.81	2,251.91	1,138.42	3,390.33	235.84	5%	21%
Murang'a	5,284.32	3,033.93	8,318.24	4,369.13	2,199.00	6,568.13	455.09	5%	21%
Kilifi	7,858.07	4,268.84	12,126.91	6,406.26	3,121.95	9,528.21	640.33	5%	21%
Marsabit	4,296.49	3,434.38	7,730.88	4,027.18	2,540.47	6,567.66	515.16	7%	20%
Mombasa	8,808.50	3,825.95	12,634.45	7,393.74	2,908.11	10,301.86	573.89	5%	20%
Total	271,317.05	139,180.43	410,497.48	236,944.06	66,886.63	303,830.68	20,877.06	5%	31%

Source: Controller of Budget CBIR 2017/18

226

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Kindly deal  
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28/03/19



THE SENATE  
RECEIVED  
28 MAR 2019  
CLERK'S OFFICE

REPUBLIC OF KENYA  
THE NATIONAL TREASURY AND PLANNING

Telegraphic Address: 22921  
Finance - Nairobi  
NO. 310833  
NAIROBI  
When Replying Please Quote Ref.

THE SENATE  
RECEIVED  
28 MAR 2019  
DIRECTOR COMMITTEE SERVICES

THE NATIONAL TREASURY  
P O BOX 30007 - 00100 FAX

Telephone: 2252299

25<sup>th</sup> March, 2019

REF NO: IGFR/SC/FB/01/25

Mr. J.M. Nyegenye, CBS

Clerk of the Senate / Secretary,  
Parliamentary Service Commission,  
Parliament Buildings,  
P.O. Box 41842 - 00100

NAIROBI

THE SENATE  
RECEIVED  
28 MAR 2019  
DEPUTY CLERK

Dear

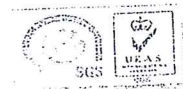
*Mr. Nyegenye*

RE: THE NATIONAL TREASURY MEMORANDUM TO THE SENATE ON COUNTY  
WARDS (EQUITABLE DEVELOPMENT) BILL 2018

Reference is made to your letter SEN/DCS/SCF&B/2019/08 dated 4<sup>th</sup> March 2019 to  
the Cabinet Secretary, The National Treasury and Planning.

The County Wards (Equitable Development) Bill 2018 was published by the Senate  
(Senate Bills No. 34 of 2018) and read a first time on 5<sup>th</sup> December 2018. Subsequently,

② Clerk Assist - Fax Budget  
for the attention of the Committee  
28/03/19.



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it was committed on the Standing Committee on Finance and Budget for consideration pursuant to Standing Order number 140 of the Senate Standing Orders.

The National Treasury has been invited to make representations on the Bill.

Objects and purposes of the Bill are to;

- a) promote the objects of devolution set out under Article 174 of the Constitution by providing a legal framework that promotes equitable development across all wards in each county.
- b) provide a framework for the participation of the residents of each county in the identification of priority projects in county in respect of which funds are allocated under this Act.
- c) promote the decentralization of functions and provision of services by county governments to the extent that it is efficient and practicable pursuant to Article 176 of the Constitution; and
- d) to ensure equitable sharing of resources within the county.

#### **National Treasury Comments on the Bill.**

The National Treasury has reviewed the revised and republished Bill and wishes to make the following comments.

##### **a) Adequacy of existing laws on fiscal decentralization**

The objects that the Bill proposes to address have been adequately covered by the Constitution of Kenya (2010), County Government Act (2012), and Public Finance Management Act (2012). The Constitution provides for the guiding principles and framework of devolution and public finance. In addition, it provides for the Equalization Fund. Article 3 of the County Governments Act provides for, inter alia, the same objects as enumerated in the Bill. The PFMA has a clear and elaborate framework of financing county governments, budget execution, monitoring and oversight. It is not clear what legal gap the Bill is addressing outside the existing legal and regulatory framework.



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**b) The Bill negates on the fiscal powers of County Governments to plan, budget, spend and report on the revenue allocated pursuant to section 202 and 203 of the Constitution.**

Articles 202 of the Constitution provides for equitable sharing of revenue between National and County Governments (equitable share) and additional resources from the National Government Share as conditional or unconditional transfers. Article 203 stipulates that the revenue allocation criteria should take into account, inter alia, the need to ensure county governments are able to perform the functions allocated to them, developmental and other needs of counties and economic disparities within and among counties and the need to remedy them. Moreover, Article 189 (1) (a) prescribes that Government at either level shall perform its functions and exercise its powers in a manner that respects the functional and institutional integrity of government and the other level. County Governments should hence be let to determine their development deeds.

Section 5 (3) (a) of the Bill proposes to allocate not less than fifteen (15) percent of the County Government's allocation for development expenditure to ward based projects. The Constitution contemplates that County Governments should plan, budget, spend and account for the revenue independently. Consequently, legislating a formula for sharing the revenue among sub-units of counties as proposed by the Bill means taking away the fiscal powers of county governments to determine the allocation of resources among the various county governments' needs.

**c) The Bill Negates Economies of Scale of County Projects**

**d)**

The Bill seems to spread county resources thinly across all wards to implement ward based projects. Section 3(a) proposes that more than 15 percent of development budget be channeled through a ward-based project system. This has the potential of reducing the capacity of county governments to finance large scale projects which transcend more than one ward and with higher socio-economic impact.



## Conclusion

The Constitution stipulates that the sovereign power of the people is exercised at the national and county levels which are distinct and self-governing. That any law that is inconsistent with the Constitution is void to the extent of the inconsistency. Counties are distinct entities and should be left to execute projects according to the County Integrated Development Plans, the County Fiscal Strategy Paper and any other county policy document. The Bill offends some provisions of the Constitution. Besides, the objects of the Bill have been addressed by the existing legal and regulatory framework.

Yours

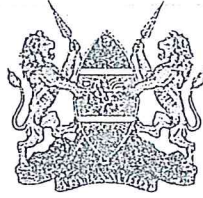
*Sincerely*



DR. KAMAU THUGGE, CBS

PRINCIPAL SECRETARY / NATIONAL TREASURY





COUNCIL OF GOVERNORS

Westlands Delta House 2<sup>nd</sup> Floor, Waiyaki Way,  
P.O. BOX 40401-00100,  
Nairobi.

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+254 729 777 281  
E-mail: info@cog.go.ke



OUR REF: COG/6/10 Vol. 6 (62)

Mr. Jeremiah Nyegenye  
Clerk of the Senate  
NAIROBI

14<sup>th</sup> March, 2019

Dear Mr. Nyegenye,

LETTER FORWARDING THE LEGISLATIVE MEMORANDUM ON THE COUNTY WARDS  
(EQUITABLE DEVELOPMENT) BILL, 2018

The above subject matter refers.

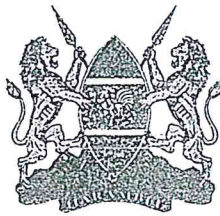
The Council of Governors appreciates that in realizing the objects of Devolution, the principles of consultation and cooperation under Article 6(2) and Article 189 of the Constitution are inevitable.

Based on these principles, the Council of Governors has reviewed the County Wards (Equitable Development) Bill, 2018 and hereby wishes to forward for the consideration of the Senate the legislative memorandum attached herewith.

Yours sincerely,

Jacqueline Mogeni  
Chief Executive Officer





# COUNCIL OF GOVERNORS

Westlands Delta House 2<sup>nd</sup> Floor, Waiyaki Way,  
P.O. BOX 40401-00100,  
Nairobi.

Tel: (020) 2403314, 2403313  
+254 729 777 281  
E-mail: info@cog.go.ke

THE SENATE  
RECEIVED  
15 MAR 2019  
CLERK'S OFFICE

14<sup>th</sup> March 2019  
THE SENATE  
RECEIVED  
15 MAR 2019  
DEPUTY CLERK

OUR REF: COG/6/10 Vol. 6 (62)

Mr. Jeremiah Nyegenye  
Clerk of the Senate  
NAIROBI

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Yours sincerely,

Jacqueline Mogeni  
Chief Executive Officer

① D/Com

D/Secy

② Clerk Assist - For Senate  
Please deal.

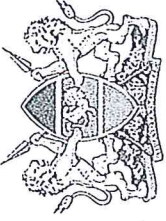
For the Committee

18/03/19

EP  
18/03/19

THE SENATE  
RECEIVED  
18 MAR 2019  
OFFICE OF THE CLERK OF THE SENATE





COUNCIL OF GOVERNORS

LEGISLATIVE MEMORANDUM ON THE COUNTY WARDS (EQUITABLE DEVELOPMENT)  
BILL, 2018

To  
THE SENATE

From  
THE COUNCIL OF GOVERNORS  
FINANCE, PLANNING, ECONOMIC  
AFFAIRS & ICT COMMITTEE

MEMORANDUM ON THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL, 2018

The Council of Governors,

In recognition of Article 1(4) of the Constitution of Kenya, that sovereign power of the people is exercised at the national level and the county level;

In further recognition of Article 6 (2) that governments at the national and county levels are distinct; and

Aware of the need for coordination and consultation between the National Government and County Governments to ensure that legislation responds to the key issues facing devolution, and further reflects the spirit and objects of devolution.

The County Wards (Equitable Development) Bill, 2018 seeks to promote the decentralization of development within the Counties by creating a framework for identifying projects that are beneficial to the residents of the respective Wards and the County generally and providing a framework for the implementation of such projects. The Bill is premised on Article 174 of the Constitution which sets out the objects of devolution.

The Council of Governors is in support of the Bill save for a few clauses which are highlighted herein below.

CLAUSE	PROVISION	COG'S PROPOSAL	RATIONALE/JUSTIFICATION
Clause 3 Objects and purposes of the Act	The objects and purposes of this Act are to— (a) promote the objects of devolution set out under Article 174 of the Constitution by providing a legal framework that promotes equitable development across all wards in each county; (b) provide a framework for the participation of the residents of each county in the identification of priority projects in county in respect of which funds are allocated under	Include the following provision immediately after sub-clause (d) to read as follows: - (e) provide a mechanism through which the county governments are able to promote the interests of marginalized communities within the respective wards in accordance with Article 43 of the Constitution; and	To ensure equitable growth in the wards within the respective Counties, it is paramount to take into consideration the interests of the marginalized in the wards.



	<p>this Act;</p> <p>(c ) promote the decentralization of functions and provision of services by county governments to the extent that it is efficient and practicable pursuant to Article 176 of the Constitution; and</p> <p>(d ) to ensure equitable sharing of resources within the county</p>		
<p>Clause 6</p> <p>County assembly approval of criteria</p>	<p>6(2) The county assembly shall approve or reject the criteria within fourteen days of receipt of the criteria.</p>	<p>(2)The county assembly shall approve or reject the criteria citing reasons thereof in writing within fourteen days of receipt of the criteria.</p>	<p>Article 47 of the Constitution provides that a person has a right to be given written reasons for an action that has adversely affected them. In this regard, and as a matter of good practice reasons for arriving at a certain decision ought to be provided for in writing.</p>
<p>Clause 8</p> <p>Selection of projects by the County Executive Committee</p>	<p>8(3) The county executive committee member shall publicize the decision of the county executive committee by notice in the county Gazette and through such other media as the county executive committee member shall consider appropriate.</p>	<p>8 (3) The county executive committee member shall publicize the decision of the county executive committee by notice in the Kenya Gazette or other media as the county executive committee member shall consider appropriate.</p>	<p>The County Gazette is yet to be established. Therefore, decisions by the County Executive Committee can be published through the Kenya Gazette and upon establishment of the County Gazette, decisions can be communicated through the County Gazette.</p>
<p>Clause 12</p> <p>Funds allocated to ward development projects</p>	<p>(2) If for any reason a project is cancelled or discontinued during the financial year, funds allocated for such a project shall be reallocated to another project to be implemented in the same ward.</p>	<p>Introduce a new clause immediately after sub-section 2 to provide for instances within which a project can be cancelled or discontinued.</p>	<p>For purposes of good governance, integrity, transparency and accountability as envisaged under Article 10 (2)(c) reasons for cancellation should be provided for.</p>

<p>Clause 15 Report to County Assembly</p>	<p>15 (1) A county executive committee member shall submit quarterly reports to the county assembly on setting out information on the – (a – o) (2) It shall be gross misconduct for a county executive committee member to fail to report to the county assembly committee on the matters provided for under subsection (1).</p>	<p>introduce a new clause immediately after sub-section 2 to be provide for a sanction in the event a misconduct is occasioned.</p>	<p>To ensure strict adherence to the provision laid out in clause 15 (1), a sanction should be provided for in order to ensure that there is full compliance of the provisions.</p>
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UASIN GISHU COUNTY ASSEMBLY

Telegraphic Address  
Telephone: 053 2062077, 053 2033507  
Mobile: 0722 287 766  
Email: [shicensib@ugacountyassembly.or.ke](mailto:shicensib@ugacountyassembly.or.ke)  
Web: [www.ugacountyassembly.or.ke](http://www.ugacountyassembly.or.ke)



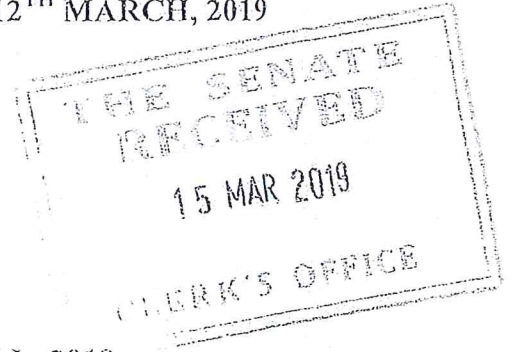
Clerk's Chambers  
County Assembly  
P.O. Box 188 30100  
ST. DORIS, KENYA

OFFICE OF THE CLERK

Our Ref; UG/CA/SEC/BGET/VOL.4/7

Date: 12<sup>TH</sup> MARCH, 2019

To  
Clerk to the Senate,  
Secretary to the Parliamentary Service Commission,  
P.O Box 41842-00100,  
NAIROBI.



Dear Sir

RE: COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL, 2018.

The above subject matter refers;

Attached is a copy of memorandum on County Wards (Equitable development) Bill, 2018 as sought through an advert placed on daily Nation of Thursday 7<sup>th</sup> March, 2019.

Your consideration will be highly appreciated.

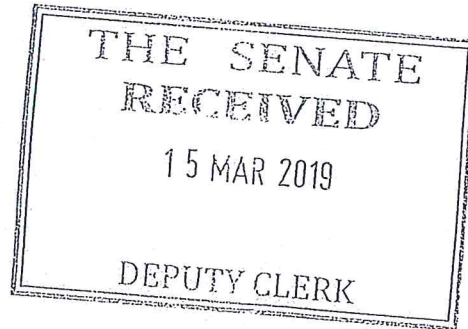
Yours Faithfully,

SHADRACK CHOGE

CLERK TO COUNTY ASSEMBLY

CC

Chairperson- Budget and Appropriation



① D Com

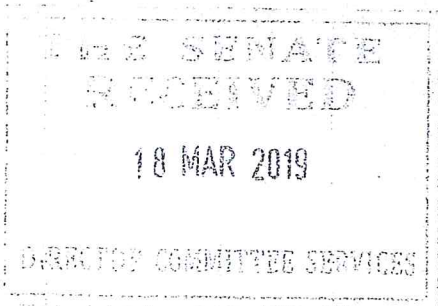
② C. Assesst - Finance ~~Director~~ DLG

Please bring to the attention of the Committee

Please deal.

18/03/19

Eg 18/03/19





REPUBLIC OF KENYA



COUNTY ASSEMBLY OF UASIN GISHU

MEMORANDUM

To: The Senate

From: Committee of Budget and Appropriation-Uasin Gishu County Assembly

Date: 11<sup>th</sup> March, 2019

Subject: County Wards (Equitable Development) Bill, 2018

Article 174 of the constitution set out the objectives of devolution among them being-

- (a) 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;
- (b) To recognize the right of communities to manage their own affairs and to further their development;
- (c) To promote social and economic development and the provision of proximate, easily accessible services throughout Kenya by decentralizing the provision of services pursuant to Article 176(2) of the constitution;
- (d) To ensure equitable sharing of national and local resources throughout Kenya.
- (e) To protect and promote the interest and rights of minorities and marginalized communities; and
- (f) To facilitate the decentralization of state organs, their functions and services, from the capital of Kenya.

Article 176(2) states that Every County Government shall decentralize its functions and the provision of its services to the extent that it is efficient and practicable to do so.

In regard to the proposed County Wards (Equitable Development) Bill, 2018 The Committee recommends:-

1. Amendment of Section 5 (3) that reads "*In determining the criteria for allocation under subsection (2) (b), the county executive committee shall ensure that the allocation---*

*(a) is not less than fifteen percent of the county government's allocation for development expenditure as provided under section 107 (2) (b) of the Public Finance Management Act" to Read " In determining the criteria for allocation under subsection (2) (b), the county executive committee shall ensure that the allocation---*



REPUBLIC OF KENYA



COUNTY ASSEMBLY OF UASIN GISHU

*(a) is not less than thirty percent of the county government's allocation for development expenditure as provided under section 107 (2) (b) of the Public Finance Management Act, 2012".*

This is premise on the following:-

1. That, most counties spent 70% of their budget on recurrent expenditure leaving a partly 30% for development expenditure; and
2. That, the 30% allocated for development expenditure by most counties is mainly conditional grants which accounts for 50% or more of the total development budget.

Therefore, the proposed 15% of the remaining 50% or less of the development budget is too little for a ward equalisation fund.

The Committee's prayer is to have it pegged at 30% or more

2. That, Section 6 (2) which reads "*The county assembly shall approve or reject the criteria within fourteen days of receipt of the criteria*" to read "*The county assembly shall approve or reject the criteria within twenty one days of receipt of the criteria*" This will enable the county assembly to effectively conduct public participation in line with article 201 of the CoK, 2010.

3. The Committee recommends introduction of Section 8 (2)(b) to read "*The County Executive Committee Member for finance shall submit the approved projects to the county assembly for approval.*"

4. Section 8 (3) that reads, "*the county executive committee member shall publicize the decision of the county executive committee by notice in the county Gazette and through such other media as the county executive committee member shall consider appropriate.*" Be amended to read "*the county executive committee member after considering any recommendations made by the county assembly on projects to be implemented to publicize the projects by notice in the county Gazette and through such other media as the county executive committee member shall consider appropriate.*"

The committee hereby urges The Senate to consider addressing the above raised concerns.

SIGN:

DATE:

11/03/2019

HON. JONATHAN NGETICH  
CHAIR COMMITTEE OF BUDGET AND APPROPRIATION





**MINUTES OF THE 81<sup>ST</sup> MEETING OF THE SENATE STANDING COMMITTEE ON FINANCE & BUDGET HELD ON WEDNESDAY, 3<sup>RD</sup> APRIL, 2019 AT COUNTY HALL, GROUND FLOOR BOARDROOM AT 11:00 AM.**

**PRESENT**

1. Sen. (Eng) Mohamed M. Mahamud, CBS, MP - Chairperson
2. Sen. CPA Farhiya Haji, MP - Member
3. Sen. Mutula Kilonzo Junior, MP - Member
4. Sen. Moses Wetang'ula, MP - Member
5. Sen. Aaron Cheruiyot MP -Member
6. Sen. (Dr) Ali Abdullahi Ibrahim, CBS, MP - Member

**ABSENT WITH APOLOGY**

1. Sen. (Dr) Isaac Mwaura, CBS, MP - Vice Chairperson
2. Sen. (Dr) Rose Nyamunga, MP - Member
3. Sen. Boniface Mutinda Kabaka, MP - Member

**IN-ATTENDANCE**

**SENATE SECRETARIAT**

1. Mr. Christopher Gitonga - Clerk Assistant
2. Ms. Lucy Radoli - Legal Counsel
3. Mr. Elly Atamba - Research Officer
4. Ms. Fatuma - Audio Officer

**MIN. NO. 398/04/2019:**

**PRELIMINARIES**

The Chairperson called the meeting to order at 11.05 am and there followed a word of prayer. The Chairperson welcomed Members to the meeting.

**MIN. NO. 399/04/2019:**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted after it was proposed by Sen CPA Farhiya Haji, MP and seconded by Sen. Moses Wetang'ula, MP.

**MIN.NO. 400/04/2019: CONFIRMATION OF MINUTES OF PREVIOUS SITTING**

The minutes of the 79<sup>th</sup> meeting held on Tuesday, 26<sup>th</sup> March, 2019 at 10:00 am were confirmed as a true record of the proceedings of the committee after they were proposed by Sen. Moses Wetang'ula and seconded by Sen. CPA Farhiya Haji.



MIN.NO. 400/04/2019: CONSIDERATION AND ADOPTION OF THE REPORT  
ON THE COUNTY WARD (EQUITABLE  
DEVELOPMENT) BILL, 2018

The Committee considered and unanimously adopted the report on the County wards (Equitable Development) bill, 2018 with recommendation that the bill be approved with the following amendments-

- a) **Clause 2** -the definition of the term “community” be amended by deleting the words “location, sub-location or village and having common interests”
- b) **Clause 4** – be amended as below
  - paragraph (a) by inserting the word “equitable” immediately after the words “the promotion of the”;
  - deleting paragraph (c);
  - inserting a new paragraph to read as follows ‘the use of public funds in a prudent and responsible manner in accordance with Article 201 of the Constitution’.
- c) **Clause 5**, sub clause 3(a) be amended substituting the word “expenditure” with the word “budget”
- d) **Clause 6**- be amended by deleting sub clause 2 and introducing a new clause to read ‘the county assembly may approve or reject the criteria within twenty-one days of receipt of the criteria.’
- e) **Clause 7** be amended as below
  - Sub clause 1 replacing the word ‘county’ with the word ‘ward’
  - Sub clause (4) by replacing the words “the village councils” with the words “to the respective ward administrator”
- f) **Clause 8** be amended as below
  - subclause 1 by substituting the words “under section 7(4)” with the words “under section 7”.
  - by deleting subclause 2 and introducing a new sub clause to read ‘the projects identified under subsection (1) shall be submitted to the respective county assembly for approval.’
  - subclause (3) by inserting the words “upon approval by the county assembly” immediately before the words “the county executive committee member”.
- g) **Clause 12** be amended by deleting the words “(2) or”



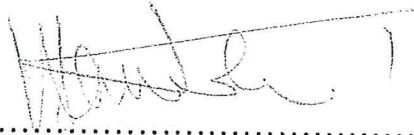
MIN.NO. 401/04/2019: ANY OTHER BUSINESS

The Committee considered the invitation by Institute of Certified Public accountants of Kenya (ICPAK) to participate in the Public Finance Management Conference for Africa scheduled from 24<sup>th</sup> – 26<sup>th</sup> April, 2019 in Mombasa.

The Committee resolved to participate in the conference.

MIN.NO. 402/04/2019: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business the meeting was adjourned at 1:05 pm.

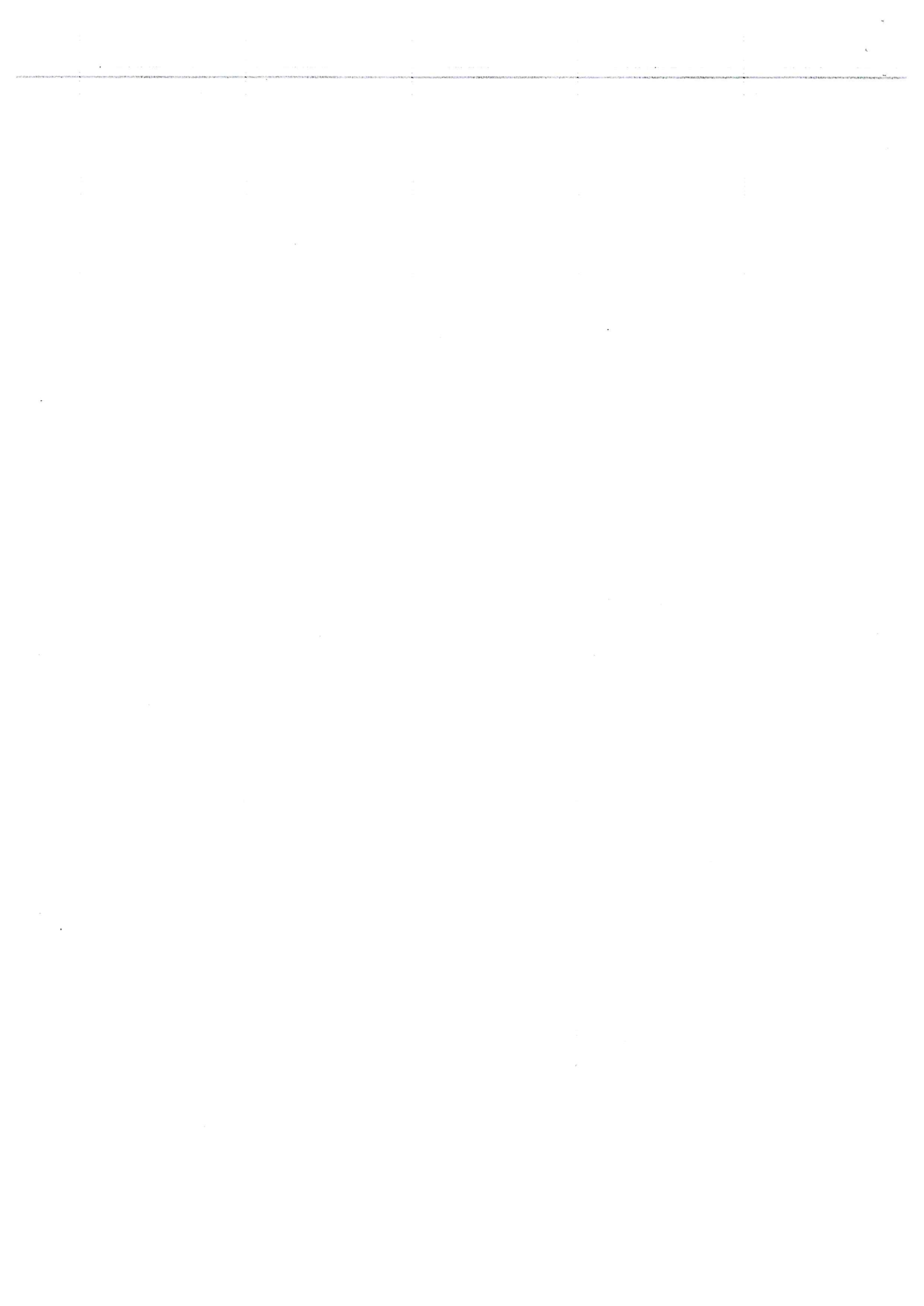


SIGNATURE.....

(CHAIRPERSON: SEN. (ENG) MOHAMED MAALIM MAHAMUD)

DATE.....

03/04/2019



MINUTES OF THE 76<sup>TH</sup> MEETING OF THE SENATE STANDING COMMITTEE ON FINANCE & BUDGET HELD ON THURSDAY, 14<sup>TH</sup> MARCH, 2019 AT COUNTY HALL, GROUND FLOOR BOARDROOM AT 9:30 AM.

PRESENT

1. Sen. (Eng) Mohamed M. Mahamud, CBS, MP - Chairperson
2. Sen. Moses Wetang'ula, MP - Member
3. Sen. CPA Farhiya Haji, MP - Member
4. Sen. (Dr) Rose Nyamunga, MP - Member
5. Sen. (Dr) Ali Abdullahi Ibrahim, CBS, MP - Member
6. Sen. Aaron Cheruiyot MP - Member
7. Sen. Boniface Mutinda Kabaka, MP - Member

ABSENT WITH APOLOGY

1. Sen. (Dr) Isaac Mwaura, CBS, MP - Vice Chairperson
2. Sen. Mutula Kilonzo Junior, MP - Member

IN-ATTENDANCE

SENATE SECRETARIAT

1. Mr. Christopher Gitonga - Clerk Assistant
2. Ms. Lucy Radoli - Legal Counsel
3. Mr. Elly Atamba - Research Officer
4. Mr. Stephen Nyanguti - Audio Officer

IN-ATTENDANCE

MEMBERS OF PUBLIC AND REPRESENTATIVES OF INSTITUTIONS

List attached.

MIN. NO. 368/03/2019: PRELIMINARIES

The Chairperson called the meeting to order at 9.40 am and there followed a word of prayer. The Chairperson welcomed Members to the meeting.

MIN. NO. 369/03/2019: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. CPA Farhiya Haji, MP and seconded by Sen. (Dr) Rose Nyamunga, MP.

MIN. NO. 370/03/2019: THE COUNTY WARDS (EQUITABLE DEVELOPMENT) BILL, 2018

The Chairperson welcomed the members of the public to the meeting. Thereafter, he welcomed the members of the public/ representatives from different institutions to make their submissions.

The representative made the following remarks-

- a) The new published bill had good improvements from the previous version of the bill.
- b) The role assigned to the Commission on Revenue Allocation was appreciable since the Commission should play an advisory role in helping the counties come up with an equitable criterion for equitable distribution of resources.
- c) That after 13 years of Constituency Development Fund (CDF) and 6 years of County Governments there was a fair share of capital aspects of development and the focus should shift into providing the actual services which are more of recurrent expenditure.
- d) Devolution is based on the subsidiarity principle which means that decisions should be taken as close as possible to the people and development work be done at the level where it is most effective to do so. The bill does not clearly indicate the unit of development - is it the ward or the village?
- e) Since the bill intends to promote equitable development, then the choice of level will have to vary from place to place and that is a decision that should be left to respective counties.
- f) Clause 5 (3) on the minimum allocation was not clear on the basis of 15 per cent minimum. While the ringfencing will be done at the allocation stage, and aware that actual expenditures vary, then the 15 per cent will be very different on the actuals.
- g) Clause 7 (identification of projects) there is indication that there will be a separate identification of projects yet there would be an existing CIDP and ADP formulated through public participation. There was need to avoid parallel and often competing processes that create duplications and misuse of valuable resources.
- h) Clause 7(4) - the County Executive should provide tentative cost of individual projects to help the public make realistic proposition when discussing projects.
- i) The bill seems to go for different things at the same time. It seeks to push for intra county equity and intra ward equity at the same time.
- j) Clause 10 - the reporting on implementation has to be placed in line with what the PFM requirement in terms of quarterly reports. There should not be separate reporting on budget items.
- k) The bill should provide a guidance on the size and number of projects that can be funded at any one time to avoid spreading the funds too thin.

#### The Commission on Revenue Allocation (CRA)

The representative informed the Committee that the bill was acceptable since most of the concerns raised during the earlier version of the bill had been addressed. However, the commission had a few comments on the Bill under consideration, which are as follows-



- a) The definition of 'community' should be amended by deleting reference to 'location, sub location and village' as the term 'ward is all exhaustive.
- b) There was need to define 'marginalized areas' referred to under clause 4(c). definition may be borrowed from the marginalisation policy.
- c) Clause 5 should be amended to make the provision coherent in terms of chronological order
- d) Clause 5 (b) should be rephrased to eliminate the advisory part by the Commission and instead refer to determination of criteria for allocation of revenue for the ward development projects identified under the Act according to the marginalization policy
- e) Clause 7 on identification of projects, the CEC should coordinate from ward level only. There is need to introduce a middle tier coordinated by the ward administrators between CEC and village councils.
- f) Clause 9 on criteria for selection of projects, it needs to be redrafted to ensure specificity.
- g) Clause 12 on funds allocated to ward development projects, there is need to Specify a threshold e.g. state in percentage form for specificity
- h) The Bill addresses 'equitable sharing of resources', however, this should be narrowed down to 'revenue as opposed to 'resources' as the term 'resources' connotes diverse areas not subject of the Bill
- i) There was need to introduce a sunset clause as to when this law would lapse.

#### **Office of the Controller of Budget**

The representative informed the Committee that the bill was acceptable in its current form. Further, most of the issues raised in the County Ward Development Fund Bill, 2018 had been considered and addressed.

#### **Uasin Gishu County Assembly Committee on Budget and Appropriations**

The representatives acknowledged the improvement on the bill and the spirit of ensuring equitable development among counties in a particular county.

They made the following proposals-

1. Amendment of clause 5 (3) (a) to read the allocation is not less than thirty percent of the county government's allocation for development expenditure as provided under section 107 (2) (b) of the Public Finance Management Act, 2012. The justification was That, most counties spent 70% of their budget on recurrent expenditure leaving a partly 30% for development expenditure. Secondly, the 30% allocated for development expenditure by most counties is mainly conditional grants which accounts for 50% or more of the total development budget.

Based on the above then the proposed 15% of the remaining 50% or less of the development budget is too little for a ward equalisation fund.

2. Amend clause 6(2) to increase the period for considering the criteria from 14 days to 21 days. This will enable the county assembly to effectively conduct public participation in line with article 201 of the CoK, 2010.
3. Amend clause 8(2) to read the County Executive Committee Member for finance shall submit the approved projects to the county assembly for approval.”
4. Amend Clause 8(3) to read “the county executive committee member after considering any recommendations made by the county assembly on projects to be implemented to publicize the projects by notice in the county Gazette and through such other media as the county executive committee member shall consider appropriate.”
5. The bill appears to propose a parallel public participation different from what that which is done during the normal budgeting process envisaged in the PFM Act.
6. Reference to village council would be difficult since some counties have not implemented that provisions of the law because of huge wage bill.
7. Clause 9 provides a very wide criterion for selection of the projects yet the funds been allocated are too little (15%)

**Mr. Dominic Mboya – Youth Representative from Homabay County**

He thanked the Committee for opportunity to make his submission on the Bill. While supporting the bill, he had the following concerns-

- a) Clause 5 (3) (a) it should be 15% of the total budget and not development expenditure.
- b) Clause 7(3) there was risk of the marginalised groups- like youth, women and persons with disability- not involved in the identification of projects since the village councils are comprised of village elders.
- c) There should be a mechanism to ensure funds set aside for specific projects are not reallocated to other projects.
- d) Further, there needs to set mechanism to protect/ prevent embezzlement of public funds which are set aside for wards projects.

**Institute of Certified Public Accountants of Kenya - ICPAK**

The representatives thanked the Committee for an opportunity to engage on matters affecting the nation. They submitted as follows-

- a) The law is created to cure an existing gap or protect mischief.

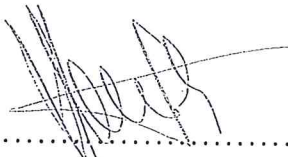
- b) The PFM Act was based on principle of equity and fairness but it was not implemented appropriately. If it was then, the County Wards (Equitable Development) Bill would not be necessary.
- c) The Bill advances some level of duplicity especially on public participation and setting aside some projects to be undertaken using 15% of the allocation to development.
- d) The mechanism for integrating the projects under the Act in the CIDP and the ADPs has not been provided.
- e) Some counties may have already embraced the principle been fostered by the Bill but using different approach.
- f) The gaps been experienced may have resulted from absorption capacity of the counties. Since most of them perform poorly on utilisation of development budgets.
- g) The matters of equity been promoted in the bill may be dealt with if PFM Act was amended to entrench equity.

**MIN.NO. 371/03/2019: ANY OTHER BUSINESS**

- 1. The Committee considered a letter from National Treasury requesting for a meeting between the Committee and the Equalisation Fund Advisory Board (EFAB). The Committee acceded to the request that the meeting be held on Thursday, 21<sup>st</sup> March, 2019 at 12 noon.
- 2. The Committee considered communication from the Speaker regarding the Public Finance Management Amendment legislative proposal. The Committee resolved to consider the legislative proposal on Tuesday, 19<sup>th</sup> March, 2019.
- 3. The Committee was informed that CAF had requested for 14 days to enable them conduct wide consultations before submitting their memorandum on the bill. The Committee resolved to grant them 7 days. The memorandum should be submitted by 21<sup>st</sup> March, 2019.

**MIN.NO. 372/03/2019: ADJOURNMENT**

The meeting was adjourned at 12:15 pm.

SIGNATURE.....  
  
 (CHAIRPERSON: SEN. (ENG) MOHAMED MAALIM MAHAMUD)

DATE.....  
 26/3

## List of Attendance.

1. Mr. Dominic Mboya -- Youth Leader
2. Dr. Abrahams Rugo -- IBPK
3. Mr. George Ooko -- CEO, CRA
4. Ms. Emily W. Kwani -- CRA
5. Ms. Roseline Atieno -- CRA
6. Ms. Sheila Yieke -- CRA
7. Ms. Irene Wanjiku -- CRA
8. Hon. Patrick Bundotich -- MCA, Uasin Gishu County Assembly
9. Mr. Francis Muya Mwangi - MCA, Uasin Gishu County Assembly
10. Mr. Jonathan Ngetich - MCA, Uasin Gishu County Assembly
11. Mr. Tarus Elvis - Committee Clerk, Uasin Gishu County Assembly
12. Ms. Selina Iseme -- OCOB
13. Mr. M. A. Ogolla - OCOB
14. Mr. Patrick Kamone -- OCOB
15. Mr. Mark Kipkoech -- OCOB
16. Mr. Elias Wakhisi - ICPAK
17. Mr. Fred Riaga -- ICPAK
18. Mr. Hillary Onami - ICPAK

IBPK- International Budget Partnership -- Kenya Chapter

OCOB- Office of the Controller of Budget

MCA- Member of County Assembly

CRA- Commission on Revenue Allocation

MINUTES OF THE 79<sup>TH</sup> MEETING OF THE SENATE STANDING COMMITTEE  
ON FINANCE & BUDGET HELD ON TUESDAY, 26<sup>TH</sup> MARCH, 2019 AT  
COUNTY HALL, GROUND FLOOR BOARDROOM AT 10:00 AM.

PRESENT

1. Sen. (Eng) Mohamed M. Mahamud, CBS, MP - Chairperson
2. Sen. Moses Wetang'ula, MP - Member
3. Sen. CPA Farhiya Haji, MP - Member
4. Sen. (Dr) Rose Nyamunga, MP - Member
5. Sen. (Dr) Ali Abdullahi Ibrahim, CBS, MP - Member

ABSENT WITH APOLOGY

1. Sen. (Dr) Isaac Mwaura, CBS, MP - Vice Chairperson
2. Sen. Mutula Kilonzo Junior, MP - Member
3. Sen. Boniface Mutinda Kabaka, MP - Member
4. Sen. Aaron Cheruiyot MP -Member

IN-ATTENDANCE

SENATE SECRETARIAT

1. Mr. Christopher Gitonga - Clerk Assistant
2. Ms. Lucy Radoli - Legal Counsel
3. Ms. Julie Mwithiga - Fiscal Analyst
4. Mr. Stephen Nyakuti - Audio Officer

MIN. NO. 386/03/2019:

PRELIMINARIES

The Chairperson called the meeting to order at 10.05 am and there followed a word of prayer. The Chairperson welcomed Members to the meeting.

MIN. NO. 387/03/2019:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted after it was proposed by Sen CPA Farhiya Haji, MP and seconded by Sen. (Dr) Ali Abdullahi Ibrahim, MP.

MIN.NO. 388/03/2019: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

- a) The minutes of the 76<sup>th</sup> meeting held on Thursday, 14<sup>th</sup> March, 2019 at 9:30 am were confirmed as a true record of the proceedings of the committee after they were proposed by Sen. (Dr) Ali Abdullahi Ibrahim and seconded by Sen. CPA Farhiya Haji.
- b) The minutes of the 77<sup>th</sup> meeting held on Tuesday, 19<sup>th</sup> March, 2019 at 10:00 am were confirmed as a true record of the proceedings of the committee after they were proposed by Sen. CPA Farhiya Haji and seconded by Sen. (Dr) Rose Nyamunga.

- c) The minutes of the 78<sup>th</sup> meeting held on Wednesday, 20<sup>th</sup> March, 2019 at 11:00 am were confirmed as a true record of the proceedings of the committee after they were proposed by Sen. (Dr) Ali Abdullahi Ibrahim and seconded by Sen. Moses Wetang'ula.

**MIN.NO. 389/03/2019: CONSIDERATION OF STAKEHOLDERS' SUBMISSION  
ON THE COUNTY WARDS (EQUITABLE  
DEVELOPMENT) BILL, 2018.**

The Committee considered stakeholders' submissions on the bill and resolved as follows-

- a) Clause 2, definitions: delete the words location, sub location. This is because reference to ward was exhaustive/ all inclusive.
- b) Clause 4, delete sub clause (c). since the principle was similar to principle in sub clause (a).
- c) Clause 5(3)(a), substitute the words 'development expenditure' with 'development budget'.
- d) Clause 6(2), rephrase to provide that the County assembly to approve the criteria with or without amendments within 21 days.
- e) Clause 7 (1), substitute the word 'county' with 'ward'.
- f) Clause 8(1), delete 'section 7(4)' and replace thereof with 'section 7'
- g) Clause 8, delete sub clauses (2) and (3) and replace thereof as follows-
  - (2) the county executive Committee member for finance shall submit the approved projects to the county assembly for approval.
  - (3) the county executive committee member after considering any recommendations made by the county assembly on projects to be implemented to publicise the projects by notice in the county gazette and through such other media as the county executive member shall consider appropriate.
- h) Clause 12(5), delete the words 'subsection (2) or (3) and replace thereof with the words 'subsection (3).

The Committee also observed that there was need for a proviso that on need of prudence usage of resources such that the funds are not too thinly spread to lose the needed development.

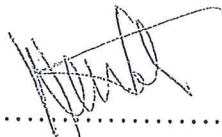
**MIN.NO. 390/03/2019: ANY OTHER BUSINESS**

- a) The Committee was informed that there was a scheduled meeting with the EACC and Governor, Kitui County on Thursday, 28<sup>th</sup> March, 2019 starting from 9:30am. The purpose of the meeting is to deliberate on the matter of petition on non-payment for services offered to Kitui county executive. The Committee resolved to have a pre-briefing meeting at 9:00 am.
- b) Meeting with Equalisation Fund Advisory Board (EFAB), the Committee observed it is difficult to hold the meeting on proposed date due to prior arrangements. The Committee proposed that the meeting be postponed to 3<sup>rd</sup> April, 2019.

MIN.NO. 391/03/2019: ADJOURNMENT AND DATE OF THE NEXT MEETING

The meeting was adjourned at 11:50 am. Date of the next meeting Thursday, 28<sup>th</sup> March, 2019 at 9:00 am.

SIGNATURE.....  
(CHAIRPERSON: SEN. (ENG) MOHAMED MAALIM MAHAMUD)



DATE.....

3/4

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