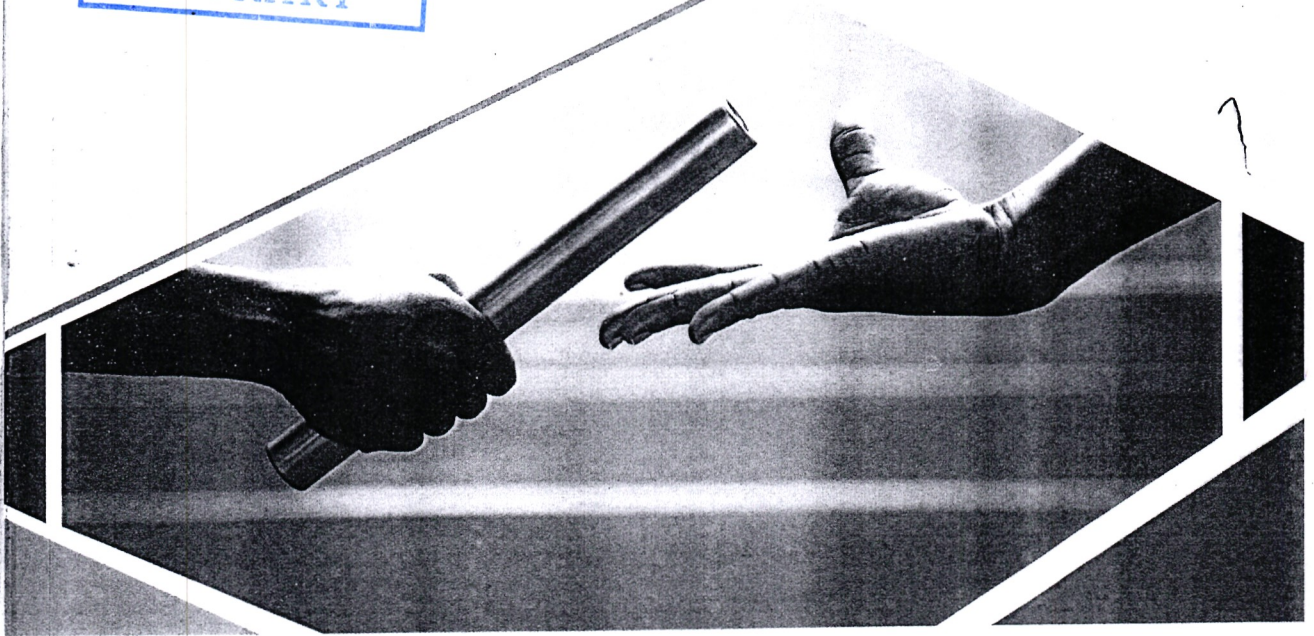




COUNCIL OF GOVERNORS

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ANNUAL STATUTORY REPORT


2021-2022





COUNCIL OF GOVERNORS

ANNUAL STATUTORY REPORT 2021-2022

 THE NATIONAL ASSEMBLY	
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ABBREVIATIONS AND ACRONYMS

ADP	Annual Development Plan
AfCTA	African Continental Free Trade Area
AGPO	Access to Government Procurement Opportunities
ASDP	Agriculture Sector Development Support Programme
ASR	Annual Statutory Report
CAADP	Comprehensive Africa Agriculture Development Programme
CASSCOMs	County Agriculture Sector Steering Committees
CBC	Competency-Based Curriculum
CBS	Chief of the Order of the Burning Spear
CCSRRS	County COVID-19 Socio-Economic Re-engineering and Recovery Strategy
CECM	County Executive Committee Member
CEO	Chief Executive Officer
CIDP	County Integrated Development Plan
CIDU	County Irrigation Development Unit
CO	Chief Officer
COG	Council of Governors
COVID-19	Corona Virus Disease 2019
CPSB	County Public Service Board
CS	Cabinet Secretary
DRM	Disaster Risk Management
EBS	Elder of the Order of the Burning Spear
ECDE	Early Childhood and Development Education
e-CIMES	Electronic County Integrated Monitoring and Evaluation System
EGH	Elder of the Order of the Golden Heart
EMC	Emergency Medical Care
FCDC	Frontier Counties Development Council
FIF	Facility Improvement Fund
FLLOCA	Financing Locally-Led Climate Action Programme
FY	Financial Year
GBV	Gender-Based Violence
GIS	Geographic Information System
GDP	Gross Domestic Product
HDU	High Dependency Unit
HLPF	High-Level Political Forum
HPT	Health Products and Technology
HPTU	Health Products and Technology Unit
HSC	Head of State's Commendation
ICU	Intensive Care Unit
IGR	Inter-Governmental Relations
IGRA	Intergovernmental Relations Act

JKP	Jumuia ya Kaunti za Pwani
KEPSA	Kenya Private Sector Alliance
KISIP	Kenya Informal Settlements Improvement Project
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KISM	Kenya Institute of Supplies Management
KM	Knowledge Management
KUSP	Kenya Urban Support Programme
LREB	Lake Region Economic Bloc
MES	Managed Equipment Service
MoH	Ministry of Health
MoU	Memorandum of Understanding
NEMA	National Environment Management Authority
NHIF	National Health Insurance Fund
NLMIS	National Land Information Management Systems
NMACC	National Multi-Agency Command Center on COVID-19
NTSA	National Transport and Safety Authority
NUA	New Urban Agenda
OGW	Order of the Grand Warrior
PFM	Public Finance Management
PHC	Primary Health Care
PIM	Public Investment and Management
PPE	Personal Protective Equipment
PPRA	Public Procurement Regulatory Authority
PSA	Pressure Swing Adsorption
PSC	Public Service Commission
PWDs	Persons with Disabilities
REB	Regional Economic Bloc
RM	Resources Mobilization
RPL	Recognition of Prior Learning
SDGs	Sustainable Development Goals
SDU	Service Delivery Unit
SME	Small and Medium Enterprise
SPA	Special Purpose Accounts
SRC	Salaries and Remuneration Commission
THS-UCP	Transforming Health Systems for Universal Care Project
TWG	Technical Working Group
UHC	Universal Health Coverage
VLR	Voluntary Local Review
VTC	Vocational Training Center
WHO	World Health Organization
WUF	World Urban Forum

FOREWORD FROM THE CHAIRPERSON



The Financial Year 2021/2022 marks the end of the implementation phase of the CoG Strategic Plan 2017-2022, which has seen the CoG achieve remarkable milestones in promoting and championing for devolution. Through exceptional technical support from the CoG, the County Governments have recorded significant progress in delivering the promise of devolved governance.

During the period under review, the elections conducted by the CoG in January 2022 retained me as the Chairperson, with H. E. James Ongwae, EGH, CBS, EBS being maintained as the Vice Chairperson and H.E. Eng. Alex Tanui Tolgos, EGH, as the Whip. The 18 Committees were also retained, with some getting new chairpersons.

So far, expanding the committees has enhanced the efficiency and effectiveness of coordinating the CoG's mandate. As we prepare to hand over the office to the incoming CoG leadership, we take pride in the achievements that we have realized so far as the CoG and wish the next administration the best as they aspire to strengthen devolution in various capacities.

The period under review saw the County Governments and the country take great strides in recovery from the shocks of the COVID-19 pandemic. Implementing the County COVID-19 Socio-Economic Re-engineering and Recovery Strategy (CCSRRS) 2020/21-2022/23 has accelerated the recovery process and highlighted the importance of preparedness and response to pandemics and disasters. Considering this, County Governments have continued to reinforce their Disaster Risk Mechanisms and invest in interventions that strengthen risk preparedness.

As we come to the end of the implementation of the CoG Strategic Plan 2017-2022, among the significant achievements of the CoG include supporting County Governments to adopt and implement performance management systems, effectively coordinating County Governments to speak in one voice on matters concerning devolution, defending devolution through engagements with Parliament and Ministries, capacity building of County Government officials, successful induction of the second-generation County Governments, successfully convening three (3) devolution conferences and one (1) COVID-19 Conference, establishing and strengthening the Maarifa Centre, and delivering five Annual State of Devolution Addresses (SODAs) to the nation, among others.

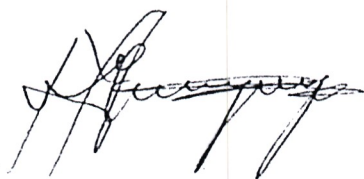
While we take pride in the achievements, County Governments have also faced many challenges that have hampered the effective delivery of services to the citizens. Among them include the continued claw back of County Governments' functions by various National Government institutions and through different legislation, delayed disbursement of equitable share, corruption at both levels of government, the establishment of national institutions through policy and legislation that undermine the functional integrity of County Governments, slow implementation of intergovernmental decisions, and poor generation

of own source revenue by County Governments. Our resolve to address these challenges remains undeterred, and we will continue taking bold steps to protect devolution in its entirety.

We continue to applaud the significant contributions by the National Government Ministries, Departments, Agencies, International Development Partners, Private Sector, Local Non-Governmental Organizations, Civil Society Organizations, the media, and the citizens at large in supporting the implementation of devolution. We have witnessed the unwavering support from the multiple partners and stakeholders that have significantly contributed to the County Governments achieving their successes.

Finally, as we prepare to exit the stage, welcome a new CoG leadership, and launch a new strategic plan, I am hopeful that the spirit of deepening devolution will continue to be enlivened. I am optimistic that the upcoming elections will have minimal effects on the transition process of County Governments leadership. The CoG will ensure a smooth transition and continuity in service delivery in all 47 County Governments.

To my outgoing Governors, we must continue to be the champions of devolution and support the incoming county leadership in strengthening devolution and achieving prosperity for our citizens.



H.E. Hon. Martin Wambora, EGH
Chairperson – Council of Governors

NOTE FROM THE CHIEF EXECUTIVE OFFICER



The Annual Statutory Report 2021-2022 provides highlights of the achievements of the CoG with respect to implementation of the Strategic Plan which is drawn from section 20 of the IGRA. This is the final year of the execution of the CoG Strategic Plan 2017-2022, and we are grateful for the support of the leadership of Excellency Governors in driving the achievements of the CoG. In ensuring the continuity of the functioning of the various Committees, the elections held in January 2022 retained the eighteen (18) committees, signaling the leadership's commitment to delivering the organization's mandate.

The reporting year has been unique because we have the general elections coming up in August 2022 that

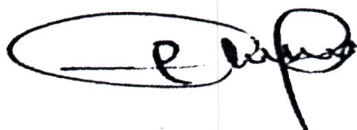
fall in Financial Year 2022-2023. As usual, the electioneering period often comes with opportunities and challenges. As such, the CoG needed to ensure that even as the leadership of the County Governments proceeded with the electioneering activities, there was continuity in service delivery and that the County Governments remained functional. This further called for the preparations for the induction of the incoming county leadership, much of which happened during the period under review. The CoG took a leading role in appraising the relevant County Government officials on their role in the assumption of office of governor process, which aims to prepare them to facilitate a smooth and seamless transition while ensuring continued and uninterrupted service delivery to the citizens.

The report focuses on the CoG's activities for the Financial Year 2021/2022, highlighting the critical achievements under each Key Performance Area, the challenges experienced, the lessons learned, and the engagement with stakeholders through various programs and projects, conferences, and inter-governmental forums. With the country recovering progressively from the devastating effects of the COVID-19 pandemic, there was a need to accelerate the recovery process. This saw the CoG work closely with the County Governments to fast-track the implementation of the County COVID-19 Social Economic Re-engineering and Recovery Strategy (CCSERRS). Further, CoG worked with different stakeholders to address capacity gaps in dealing with the pandemic. The County Governments quickly established mechanisms, systems, and structures to strengthen COVID-19 response and management.

With the current strategic plan ending in this reporting period, the CoG kickstarted development of its third strategic plan that will guide the CoG's work for the next five years, with a critical focus on deepening devolution and strengthening cooperative devolved governance. The CoG recognizes the significant milestones achieved in the progressive realization of the objects and purpose of devolution as envisioned in our Constitution. Hence, the next strategic plan will enable the CoG to find innovative ways to continue strengthening devolution while addressing the perennial challenges the Counties have experienced in the last nine years.

In conclusion, I thank the Executive for appointing me as Chief Executive Officer in December 2021 following a competitive recruitment process. I affirm my dedication and commitment to

ensuring that the CoG remains the number one champion for devolution. Further appreciation goes to the CoG for providing an enabling environment for the CoG Technical Staff to deliver on their respective mandates. I can confirm that this is a remarkable team of individuals with the zeal and passion for driving the devolution agenda. To our partners and stakeholders, we appreciate your continued support in ensuring devolution works. We have called upon you on so many occasions to support us, and you did; we are grateful.



Mary Mwiti
Chief Executive Officer - Council of Governors

ACKNOWLEDGEMENTS

The Council of Governors appreciates the roles its partners and stakeholders have played in achieving the milestones of devolved governance and remaining steadfast in defending devolution. We are grateful to Excellency Governors, County Governments, the National Government, Development Partners, Civil Society, the Private sector, the media, and other stakeholders and partners for the support accorded during the reporting period. Your support has been instrumental in accelerating the recovery of the County Governments from the pandemic shocks and supporting the CoG achieve its mandate in FY 2021/2022.

The CoG further acknowledges the work of the Planning, Monitoring, and Knowledge Management Department in developing this report, led by Mr. Walter Atito, the M&E Officer, who formulated the report, and Ms. Rosemary Njaramba for her contribution in proofreading and editing the drafts of this report. Special appreciation also goes to the technical staff who led the implementation of the various activities and provided information through quarterly and back-to-office reports that fed into the report- asanteni! All these efforts have led to producing a comprehensive and detailed Annual Report.

CHAPTER ONE: INTRODUCTION

1.1. Background

This report covers the activities undertaken by the CoG for the Financial Year (FY) 2021/2022 that runs from July 2021 to June 2022. This is the 9th Annual Statutory Report (ASR) since the inception of CoG in 2013.

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

The report highlights the outputs documented in the period under review towards achievement of CoG strategic objectives which are anchored in the five critical performance areas: 1) Good Governance; 2) Adequate Resourcing for the devolved functions; 3) Build a strong CoG; 4) Knowledge-driven performance; and 5) Strengthen intergovernmental relations and devolution. These pillars have since changed since from Financial Year 2022/2023, CoG will be guided by a new Strategic Plan.

1.2. Objective of the Report

The objective of the ASR is to provide a comprehensive assessment of the programmes and activities of the CoG in the FY 2021/2022 and their contribution to the strategic direction of the CoG while highlighting successes, challenges, lessons learned, and opportunities for implementation of devolution.

1.3. Mandate of the Council of Governors

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

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

- g) consideration of matters referred to the Council by a member of the public;
- h) consideration of reports from other intergovernmental forums on matters affecting national and county interests or relating to the performance of Counties; and
- i) performing any other function as may be conferred on it by the IGRA or any other legislation or that it may consider necessary or appropriate.

1.4. The Structure of the CoG

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

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



H.E. Martin Nyaga Wambora, EGH
Chairman, Council of Governors



H.E. James Omariba Ongwae,
EGH, CBS, EBS
Vice-Chairperson, Council of
Governors



H.E. Eng. Alex Tanui Tolgos, EGH
Chief-Whip, Council of Governors

Table 1: List of CoG Committees and their Chairpersons

Committee	Chairperson
Health	H.E. Hon. Prof. Peter Anyang' Nyong'o, EGH
Agriculture, Livestock, and Cooperatives	H.E. James Nyoro Karanja
Water, Forestry and Natural Resource Management	H.E. Francis Thuita Kimemia, EGH, CBS
Finance, Planning and Economic Affairs	H.E. Hon. Ndiritu Muriithi
Resource Mobilization and Partnerships	H.E. Prof. Paul Kiprono Chepkwony, EGH
Legal, Constitutional Affairs, and Intergovernmental Relations	H.E. Hon. Kiraitu Murungi, EGH
Education	H.E. Mutahi Kahiga
Human Resources, Labor, and Social Welfare	H.E. Hon. Wycliffe Wafula Wangamati

Energy, Roads, Transport, and Infrastructure	H.E. Hon. Prof. John Krop Lonyangapuo, CBS
Trade, Industry, Manufacturing, and Enterprise Development	H.E. Hon. Charity Kaluki Ngilu, EGH
Lands, Housing, and Urban Development	H.E. Lee Maiyani Kinyanjui
Environment and Climate Change	H.E. Hon. Dr. Wilber Khasilwa Ottichilo
Gender, Youth, Culture, Sports, and Social Services	H.E. Anne Mumbi Waiguru, EGH, OGW
Tourism and Wildlife	H.E. Samuel Kuntai Ole Tunai, EGH
Arid and Semi-Arid Lands (ASALs) and Disaster Management	H.E. Cpt. Ali Ibrahim Roba, EGH
Blue Economy	H.E. Fahim Yasin Twaha
Security and Foreign Affairs	H.E. Maj. (Rtd) Dr. Dhadho Gaddae Godhana
Information, Communication, and Technology	H.E. Jackson Kiplagat Mandago, EGH

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

CHAPTER TWO: COG SUCCESSES FOR FINANCIAL YEAR 2021/2022

2.1. Introduction

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

Table 2: The KPAs and KFAs of the Second CoG Strategic Plan

Key Performance Areas	Key Focus Area	Strategic Issues
Good Governance	Performance management	<ul style="list-style-type: none"> ✓ Facilitate Counties to implement performance management framework. ✓ Support Counties to adopt and domesticate national indicators related to devolved functions.
	Capacity building for Governors	<ul style="list-style-type: none"> ✓ Develop strategic policy and legal interventions to assist Governors engage in national and international dialogues. ✓ Undertake initiatives that facilitate leadership transitions/change processes.
	Stakeholder participation	<ul style="list-style-type: none"> ✓ Strengthen stakeholder participation implementation mechanisms. ✓ Develop and enhance mechanisms for addressing matters referred to the Council by members of the public.
	Risk management	<ul style="list-style-type: none"> ✓ Facilitate Counties to establish and strengthen County emergency response frameworks.
Adequate Resourcing for Devolved Functions	Expenditure management	<ul style="list-style-type: none"> ✓ Foster cooperation between the National and County Governments on matters relating to budgeting, economic and financial management of both levels of government.
	Resource mobilization for devolved functions	<ul style="list-style-type: none"> ✓ Operationalize public private partnership framework for County Governments. ✓ Lobby and Advocate for increased resource allocation to County Governments. ✓ Sensitize Counties on Development Partners engagement modalities. ✓ Support County Governments to domesticate external resource policy.

Build a Strong Council of Governors	Organizational structure and identity	<ul style="list-style-type: none"> ✓ Lobby for anchorage of CoG secretariat in law. ✓ Operationalize CoG approved structure. ✓ Strengthen CoG Committees. ✓ Position CoG in regional and international organizations for Sub-National governments.
	Resource mobilization for the CoG secretariat	<ul style="list-style-type: none"> ✓ Develop and operationalize CoG resource mobilization strategy. ✓ Lobby County Governments to enact laws on resourcing of CoG.
	Re-engineer systems, processes, and technology	<ul style="list-style-type: none"> ✓ Develop and operationalize a periodic reporting and feedback system. ✓ Develop and implement a responsive dynamic IT infrastructure. ✓ Strengthen internal accountability mechanisms.
	Public relations and communication	<ul style="list-style-type: none"> ✓ Operationalize CoG communication strategy.
Knowledge-driven Performance	Knowledge sharing and learning	<ul style="list-style-type: none"> ✓ Facilitate Research & knowledge generation. ✓ Develop and operationalize CoG KM strategy. ✓ Facilitate peer learning on devolved functions.
Strengthen Intergovernmental Relations and Devolution	Strengthen intergovernmental structures and processes	<ul style="list-style-type: none"> ✓ Support the implementation Article 189 of the Constitution and operationalization of all intergovernmental forums under all Acts. ✓ Strengthen intergovernmental alternative dispute resolution mechanism.
	Safeguarding devolution	<ul style="list-style-type: none"> ✓ Advocate and facilitate enactment of policies and legislations on devolved functions. ✓ Facilitate continuous analysis and review of existing National and County policies and legislations in line with emerging issues. ✓ Support the devolved system of governance through initiating preventive or corrective action on devolved functions.

2.2. Good Governance

2.2.1. Introduction

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

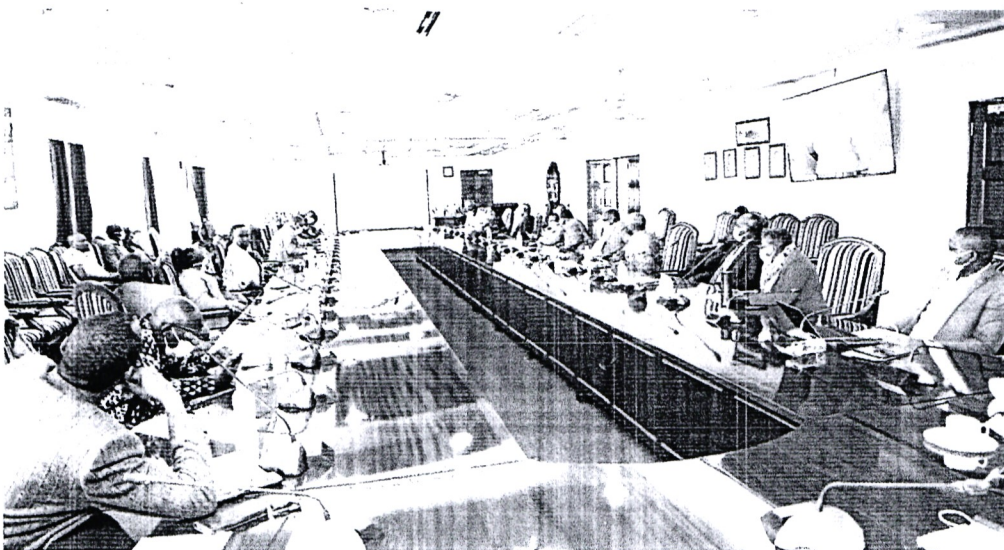
2.2.2. Performance Management

During the FY 2021-2022, the CoG continued to undertake initiatives geared towards supporting Counties to implement the performance management framework and adopt and domesticate national indicators related to devolved functions.

Key Achievements

Under this KFA, the following outputs were achieved:

1. CoG, in collaboration with other stakeholders, reviewed the County Performance Contracting guidelines to include emerging issues such as recovery from the impacts of the COVID-19 pandemic. Further, CoG submitted a memorandum during the development of the final Performance Management Policy to capture the aspirations of the County Governments. Among the recommendations were to establish and strengthen the Performance Management Unit in the Executive Office of the Governor, including a CoG Performance Management forum for County Governments, and to emphasize the advisory role of CPSBs on human resources instead of oversight.
2. As part of the National Taskforce Membership on Coffee and Sugar Price stabilization, CoG provided technical inputs during the coffee and sugar growers' and stakeholders' engagements across the 47 County Governments. The meetings focused on the design, development, and implementation of the coffee and sugar stabilization framework, which will inform the County Governments' regulatory functions, especially the amount of fees to be charged when licensing. This was followed up with a consultative meeting with the County Executive Committee Members (CECMs) and Chief Officers on the design, development, and implementation of the coffee and sugar prices stabilization frameworks. These frameworks will help attain competitive, sustainable, and stable sugar and coffee prices and further revitalize the coffee and sugar industries.



Consultative meeting with Chief Officers of Agriculture, Livestock and Fisheries on the design, development, and implementation of the coffee and sugar prices stabilization frameworks

3. In collaboration with the State Department of Irrigation, CoG developed the draft framework for establishing County Irrigation Development Units (CIDUs) together with the Scheme of Service as required by the provisions of the Irrigation Act, 2019. The framework provides guidelines to strengthen irrigation development and management. Once the framework is validated, CoG shall guide County Governments in the domestication process and establishing the CIDUs.
4. During the reporting period, the CoG, in collaboration with other stakeholders, finalized the Early Childhood Development and Education (ECDE) Teachers' Scheme of Service. 30 officers drawn from County Governments, the National Treasury, the Ministry of Education, County Public Service Boards (CPSBs), and the Teachers Service Commission (TSC) were appraised on the scheme and the roadmap for implementation. Among the resolutions agreed upon was ensuring that all CPSBs develop employment plans for ECDE teachers per the approved scheme of service. Following the dissemination of the approved ECDE teachers' scheme of service, Kakamega County has already set aside KSh.422 million to implement the scheme. Currently, 21 County Governments have already kick-started implementation of the scheme.
5. Kajiado, Kitui, Kiambu, Machakos, Makueni, Murang'a, and Nairobi County Governments developed the National landscape restoration and monitoring framework with technical assistance from the CoG and other stakeholders. The 7 County Governments reported on identifying various players and stakeholders to support and accelerate restoration activities by addressing existing barriers, prioritizing various landscape restoration indicators, and evaluating structures at County Governments for monitoring and evaluation that would inform the National frameworks and policies and strategies for restoration monitoring. Currently, the National Landscape restoration monitoring framework is well-coordinated and reflective of the County Governments' restoration efforts to meet national and international commitments. Further, CoG embarked on strengthening County Governments' capacity in data collection, monitoring indicators, tools, and reporting frameworks to inform the National Landscape Restoration and Monitoring Framework, which seeks to accelerate restoration activities and harmonize restoration reporting in the Country. This was achieved through consultative county engagement across the 47 County Governments targeting Directors in Environment, Agriculture, and Economic Planning.
6. The CoG facilitated the nomination of County officials to the Ad-Hoc Committee on the Countrywide Delineation of Urban Areas as stipulated under the Urban Areas and Cities Act. 28 County Governments nominated representatives to the Ad-Hoc Committee on the delineation of boundaries. The ad hoc committee shall coordinate the delineation of the boundaries of urban areas and produce 968 Digital Boundary Maps for the Nationwide Classification of Urban Areas into Cities, Municipalities, towns, and Markets by 45 Counties in Kenya.
7. Model Project Management Committees' (PMC) guidelines have been developed based on existing county models and good practices. The model guidelines were disseminated to Counties as developed by the National Treasury in collaboration with the CoG.

2.2.3. Capacity Building for Governors

One of the mandates of CoG under section 20 of the IGRA is that it is a platform for capacity building. Therefore, in the second Strategic Plan, the CoG prioritized initiatives that support

the 47 County Governments in strengthening their institutional capabilities. These include assisting Counties to develop strategic policy and legal interventions to enable them to engage in national and international dialogues; undertake initiatives that facilitate leadership transitions/change processes; and coordinate capacity-building initiatives.

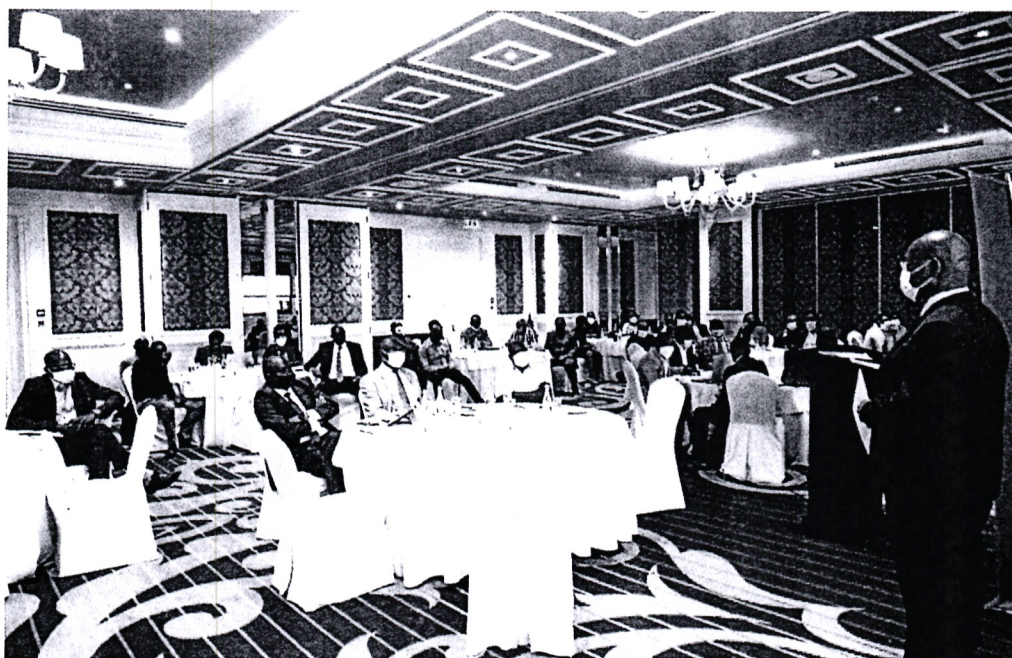
Key Achievements

1. To effectively manage the transition and Assumption to the office of the County Governor, the CoG enhanced the knowledge of different cohorts of county officials on their roles in Assumption to the Office of the Governor Act 2019. They include:
 - i. 70 County Secretaries and County Attorneys;
 - ii. 37 Chairpersons and 37 Secretaries of the County Public Service Boards; and
 - iii. 94 Chief Officers of Finance, Information & Communication, Public Service, and Culture & Social Services.



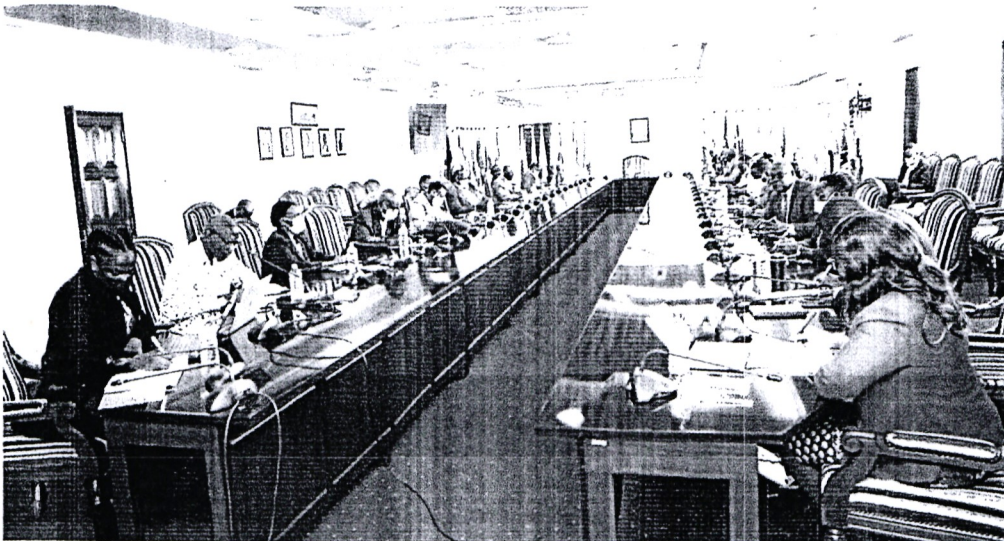
County Secretaries and County Attorneys following the discussions during the capacity building on their roles in Assumption to the Office of the Governor Act 2019

CoG also has enlightened other sector teams, including CECMs, COs, Directors of Health, Chief Officers of Natural Resource Management, and CECMs of Urban, on the Assumption to the Office of the Governor and their roles during the transition process. Further, CoG sensitized Kajiado County staff on Succession Management in preparation for the elections. The CoG developed induction materials for the Governors, Deputy Governors, CECMs, COs, and Directors to ensure that the incoming county leadership is appraised of their roles in sustaining the gains of devolution.



CECMs of Urban, Lands, Housing and Physical Planning being taken through their role in the transition process

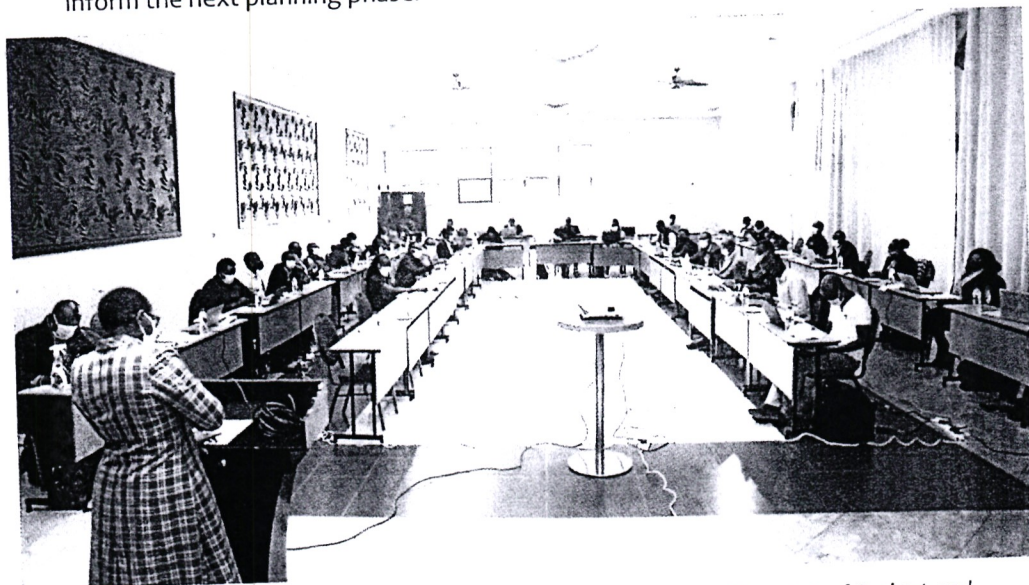
2. In collaboration with the Warehouse Receipt System, the CoG enhanced the technical capacities of 9 CECMs and 9 Directors of Agriculture drawn from Baringo, Kakamega, Bungoma, Kisii, Kericho, Migori, Siaya, Homa Bay, and Nakuru County Governments on the implementation of the Warehouse Receipt System Act, 2019, to empower County Governments to regulate the warehouse operators.
3. In a bid to regulate the agriculture sector at the county level, the CoG, in collaboration with Agriculture Sector Development Support Programme Phase Two (ASDSP II) National Programme Secretariat, enhanced the capacities of the 47 CECMs of Agriculture to domesticate the County Agriculture Sector Steering Committees (CASSCOMs). The CASSCOMs, once established, will play a critical role in ensuring efficiency and accountability of all projects and programmes in the agriculture sector at the county level.
4. County Governments, through the Chief Officers responsible for Agriculture, were appraised on Mutual Accountability and the Agriculture Joint Sector Review as part of implementing the Comprehensive Africa Agriculture Development Programme (CAADP) through virtual training in collaboration with the Ministry of Agriculture. Mutual accountability is one of the guiding principles of CAADP. Agriculture joint sector reviews (JSRs) are vital for supporting mutual accountability and implementing the CAADP Result Framework. Further, CoG coordinated data collection from the 47 County Governments for the Joint Sector Review study in conformity with the Comprehensive Africa Development Programme Mutual Accountability Framework (CAADO-MAF). This resulted in the 2021 Joint Sector Review write workshop that developed the country's 2021 draft report incorporating data from the County Governments.



Chief Officers of Agriculture and Fisheries being taken through the Mutual Accountability and the Agriculture Joint Sector Review

5. During the reporting period, CoG, in collaboration with other stakeholders, sensitized 28 County Reproductive Health Coordinators on the usability of the Reproductive, Maternal, Newborn, Child, and Adolescent Health + Nutrition (RMNCAH+N) scorecard. During the sensitization, the participants shared recommendations, gaps, and areas of improvement that led to further studies on the usability of the scorecard. The study aimed to ensure that the scorecard meets the reporting demands of the County Governments.
6. To strengthen the anchoring of the County Health Products and Technology Units (HPTUs) in the county governance structures and within the county health services legislation, CoG in collaboration with the MoH and Afya Ugavi developed the Guidelines for Establishment of HPT Units for use by the County Governments. The guidelines provide further guidance to County Governments in facilitating the funding of HPT strengthening activities and the budgets for health commodities. 47 County Governments have applied the guidelines in establishing HPTUs, and currently, all County Governments have formally deployed staff to the HPTUs and are in the process of anchoring HPTUs in their structures as per the guidelines.
7. During the reporting period, CoG analyzed the impacts of COVID-19 on essential health services, including Malaria, FP, and RMNCAH. Key recommendations in the analysis report included the need for County Governments to step-up vaccination programmes among communities and enhance business continuity for essential health services. The analysis also captured the trends on selected indicators in the Kenya Health Information System (KHIS) to identify changes in these indicators over the COVID-19 period. A policy paper from the analyses captured vital recommended actions for County Governments to sustain the positive efforts in combating the virus. CoG disseminated the policy paper during the high-level Governors' consultative forum with a primary focus on the practical recommendations to County Governments on strengthening strategic programmes and sustaining benefits accrued in the management of the COVID-19 pandemic.

8. The Access to Government Procurement Opportunities (AGPO) program is anchored under the Constitution of Kenya, 2010 Article 227 on the fair, equitable, transparent, and cost-effective public procurement of goods and services and Article 55 on affirmative action and the Public Procurement and Asset Disposal Act, 2015. AGPO requires women, youth, and persons with disabilities (PWDs) to access 30% of Government Procurement opportunities. Given this, CoG enhanced the capacities of 4 County Governments' (Busia, West Pokot, Narok, and Isiolo) Directors of Gender (11) and Procurement Officers (80) to improve compliance with the AGPO requirements and accelerate access and uptake of AGPO by Women, Youth, and PWDs. This was achieved through sensitization workshops targeting County Government officers in Charge of Gender and Procurement and Women, Youth, and PWDs. Further, the CoG increased the understanding of Women, Youth, and PWDs on AGPO registration, bid winning strategies, and bid financing through training sessions in the four Counties. CoG will continue to work closely with other stakeholders to ensure that the County Governments continue to accelerate access to government procurement opportunities by women, youth, and PWDs.
9. Through the Joint Devolution Programme and in collaboration with the National Treasury, CoG enhanced the capacity of 47 County Governments' Directors of Budget and Economic Planning on evidence-based budgeting through a sensitization workshop. The sensitization focused on the need for addressing data gaps during budgeting, child-sensitive and gender-responsive budgeting to entrench gender mainstreaming and inclusion during budgeting and using disaggregated data while developing their third-generation County Integrated Development Plans (CIDPs) 2022-2027. Planning and budgeting targeting economic stimulation and recovery from the adverse effects of the pandemic were also crucial during the sensitization. The Directors also provided progress reports on implementing the County COVID-19 Social Economic Re-Engineering Recovery Strategy 2020/21-2022/23. Lessons learned from the implementation will inform the next planning phase.



Joyce Chepkoech, Principal Finance Officer – CoG, taking the County Directors of Budget and Economic Planning through evidence-based budget allocation

10. In the policy and legislative front:

- ✓ CoG provided technical assistance to County Governments to domesticate the County Sustainable Forest Management and Tree Growing Policy. 6 County Governments have domesticated the Act, while 5 have the policies. By the time of reporting, 9 County Governments were in advanced stages of domesticating the model act. Further, CoG enhanced the technical capacity and knowledge 9 County Governments in the domestication of the National Adaptations Plan (NAP) 2015-2030. NAP aims to identify priority actions on climate change adaptations and mitigate by addressing gaps in the implementation of NAP in the Counties. The training targeted technical officers drawn from Environment, Health, Agriculture, Livestock, Water, and Wildlife/Tourism sectors. In collaboration with the Climate Change Directorate (CCD) and support of the Food and Agriculture Organization, 39 County Governments have so far been trained.
 - ✓ The CoG enhanced the capacity of the 40 County Governments' CECMs and Directors in charge of Natural Resources Management to domesticate the National REDD+ STRATEGY 2021 through sensitizing county officers on the REDD+ drafting and validation process. REDD+ is an international framework aiming to mitigate climate change by incentivizing developing country efforts to address deforestation and forest degradation and promote conservation, sustainable forest management, and afforestation and reforestation.
 - ✓ Globally, countries are still grappling with the challenge of disaster management, and County Governments are not an exception. In this regard, the CoG, through a collaboration with the USAID, improved the capacities of 5 County Governments' (West Pokot, Lamu, Wajir, Marsabit, and Mandera) CECMs and Directors of Disaster Risk Management (DRM) to develop a County Disaster Risk Management Act. The DRM Act provides a legal framework for anchoring measures for risk analysis, disaster mitigation, and preparedness in the counties. During the reporting period, Lamu County managed to enact the Act. The other four counties have submitted the report to the County Assemblies for approval, having passed through the approval of the County Executives.
11. Through the Kenya Urban Support Programme (KUSP), CoG strengthened the technical capacities of 56 municipalities on records management through virtual training on records management in Municipalities in collaboration with the State Department of Housing and Urban Development. Further, in partnership with the KUSP National Project Coordination Team, CoG improved the capacities of 45 KUSP counties in critical urban areas, including the Urban Agenda, classification of the urban regions, urban governance, measuring the degree of urbanization, and delineation of urban areas, among others. The sensitization workshops and in-county technical support targeted County Directors of Land Use and Physical Planning, Municipal Managers and Chairpersons, and county staff. Further, the CoG organized a municipal managers consultative meeting where the managers were taken through the revised model charter and introduced to the tool for adoption by the County Governments.
12. CoG also enhanced the capacity of 15 County Directors of ECDE on Results-Based Management in implementing the Competency-Based Curriculum (CBC) through training. Two different virtual events held between the Taskforce on the Implementation of the CBC and the Chairpersons of the ECDE CECMs and County Directors' Caucuses

provided an opportunity to disseminate the report on the implementation of the Curriculum to County Governments. Some key emerging issues from the meeting were the lack of support from national government agencies on enhancing teachers' pedagogical skills on CBC and the need to ring-fence funding towards ECDE for full implementation. CoG will continue to work with relevant stakeholders to strengthen the ECDE function in the County Governments.

13. As part of strengthening ECDE in counties, 23 County Governments' CECMs in charge of ECDE provided technical inputs while validating the Kenya School Readiness Assessment Tool (KSRAT) tool and Assessors' Guide. The tool eliminates the practice of giving academic tests and interviews to young children as a condition of joining standard one in line with Section 34(4) of the Basic Education Act, 2012 and Basic Education Regulations, 2015.
14. Regarding vocational education in the counties, CoG deliberated on the remuneration of vocational centers trainers through a consultative meeting held with the County Directors of Vocational Education and Training on emerging issues in the sector. County Governments relied on the policy guideline the former Ministry of Youth Affairs issued to pay trainers in the former youth polytechnics. Thus, there is a need to support County Governments to develop a new Scheme of Service for vocational trainers in line with the current trends in the sector. CoG has commenced the deliberations with relevant sector players to develop a Scheme of Service for Vocational Trainers and is expected to be ready by the end of FY 2022-2023.
15. To strengthen the response and prevention measures at the County level as far as Gender-Based Violence (GBV) is concerned, the CoG sought to improve the capacity of crucial duty bearers to enforce and implement GBV legislations at the County level. A total of 60 duty bearers were trained on their role in preventing and responding to GBV in Kitui and Turkana County. Further, CoG collaborated with stakeholders in the Gender sector to provide technical assistance to Turkana and Kitui County Governments to develop draft Gender-Based Violence policies that, when passed, will provide a policy framework for coordinating the response to sexual and gender-based violence issues in the counties.
16. 45 Counties have begun reporting on the Electronic County Integrated Monitoring and Evaluation System (e-CIMES) owing to the sensitization conducted by the Monitoring and Evaluation Department of the National Treasury in collaboration with the CoG. e-CIMES provides real-time, on-screen reporting mechanisms for performance monitoring and evaluating crucial priority programmes and projects. Further, 15 County Governments' officers from Frontier Counties Development Council (FCDC) were taken through the enhanced e-CIMES, including the tracking modules on regional and international commitments, Water, Sanitation and Hygiene, and the Big Four agenda. The CoG will continue to collaborate with Monitoring and Evaluation Directorate to ensure that all counties are trained on the enhanced e-CIMES in the next financial year.
17. Women play a critical role in governance processes in the Counties. The CoG sensitized 400 women drawn from Nyamira, Makueni, and Meru Counties on urban governance and energy to enable them to play a critical role in shaping the physical and social character of urban regions, influencing the quantity and quality of local services and efficiency of delivery; and engage in decision-making, influencing urban and cities accountability and responsiveness to citizen demands.



Women being taken through gender and urban planning in Nyamira County

18. 14 CECMs in charge of Trade Development were appraised on the provisions of the Kenya Investment Policy during the consultative meetings with the CECMs in charge of Trade. The policy guides the attraction, facilitation, retention, monitoring, and evaluation of private investment nationally and at the county level. It creates an institutional framework that fosters coordination for efficient investment attraction, facilitation, and a favorable investment climate. The main objective of this sensitization was to inform County Governments of the goals and strategies of the Kenya Investment Policy and encourage the domestication of the policy to improve the investment profile of their respective counties.
19. CoG, in collaboration with the National Treasury, appraised 40 County Governments' Directors of Procurement on the new Public Procurement and Asset Disposal (PPAD) Regulations 2020. This was preceded by the development of the training Module for the New PPDA Regulation 2020. Further, the CoG, in partnership with the National Treasury, Public Procurement Regulatory Authority (PPRA), and Kenya Institute of Supplies Management (KSIM), enhanced the capacities of CECMs of Finance and operational officers from user units of Finance, Audit, and Procurement on the changes to the Procurement Act captioned in regulation 2020.
20. As part of strengthening the ECDE and Vocational Training Centers (VTCs), the CoG deliberated with 60 County Directors of ECDE and VTCs on the education sector plan for the fourth mid-term plan. Critical among the resolutions were the enhancement of special needs education, infrastructural development, capacity building of teachers, and integration of ICT into teaching and learning. Further, 75 VTCs were selected to benefit from the MasterCard Young Africa Works mentorship program that seeks to find solutions to the youth employment challenge.
21. CoG enhanced the knowledge of County Attorneys, CECMs and Directors in charge of NRM on international, regional, national, and county laws on NRM during a training workshop. The training focused on the key factors that need to be considered regarding drafting laws, policies and drafting instructions. It also focused on the critical aspect

of public participation and gender sensitive laws. The knowledge gained during this workshop will support the County Governments to strengthen the policy and legislative environment for devolution.

22. To address the plight of ECDE teachers, the CoG developed and shared a brief with the Senate Standing Committee on Education. The brief highlighted the need for capitation grants to ECDE centers and the inclusion of the ECDE function in the revenue sharing formula. Through the meeting, CoG influenced the recommendation given to Teachers Service Commission by the Senate on the onboarding of ECDE teachers to the Teacher Professional Development programme. The CoG will work with the National Treasury to ring-fence a portion of the equitable share towards ECDE financing in County Governments.



Group photo with the Senate Standing Committee on Education after sharing the brief on the plight of ECDE teachers

2.2.4. Stakeholder Participation

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

Key Achievements

1. Through the engagements in the COVID-19 Vaccination Task Force Procurement and Logistics subcommittee, CoG provided updates on the implementation of the COVID-19 Vaccination program regarding the uptake of vaccines across counties and the strengthening program for cold chain capacity. This led to resolutions that helped County Governments address bottlenecks leading to delays in installing ultra-cold chain refrigerators. Engagements in the Taskforce on Local Production of HPT led to the development of an advisory to the Cabinet Secretary (CS) for Health on local production of strategic program health commodities. The advisory provided three key recommendations:
 - i. Full implementation of preferential procurement provisions, including the preferential procurement master roll for HPT.
 - ii. Provided for review of taxation incentives, particularly on the Value Added Tax (VAT) and duties such as the Railway Development Levy and Import Declaration Fee to enhance competitiveness of the locally manufactured products.
 - iii. Fast-tracking the processing of rules developed by the Pharmacy and Poisons Board to prepare PPB for assessment and meet Level 3 Maturity that provides better recognition.
2. CoG established one network with UN-Habitat to implement SDG 11 on Sustainable human settlement and the New Urban Agenda (NUA). Through the network, CoG provided technical inputs on the SDGs and NUA during the workshop organized by the State Department of Housing with support from UN-Habitat. The workshop targeted the Directors of Housing, where the directors were sensitized on the SDGs 11 indicators. CoG presented SDGs monitoring experience from County Governments and the Voluntary Local Review (VLR) process for experiential learning for the directors. The workshop reviewed the Kenya National Report on implementing the New Urban Agenda. Further, CoG was incorporated in the National Habitat Committee planning for the World Urban Forum 2022.
3. Through engagement with stakeholders in the Trade sector, including the Kenya Association of Manufacturers (KAM) and CECMs in Charge of Trade, CoG deliberated on the issues surrounding manufacturing opportunities in the Counties, the multiplicity of taxation, ease of doing business in the Counties among others. The agenda was necessitated by the various complaints received from the public by the CoG on the issues. A resolution was developed through a position paper to be presented to the full Council for approval.
4. During the reporting period, CoG engaged stakeholders in the Tourism sector during the 2nd Annual East African Tourism Symposium to advocate for preserving heritage in museums and other sites. However, most are not gazetted and unprotected from any damages and loss. CoG documented other international stakeholders' experiences that were shared with County Governments for adoption. Further, through stakeholder engagements during the Kenya Green Tourism Value Chains workshop, CoG developed the best approaches to developing the green tourism value chains in Kenya, with a focus also on Counties Tourism Products and value chains.
5. The current rapid urbanization offers an unprecedented opportunity to create sustainable, livable, and dynamic cities and urban areas. For this reason, CoG, UN-

Habitat, Urban Development Department, and the World Bank developed several knowledge tools targeting actors charged with City, municipal, and town management. These tools include guidance notes on slum upgrading, Urban mobility, urban planning/management, and Own Source Revenue (OSR). The guidance notes were developed through a stakeholder engagement workshop bringing together sector players and disseminated to County Governments for learning purposes.



Group Photo with CECMs Urban, Lands, Housing and Physical planning after dissemination of the guidance notes

6. In 2019, Kenya was ranked Number 56 globally on the ease of doing business, and the foreign direct investment had grown to US\$3.5 billion (Ease of Doing Business Reform Milestones 2014-2022). However, Kenya can make the business environment better. For this reason, MEAC & RD held a workshop with all agencies and organizations responsible for developing an action plan for doing business in 2022 to continuously improve the business environment and ensure Kenya is ranked among the top 50 countries globally on the ease of doing business. The three different categories of reforms identified include County-level reforms, National level reforms, Corruption, and accountability reforms. Among the resolutions of the workshop was for CoG to support County Governments in identifying the best ways of ensuring that there is a favorable business environment in the Counties.
7. Through engagements with the National Council on the Administration of Justice (NCAJ) and other stakeholders on the National criminal justice reforms, it was noted that NCAJ has for long concentrated on the criminal aspect of justice and the civil aspect not reasonably considered. The engagements resolved that the County Governments be represented by the NCAJ working Committee on Civil Justice reforms. It was further decided that the CoG will be invited to the launch of the Commercial Justice Sector Court Users Committee.
8. CoG, in collaboration with other stakeholders, reviewed the National Framework for Collective Bargaining Agreement. The review aimed to arrive at a collective agreement

that regulates terms and conditions of employment, addresses the rights and responsibilities of the parties, and enhance the inclusiveness of collective bargaining and collective agreements as a means of reducing inequality and extending labor protection. Among the key highlights in the reviewed document include:

- i. It establishes a standing negotiating Committee to negotiate in collective bargaining with workers.
 - ii. It provides a harmonized negotiation mechanism for collective bargaining in the Public Service compliant with the Constitution.
 - iii. It provides an implementation matrix for the operationalization of the same.
9. To address the growing concerns on adolescent health and teenage pregnancy in Kenya and advise policymakers in the Ministries of Education, Health, Planning, Youth, and Gender on strategic policy action and advocacy steps to undertake, National Council for Population and Development (NCPD) constituted an Inter-ministerial Technical Working Group on Adolescent Health that brought together other institutions, including the CoG. The inter-ministerial team has developed the Kenya Action Plan that will inform the processes and investments that go to addressing adolescent health matters. This envisions a refocused engagement with the different levels of stakeholders, duty bearers, and policymakers and will not only raise awareness of the existence of these policy instruments but also seek to engage leaders in developing strategies that are functional and responsive. It will also help to mobilize both local, bilateral, and multilateral development partnerships and resources to address adolescent health and reduce teenage pregnancy and new HIV infections.
10. During the reporting period, CoG established a partnership with Kenya Private Sector Alliance (KEPSA) and draft Memorandum of Understanding (MoU) is in place between CoG and KEPSA on development of Kenya Private Sector Devolution Support Programme (KPSDSP) that is anchored on accelerating SDGs implementation and operationalization of the Private sector's SDGs investor maps.
11. The Ministry of Devolution, CAJ and the CoG finalized and validated the Model GRM guidelines In June 2022, the institutions agreed on a sensitization & roll out plan as well digitalization pilots for the GRM processes at county level.

2.2.5. Risk Management

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

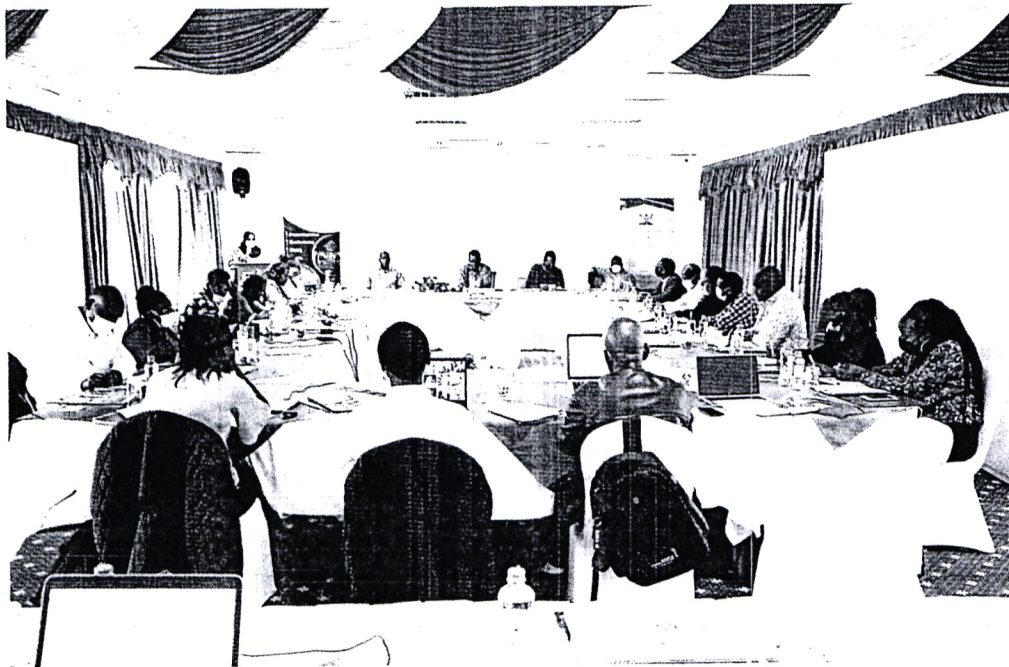
Key Achievements

1. To mitigate the impacts of the outbreak of the fall army worm to farmers, CoG in conjunction with the State Department of Crops Development, enhanced the capacity of 32 County Governments on a harmonized plan to combat the fall army worm. Also, during the 4th Intergovernmental Forum on Agriculture Sector (IGF-A), CoG presented a position paper on transboundary pest management and disease control. This contributed to the development of a roadmap for implementing the National migratory

pest and disease management in consultation with the Ministry of Agriculture, Livestock, Fisheries, and Cooperatives (MOALFC).

2. Through the support of the Global Logistic Cluster Project, CoG enhanced the technical capacity of Garissa and Tana River County Governments' Departments and partners involved in Disaster management to strengthen the county Disaster Risk Management (DRM) forum to have a functional and inclusive DRM coordination mechanism. Currently, both counties have functional and operational DRM forums that bring together County Governments and other stakeholders involved in disaster management.
3. CoG, National Disaster Operation Centre, and National Treasury through the World Bank provided technical assistance to 8 County Governments (Lamu, Kisumu, Murang'a, Isiolo, Wajir, Nairobi, Turkana, and Kakamega) to develop County contingency/emergency operation plans. So far, 4 County Assemblies (Lamu, Kisumu, Murang'a and Kakamega) have approved the document, with 2 approving during this reporting period. The other 4 counties have submitted the paper to the County Assembly awaiting approval. The County Contingency Plan will support the counties in mitigating/responding to actual or potential hazards.
4. Due to devolution, increase in population, administrative changes and diversification, there was a need to review and update the data on the livelihood zones. The existing livelihood zones profiles were updated and refined in 2010 and since then there has been many changes in the socio-economic and political scene which necessitated the review and updating of the livelihood zones information. Through engagement with County Directors drawn from DRM, Agriculture and Economic Planning departments from 47 County Governments, the multi-stakeholder team consisting of CoG, National Drought Management Authority (NDMA), Ministry of Agriculture Livestock and Fisheries, and World Food Programme reviewed the County Livelihoods Zones, leading to the development of the county specific reports with recommendations for action. The objective of the exercise was to improve the effectiveness and efficiency of the food and nutrition security protocols through updated livelihoods zoning mapping.
5. CoG in partnership with the Kenya Informal Settlements Improvement Project (KISIP) National Coordination Team conducted a Community Mobilization and Safeguards Sensitization Workshop for KISIP 2 benefitting Counties. 33 KISIP benefitting County Programme Coordination Teams (CPCTs) were appraised and a template shared to guide CPCT in preparing the budget as they plan for community mobilization, specifically, formation of Settlement Executive Committees (SECs) and Grievance Redress Committees (GRCs) in readiness for the KISIP 2 interventions in the phase 1 settlements. The County Governments were further assisted to establish fiduciary management units responsible for the coordination, supervision, and management of fiduciary services for the programme's funds to achieve the development objectives consistent with Government's priorities and in line with donor requirements.
6. Under KUSP, 45 benefitting County Governments received capacity-building on Occupational Safety and Health to help them address common workplace dangers and risks associated with various works under the programme. Further, the County Governments were appraised on addressing the outstanding balances in the programme.
7. The CoG further helped address the food security reporting for the 23 ASAL Counties through recommendations developed and presented to the National Drought Technical

Committee (NDTC). This was critical to minimize the misinformation and disinformation surrounding the drought situation in the country. As a follow-up action, CoG developed a report on county plan and intervention on the drought situation that was shared with the NDTC. A resolution was also reached to have tax relief on animal feed ingredients by the National Treasury. CoG continues to follow-up on the resolution to ensure implementation for the benefit of the farmers.



Meeting with ASAL County Governors and CECMs in Charge of ASALs to discuss the drought situation

2.3. Adequate resourcing for devolved functions

2.3.1. Introduction

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

2.3.2. Expenditure Management

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

Key Achievements

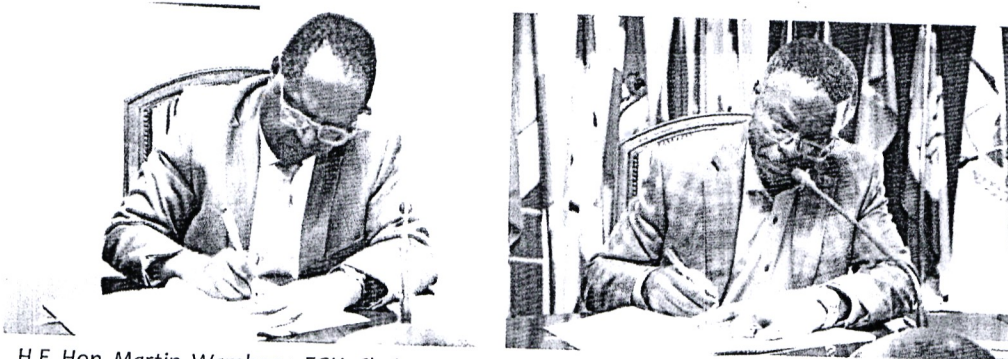
1. Given that Counties are in the process of developing their third generation CIDPs, it was important to review and relook at the guidelines to ensure harmonized development across the 47 Counties instead of conducting Mid-Term review. It was in this backdrop that CoG, with support from the State Department for Planning and other partners organized for CIDP III guidelines dissemination meetings. 47 County Governments' officers gave their input on the CIDP guidelines on two separate engagement workshops. The guidelines were finalized and they incorporated the comments from the County Governments and will be disseminated in the first quarter of the next financial year to enable the County Governments develop their third generation CIDPs.
2. To address sustainable financing of the Universal Health Coverage (UHC), CoG developed a policy brief on the same with the focus on the policy priorities for the County Governments. The policy brief has been instrumental in guiding the discussions during various meetings including the quarterly meetings with CECMs for Health, Directors for Health, and Chief Officers for Health. Additionally, CoG, in collaboration with MoH-DPHC, conducted a rapid needs assessment in all the counties to assess the capacity of County Governments in Public Finance Management (PFM).

2.3.3. Resource Mobilization for Devolved Functions

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

Key Achievements

1. AMREF Health Africa and CoG co-created two projects; Health Investment and Policy (HIP), which is funded by M-Scott and Strengthening and diversifying Maarifa Centre, funded by Bill and Melinda Gates Foundation, BMGF. CoG implements the two projects with Technical Assistance support from AMREF. Both projects are being implemented in 15 counties (Kisumu, Nyamira, Kitui, Kirinyaga, Narok, Isiolo, Baringo, Meru, Lamu, Garissa, Wajir, Nyandarua, Bomet, Migori, and Kilifi) over four years and one year respectively. The Health Investment and Policy Project focuses on Community Health Services Strengthening and Ringfencing health funds through the Facility Improvement Fund (FIF). At the same time, the Strengthening and Diversifying Maarifa Centre investment/project will ensure that the Centre facilitates intercounty co-creation, provides tools to guide the scale-up of innovations and best practices and promotes active utilization of knowledge and lessons learned.



H.E. Hon. Martin Wambora, EGH, Chairperson – Council of Governors and Dr Meshack Ndirangu, Country Director, Amref Health Africa in Kenya during signing the MoUs between the two institutions

2. Following submission of the CoG’s memorandum on the County Governments Additional Allocations, 2022, additional funds have been allocated to Counties for the FY 2022/23. This is through the additional allocation of KSh.424,616,047 for the library function and KSh.1.03 billion under the FLLoCA County Climate Institutional Support (CCIS) component. The two had been previously omitted.
3. CoG submitted a policy brief on the role of County Governments in the Project Appraisal Document for implementing the Horn of Africa for Groundwater Resilience Project through engagements with the Water Resources Authority. The World Bank project will work with Water service providers and the county water departments to address the needs of rural communities in the Turkana, Marsabit, Mandera, Wajir, and Garissa Counties through tapping groundwater resources to cope with and adapt to drought and other climate stressors. .
4. During the reporting period, CoG provided technical inputs in negotiating and co-creating the proposed National Agricultural Value Chain Development Project (NAVCDP) 2022-2027. NAVCDP intends to increase market participation and value addition for 500,000 small-scale farmers in Kenya engaged in nine value chains across 26 counties. CECMs and COs in charge of Agriculture were appraised on the implementation E-voucher program under the NAVCDP. CoG will be funded under component 4 to coordinate county implementation.
5. CoG, in collaboration with other stakeholders, developed a report to guide County Governments in enhancing their Own Sources of Revenue after workshops and consultative meetings were convened to review the Comprehensive OSR Potential Tax Gap Study Report. The report disseminated to Counties had robust recommendations for enhancing OSR. Also, CoG, in collaboration with the Commission on Revenue Allocation, developed a model Tariffs and Pricing Policy in line with Section 120 of the County Governments Act. The policy aims at enhancing Counties’ revenue by forming a basis for levying fees for services provided.
6. The CoG Finance Committee developed the exchequer financing facility through engagements with , CECMs and Chief Officers of Finance, Planning, and Economic Affairs, and the Kenya Bankers Association. The initiative was intended for commercial banks to pay suppliers who have completed works and services, whose payment is due, and an invoice has been raised, as County Governments await the Treasury’s disbursement of equitable share into County Revenue Funds. This will lead to a drastic

reduction in the level of payables and pending bills by County Governments and non-performing loans by suppliers of County Governments.

7. CoG provided technical inputs to capture the County priorities during the United Nations Sustainable Development Cooperation Framework (UNSDCF) review. The Cooperation Framework, to be implemented from July 2022 to June 2027, will guide the entire programme cycle, driving planning, implementation, monitoring, reporting, and evaluation of collective UN support for achieving the 2030 Agenda. UNSDCF has outlined three (3) strategic priorities and five (5) outcomes to realize the SDGs, Kenya Vision 2030, among other national development priorities. Leave No One Behind is the core programming principle of the cooperation framework. The implementation of the framework will focus on the fifteen marginalized counties.
8. To reduce the budget deficits most County Governments face, the National Treasury developed guidelines on borrowing by County Governments. The Guidelines define the criteria for the issuance of guarantees for County Governments' borrowing/issuance of security. CoG appraised the County Governments' CECMs and Chief Officers on the provisions of the guidelines and how County Governments could leverage the provisions of the guideline to address the existing budget deficits. Two County Governments (Laikipia and Kisumu) are already utilizing the borrowing framework.
9. As part of resourcing the health sector, the CoG coordinated the signing of MoU agreements on the deployment of Cuban doctors to support health care service delivery in the counties. 41 County Governments signed the MoUs.

2.4. Build a strong Council of Governors

2.4.1. Introduction

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

2.4.2. Resource Mobilizing for the CoG Technical Team

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

Key Achievements

1. The CoG mobilized resources in-kind for developing the Induction Manual for County Governors, Deputy Governors, and other County Executives and enhancing the technical capacity of the relevant County Governments officials on the assumption of office of the Governor. By the end of the FY, the CoG managed to secure resources in-kind towards the pre-assumption activities. This led to successful sensitization of the various cadres of County Government officials on their roles during the assumption process as stipulated under the Assumption of the Office of Governor Act 2019.

2. Through mobilization from different partners, CoG received support in kind and cash to hold a successful Seventh and Final Annual Devolution Conference, held between 23rd and 26th November 2021 at Makueni Boys High School, Makueni County. Further support was received from stakeholders towards the National 2 billion Tree growing Fund through a Joint UN Programme on tree growing and sustainable Forestry Finance. The funds supported the tree growing exercise during the conference that saw the creation of Devolution Forest at Kwa Kathoka Agricultural Training Centre in Makueni County, with approximately 2500 tree seedlings grown. This was also towards realizing the ambitious tree growing envisioned under the National Strategy for achieving and maintaining over 10% tree cover by 2022.
3. By providing technical inputs during the negotiations and co-creations sessions for the proposed National Agricultural Value Chain Development Project (2022-2027), CoG will be funded under component 4 to coordinate county implementation of the project across the counties for five years starting FY 2022/23.
4. CoG also received technical assistance from the Effective Institutions Platform (EIP) under the OECD to support the Maarifa Centre and its County Governments in strengthening their monitoring, evaluation, learning (MEL), and knowledge management (KM) practices. The goal is to understand better the usefulness, relevance, and uptake of insights generated through Peer to Peer (P2P) Learning initiatives to promote institutional reform and improve service delivery. The assistance will cover support to:
 - i. The Maarifa Centre, the knowledge management hub at the CoG, in tracking the effects of P2P learning initiatives at the cross-County level and
 - ii. Develop a tailored “How-to guide” that can be adapted and replicated by Counties themselves to track, communicate and be accountable for results from P2P learning focusing first on the problem-solving phase of P2P learning. These tools would need to be integrated with other MEL and KM efforts in place at the County level.
5. Under the FLoCA programme, CoG received commitment for annual funding to provide coordination support and strengthen administrative functions towards ensuring the successful implementation of the programme.
6. The Council signed an MoU with the USAID after co-creation and negotiation sessions between the two institutions. The MoU will be implemented for 3 years and will see USAID support and enhance the capacity of the following Committees of the CoG - Water, Agriculture, ASAL and Health.



H.E. Hon Martin Wambora, EGH (left) CoG Chairman, during the MoU signing with USAID's Kenya Mission Director, Mr. Mark Meassick (right)

7. Regarding capacity development of CoG staff:
 - i. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) supported the capacity development of two CoG staff in policy analysis using economic models.
 - ii. Danish Embassy supported the capacity development of seven CoG staff on various areas, including Climate Change, Adaption, Mitigation and Resilience, Strategic Change Management, Organizational Change Management, and Responsive Project Management. The trainings happened virtually and physically at the Danida Fellowship Center in Denmark.

2.5. Knowledge-Driven Performance

2.5.1. Introduction

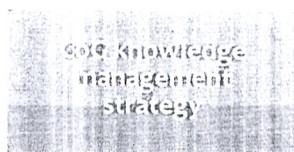
Knowledge-driven performance, a critical pillar in the CoG strategy, is anchored on the belief that knowledge is a vital asset that, if utilized well, can help achieve efficiency in the use of resources. Further, knowledge can strengthen the Counties' competitive advantage and enhance the successful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

2.5.2. Knowledge Sharing and Learning

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

Figure 1: Key Strategies of Knowledge Sharing and Learning

Research &
knowledge
generation



Peer learning on
devolved
functions

Key Achievements

1. Peer-to-peer learning plays a critical role in promoting exchange of ideas and information among County Governments. During the reporting period, the CoG coordinated the convening of the following peer-to-peer learning sessions:
 - i. Peer-to-peer learning on the development of ATI laws brought together 62 participants, including County Attorneys, Access to Information Officers, and Directors of Public Participation. The learning session focused on sensitization by the Commission on Administrative Justice (CAJ) on ATI model law, provisions of the ATI act, and best practices of Kwale, Kisumu and Embu Counties. In addition, Embu and Kisumu counties shared their experiences in legislation and implementing their laws on 31st March 2022. Through the proactive disclosure by the County Government's representatives on the progress towards developing ATI laws, CAJ and CoG were tasked to develop and share a guide on the same. Best practices that emerged included.
 - a. The institutionalization and decentralization of County Information officers should be independent of public participation officers. However, they can serve both roles as the County Governments develop their governance structures.
 - b. Kisumu County Government Whistle Blowers Act, to serve as learning legislation. The CoG and Ombudsman to interrogate it against the proposed Bill in Parliament.
 - c. Nandi County Assembly serves as a best practice model for digitalizing records.
 - ii. A peer learning session on how the Governors' Service Delivery Units (SDUs) operate was conducted where County Governments present to shared their experiences. The necessary action from the meeting was for CoG to offer technical support to County Governments that have not established SDUs and ensure that each County has a Service Delivery Unit.
 - iii. CoG participated in the Community of practice session on Accountability and Transparency: Citizen's engagement and participatory mechanism in the case of Makueni County and Council of Governors organized by Regions4 (Regions for Sustainable Development) and bringing together other regions and sub-national

governments globally. The CoG and Makueni County presented SDG implementation mechanisms for advancing accountability and transparency through citizen engagement and participatory tools.

- iv. Africa Union virtual Recognition of Prior Learning (RPL) peer learning webinar brought together experts on RPL from South Africa, Senegal, Mozambique, Zimbabwe, and Portugal who showcased how they have developed their RPL frameworks. RPL, a relatively new concept premised on lifelong learning, will benefit the people in counties with competencies that are not assessed and, therefore, not bankable.
 - v. A virtual peer-to-peer learning session on youth-related best practices at the County level was also conducted. Isiolo Youth Innovation Centre was one of the identified best practices. The Centre is spearheaded by the County and Kenya School of Government. The Centre hosts up to 100 youth daily and has benefitted them in various ways since its establishment. For instance, 890 youth have benefitted from sensitization on self-development and policy awareness, 140 youth have benefitted from entrepreneurship training, and 50 have benefitted from Huawei's computer security and networking basics, among others. The Embu Talent Centre, on the other hand, is charged with talent identification, tapping, nurturing, developing and placement of creative and sports talents. Some of the services offered by the Centre include film production, music training, live performances, and sports training. Since its establishment, some of the achievements of the Centre include more than 200 songs belonging to different artists, 50 youth trained in film production, and one grand cinematography-training workshop in partnership with Canon and Kenya Film Commission. A draft policy brief has also been developed on the Establishment of County Youth Innovation Centers.
 - vi. Learning and experience sharing among the County Governments on the sustainability of Public-Private Partnerships (PPPs) bringing together Homa Bay, Trans Nzoia, and Kisumu Counties also helped to flag out available sustainable PPPs for scale-up.
2. The CoG Gender Committee initiated an assessment of the impact of devolution on women and girls in select sectors of Education, Health, Agriculture, Water, and urban planning to document the gains of devolution with a keen focus on its impact on women and girls across the Counties. The 14 select counties for the study were Garissa, Mandera Wajir, Marsabit, Isiolo, Lamu Tana River, Turkana, Samburu, Kilifi, Kajiado, Narok, West Pokot and Busia. Among the key recommendations of the report included:
 - i. CoG to provide timely guidance to the 47 counties who are in the process of developing the 3rd CIDPs by providing minimum indicators or scorecard or gender action plans for integrating gender equality and empowerment of women and girls in term of the identified gaps including the global, regional, and domestic gender commitments.



H.E. Evalyn Aruasa - Deputy Governor - Narok County (middle), Ms. Mary Mwiti – CEO-CoG, left, and other guests during the launch of the assessment of the report impact of devolution on women and girls

- ii. CoG to mobilize joint efforts of development partners to work with the Gender Departments in all the 47 counties and provide them with capacity to review the pending draft policies and develop strong advocacy strategies that are multi sectoral in nature to prioritize passage of the gender policies once the new County Governments are formed, after the August 2022 elections.
- iii. Capacity building of the new CECMs, existing, and new directors and officers of all county departments including planning and treasury on the importance of gender integrated approach to programming including gender responsive Budgeting that must be continuous to address the structural barriers that exist in all sectors and impede empowerment of women and girls.

2.6. Strengthening intergovernmental relations and devolution

2.6.1. Introduction

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

2.6.2. Strengthening Intergovernmental Structures and Processes

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

Key Achievements

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

1. CoG provided technical inputs during the Agriculture Sector Working Group meetings on reviewing the extension policy, Inputs, Projects, and Programmes, and the Migratory and Invasive Pest Management Strategy and approved the engagement of county stakeholders. One of the meetings deliberated and approved the ASDSP II Capacity Needs Assessment report and the Kenya Livestock Commercialization Project - a six-year project implemented in 10 counties. The meetings further reviewed the National Agricultural Marketing and National Agroforestry Strategies; and the Food Safety Bill and policy following policy stakeholders' engagement comments. These discussions informed the legislative memorandums developed on the policy documents and submitted to Parliament for consideration.
2. Through the technical intergovernmental disaster management engagements, CoG collaborated with other intergovernmental institutions to develop the template for collecting disaster data from the counties and reporting Sendai Framework indicators. The template was designed and shared with counties. Further, the CoG ASALs and DRM committee participated in the Fourth Medium-term plan for the Drought and disaster management sector. The CoG represented the counties in identifying counties' priorities and flag projects to address disaster risk reduction.
3. CoG enhanced the capacity of 4 counties (Narok, Lamu, Busia, and Turkana) to strengthen the Gender sector working Groups. Strengthening the gender-sector working groups will provide structures for practical cooperation and coordination of gender equality and women empowerment programmes at the County level. It will also improve adherence to principles of gender-based budgeting and partnering with relevant departments in the formulation and review of gender-responsive policies and strategies at the county level.
4. The Cabinet Secretary for Interior and Coordination of National Government appointed the National Alcohol Control Committee vide Gazette Notice No.9775 of 27th November 2020 and per the Alcoholic Drinks Control Act No.4 of 2010 to consolidate gains in the National and County Governments' initiatives in the control of alcoholic drinks. The committee membership is drawn from representatives from CoG, State Department of Interior, Ministry of Health, Ministry of ICT, Innovation and Youth Affairs, Ministry of Industrialization, Trade & Enterprise Development, State Law Office, Directorate of Public Prosecution, Kenya Bureau of Standards, Kenya Revenue Authority, Anti-Counterfeit Authority, Government Chemist, National Intelligence Service, Criminal Investigation Directorate, National Police Service and NACADA.
5. CoG, in collaboration with other stakeholders, developed the Medium-term National Water and sanitation Investment Programme Framework that seeks to operationalize the National Water and sanitation investment and Financing Plan (NAWASIP). The

framework was signed by the Chair of CoG and sought to fast-track review and operationalize the Intergovernmental water sector framework for its implementation in both the National and County Governments.

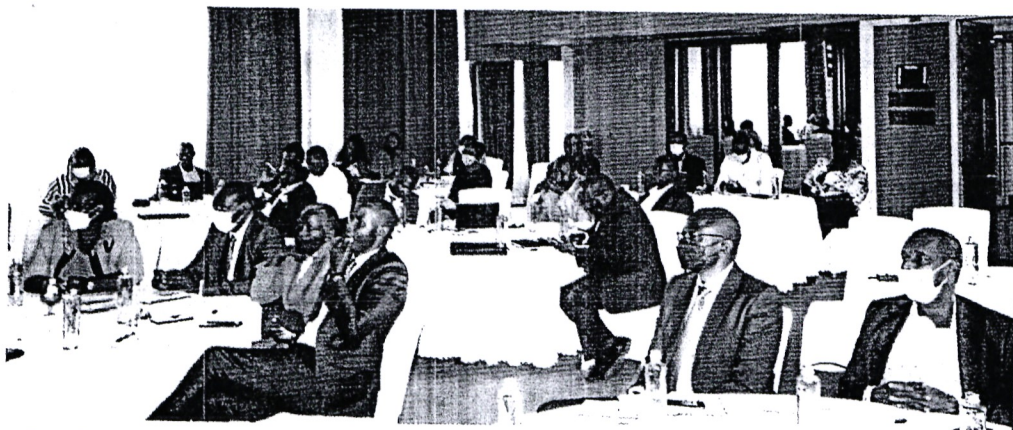
6. Through engagements during the Intergovernmental Committee on Implementation of the Recognition of Prior Learning (RPL) Policies and standards, a resolution was passed that RPL piloting will be conducted in 8 Counties that are hosting refugees (Nairobi, Mombasa, Turkana, Kisumu, Nyeri, Trans Nzoia, Busia, Garissa). The implementation of the programme will enable a large proportion of the refugees acquire a formal qualification that matches their knowledge and skills, and thereby contribute to improving their employability, mobility, lifelong learning, social inclusion, and self-esteem. The CoG will be responsible for mobilizing RPL selected candidates from respective counties to present themselves for the assessment.

2.6.3. Safeguarding Devolution

While devolution has contributed immensely to sustained economic development in the Counties, specific challenges continue to threaten devolution. To protect devolution, the CoG has consistently advocated for adopting policies and laws aligned with the constitutional values and principles of devolution. The CoG also supported the devolved governance system by initiating preventive or corrective action.

Key Achievements

1. The water sector still experiences challenges with some functions retained by the National Government while they should be devolved. Given this, the CoG held a consultative meeting with the Ministry of Water, Sanitation and Irrigation and the National Assembly Committee on delegated legislation to address the contentious issues in the Water Services Regulations (Legal Notice No.168 of 2021). This has resulted in reviewed water regulations; a conservation levy of 5 per cent to 2 per cent and a water user charge proposed of KSh.5 per unit to KSh.2 for irrigation and KSh.1 for domestic users. The considered water levies by all the key stakeholders will improve water service provision to consumers at an affordable rate by their respective Water Service Providers and conservation of water resources by Counties and other stakeholders.



Consultative meeting with water sector players to discuss key issues affecting the water sector

2. To effectively implement the risk reduction actions/initiatives within the DRM framework, CoG, together with other stakeholders, reviewed and developed the National Disaster Risk Management Strategy and Livestock Identification and Traceability. The DRM Strategy integrates DRM into planning and practice, recommends strategies to reduce exposure and vulnerability of communities to hazards, and enhances their resilience. The Livestock Identification and Traceability strategy aim “to satisfy domestic and international consumer requirements on safety and quality of animals and animal products”, which will be partly achieved through building an efficient and sustainable system for animal identification to achieve farm to fork traceability and certain livestock assets. Further, CoG provided technical inputs in developing the relief assistance policy that aims to gradually shift relief from food and non-food items to cash transfers as an alternative mode of relief assistance and have a holistic approach to relief assistance, with increasing emphasis on recovery, resilience, and development. The policy highlights the role of communities in managing emergencies which are increasingly becoming critical in sustaining support to the vulnerable population and hence necessitating the continual capacity building of the affected population.
3. Through the analysis of the County Governments Budget Implementation Review Report for the Financial Year 2020/21, CoG identified challenges faced by County Governments in budget implementation from the previous Financial Year. The analysis focused on the revenues, revenue outturn, Own Source Revenue, Expenditure, and key challenges experienced by Counties in implementing budgets. Among the recommendations provided to the County Governments included:
 - i. County Governments need to review the revenue targets to realistic amounts to avoid hidden budget deficits and reduce pending bills at year-end. Further, County Governments should develop and implement strategies to mobilize OSR.
 - ii. County Governments need to prioritize implementing development projects to improve their citizens’ living standards and ensure that expenditure on development activities meets the minimum set ceiling of 30 per cent of their budgets.
 - iii. County Governments need to develop and implement a pending bills payment plan and ensure the entire stock of bills is cleared in the current financial year in line with the law. The public finance management framework requires that pending bills are settled on time as specified in contract agreements to avoid the accumulation of arrears.
4. CoG embarked to unbundle the museum function in collaboration with the Inter-Governmental Relations Technical Committee. Through the engagement, a memorandum on unbundling the museum function was developed, and a legal notice with a memorandum was issued to County Governments for input and comments. Once considered by Parliament and assented to, the final legal notice will be implemented by the County Governments in safeguarding devolution by managing county museums and other related functions as provided in the law.
5. The CoG reviewed and developed an advisory on the executive order by the president to establish the Kenya National Public Health Institute. Among the CoG recommendations were that:
 - i. The CoG should demand that the order’s implementation be halted, and the order be withdrawn pending the commencement of an intergovernmental process to address the matters raised in the order.

- ii. The CoG Health Committee Chairperson writes a protest letter to the Ministry of Health pointing out the unconstitutional nature of the order.
 - iii. The CoG should demand that rather than address these matters through a presidential Order, an intergovernmental process for the comprehensive review of the Public Health Act be commenced to align the Act to the Constitution and devolved system of government and to consider the possibility of establishing the Institute, if necessary, through the provisions of the amended Public Health Act.
6. The CoG provided technical inputs in reviewing three options for the Managed Equipment Service (MES) program following the submission of the final survey/review report by the Contracts Review Committee appointed by MOH and presentation to the full Council. The options included the decommissioning and disposal of equipment by the Contractor, transfer of equipment to the Ministry of Health at defined terms and extending the contracts for an additional 3 years. After this, the CoG appointed an Ad-hoc committee of 9 Governors to analyze the options available further and make recommendations. Following the advisory, 26 County Governments expressed and communicated their intention to renew their MES contracts.



H.E. Hon Martin Wambora, EGH, CoG Chairman, and Ms. Mary Mwiti – CEO-CoG, meeting with the MES review committee to update the team on the Council's resolution concerning the committee's report

- 7. CoG provided technical input on the draft Cooperatives Bill . The draft Bill is awaiting approval by the full Council before being submitted to the Parliament for consideration.
- 8. The CoG reviewed a Cabinet Memorandum establishing the Kenya Tissue and Transplant Authority and developed an advisory. The gist of the advisory was that while the efforts of the MoH in identifying the gaps in the legal and institutional framework relating to the governance of human tissues and transplants and recognizing the need

to address these gaps to provide a comprehensive and adequate governance system are appreciated, CoG could not support the methodology proposed by the MoH of addressing these gaps through an Executive Order issued under the State Corporations Act.

9. Through engagements with the Kenya Marine Fisheries Socio-economic Development (KEMFSED) project team, it was noted that CoG was not involved in the technical committee looking to develop a policy on Marine Spatial Planning. The engagements enabled CoG to be included as a member in developing the policy. KEMFSED project seeks to improve management of priority fisheries and mariculture and increase access to complementary livelihood activities in coastal communities. The project targets five (5) counties along riparian (Indian Ocean), namely, Kwale, Mombasa, Kilifi, Tana River and Lamu.
10. The CoG developed an advisory on the Conditional Allocations to Counties following a Judicial review of the Constitutional petition number 252 of 2016 Council of Governors vs The Attorney general and Others. The advisory informed County Accounting Officers on unlocking funds flow through authorizing the Controller of Budget to enable County Governments to withdraw outstanding balances of the conditional grants disbursed in FY 2020/2021 from the County Revenue Funds.
11. Also, through the advisory on budgeting for conditional allocations that were converted to an equitable share in the FY 2021/22 following Commission of Revenue Allocation recommendations during the division of revenue for 2021/2022, CoG advised the County Governments to consider providing funds equivalent to the share of the converted conditional grants. Four conditional grants (Road Maintenance Levy Fund (KSh.9.8 billion), Level 5 Hospitals (KSh.4.32 billion), Compensation for User Fees Foregone (KSh.0.9 billion), Rehabilitation of Village Polytechnics (KSh.2.0 billion)) were collapsed to raise an additional KSh.53.5 billion as Equitable Share to the County Governments beginning FY 2021-2022. This meant that County Governments must plan and continue committing resources for the performance of the functions that were earlier financed through conditional allocations.
12. CoG through the Team of Experts developed four policy briefs touching on areas of safeguarding the gains made in the health sector under the devolved governance. The highlights of the policy briefs are as below:
 - a. Health policies and legislations under devolved health context: Successes and Challenges: the policy brief highlighted the areas of relative success in health policy and legislation while also underscoring the significance of the challenges like incomplete transition from the unitary to the devolved system, inadequate alignment of post-constitution policies and legislations to the constitution and the devolved system, contradictions and gaps in health policies and legislations, among others. The policy brief recommended prioritization of policy and legislation making or complete review on key areas such as securing financing for UHC, Health Commodities security, and county health service delivery readiness and preparedness.
 - b. Understanding and Operationalization of Cooperative Devolved Government and Intergovernmental Relations: the brief highlights the lack of proper understanding and operationalization of cooperative devolved government and intergovernmental relations as major policy and legislative barriers to effective and efficient delivery of health services by the national and county governments. Among the

recommendations by the policy brief to strengthen devolution include the need for national and county governments to engage and agree to re-engineer cooperative devolved government and intergovernmental relations in the pursuit of joint policy and legislative solutions in the health sector.

- c. Amplifying the County Government's voice in the National Hospital Insurance Fund (NHIF) reforms: the policy brief touches on the need for a substantive conclusion of the NHIF reforms that have been proposed through critical recommendations made in the past by various task forces. The recommendations provided in the brief highlight the need for the redesign of NHIF in a manner that effectively incorporates County Governments in the governance structure to increase political credibility and enhance trust and investments by County Governments who are a major stakeholder.
- d. Re-Examination of Unbundling and Transfer of Functions and Powers: the policy brief highlights the failure to properly and fully unbundle and transfer functions and powers as a major policy and legislative barrier to effective and efficient delivery of health services by the national and county governments. Among the recommendations include the need for the County Governments and the national government through the Summit to form a joint committee of the national government and county governments to work with the IGRTC, to undertake a thorough unbundling and transfer of functions in all the devolved sectors leading to the enactment of a Functions and Powers Act.

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

- a. Supreme Court Petition 25 Of 2019 The Senate, National Assembly Vs Council of Governors, and Others: The Council of Governors filed a case against the Senate and National Assembly challenging amendments to the County Governments Act, which sought to establish the County Development Boards. The High Court and Court of Appeal ruled in favor of the CoG, after which the Senate appealed the matter to the Supreme Court. In February 2022, the Supreme court held that the amendments were invalid, null and void. This is an excellent stride for devolution as the courts have buttressed the institutional integrity and separation of powers at both levels of Government.
- b. Meru Petition No. E009 of 2021: Aden Ibrahim Mohamed & 6 Others V. County Assembly of Wajir & 5 Others & Meru Constitutional Petition No. 17 Of 2021: Amb Mohammed Abdi & Another V. The County Assembly of Wajir & 4 Others: Following the impeachment of Wajir Governor H.E Amb Mohammed Abdi Mohammud by the Senate on 17th May 2021, the Governor together with the CoG filed a case seeking to challenge the impeachment process. The court held that the process of impeachment of the respondent violated the requirement of public participation and was, therefore, null and void.
- c. Constitutional Petition 059 of 2021- Dr. Magare Gikenyi V the SRC, CoG and Others: The petitioner filed the petition against the Salaries and Remuneration Commission (SRC), Council of Governors, and all County Assemblies on the implementation of the car grant. The court dismissed the petition while holding that the petitioner failed to demonstrate that the SRC did not consult stakeholders in reaching the impugned decision. No sufficient evidence was presented to prove his allegation that SRC's decision was not independent.

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

- i. Constitutional Petition E272 of 2022- Council of Governors vs Salaries and Remuneration Commission: The CoG instituted this petition as against the SRC based on the SRC's failure to make provisions for pension benefits for Governors. This is despite the numerous requests made by the CoG to the SRC seeking for the provision of pension benefits for the office holders of County Governors pursuant to article 43(1)(e) of the Constitution of Kenya. The CoG's position is that it is discriminatory for other state officers to receive pension benefits whereas the retiring Governors are not accorded with the same.
- ii. Constitutional petition No E014 of 2021-Kenya Driving Schools Association vs County Government of Mombasa, the Council of Governors and 46 others: The CoG was enjoined in this matter wherein the petitioners challenged the Counties' action of imposing levies, taxes, and charges against driving schools for displaying the name and address of the driving school on the vehicles and displaying a visible mark with the words: "DRIVER UNDER INSTRUCTION". The CoG opposes the petition, taking the position that Counties are well within their mandate to impose taxes and charges on driving schools as provided for under Article 209 of the Constitution.
- iii. Constitution petition E005 of 2022- Carlolyne Andzazi vs IEBC and the Hon Attorney General: The CoG was enjoined in the above petition challenging the eligibility of former and current Governors to vie for the position of MP and Senate. The CoG opposed the petition, taking the position that the petition seeks to curtail the political rights of former and current Governors pursuant to Article 38 of the Constitution. The judgment was delivered on 17th June 2022 whereby the court dismissed the petition stating that the same was premised on speculation and assumptions and suffers from lack of precision. The court further stated that the petition was not ripe for adjudication and that the petitioners failed to exhaust the available remedies to settle the disputes.
- iv. Constitutional Petition E008 of 2022-Okiya Omtatah Okiiti V the Hon Attorney General and IEBC: The petitioner, Okiya Omtatah instituted proceedings seeking a declaration that any public officer, including a sitting deputy president, a sitting governor, deputy governor etc. is not qualified for nomination as a presidential candidate. Further, that all sitting public officers cannot be elected to elective positions other than the ones they hold and should therefore vacate office beforehand. The CoG opposed the petition on grounds that the resignation of governors and other elected state officers will not only contradict their constitutional tenure in office, but also greatly jeopardize vital functions that their offices undertake during the period of resignation.
- v. Petition E019 of 2021- County Government of Kisumu V Kisumu County Commissioner and 2 others: The CoG was enjoined in this petition that was filed by the County Government of Kisumu challenging the County Commissioner's actions including: (1) issuing notices of ballot for the marketplace without consulting and (2) making a call for setting up a board of management towards the operationalization of the Uhuru Business Park. The CoG was in support of the petition on grounds that the respondents' actions were in violation of Article 189 and the 4th schedule of the Constitution and amounted to claw- back on the functions of Counties. The matter was thereafter settled between the parties and the case marked as withdrawn.

The CoG further reviewed legislation and policy that touched on devolution and developed legislative memoranda and advisories submitted to relevant institutions. Annex 1 captures all the reviewed pieces of legislation and policy during the reporting period.

2.7. Key Conferences

2.7.1. Devolution Conference

The Seventh and Final Annual Devolution Conference was convened jointly by CoG, the Senate, the Ministry of Devolution (MoD) and the County Assemblies Forum. It was held between 23rd and 26th November 2021 at Makueni Boys High School, Makueni County. The theme of the Conference, Multi-Level Governance for Climate Action: Sub-National Mobilization in Unlocking the Full Potential of Climate Action During and After Pandemics, not only resonated with challenges faced by the citizenry locally but also globally.

The conference offered stakeholders the platform to discuss and deliberate on roles as well as how to unlock opportunities to turn around the climate change effects, especially during and after the pandemics. During the Conference, four cities, Nairobi, Kisumu, Mombasa, and Nakuru, signed the Paris declaration: fast track cities agreement committing to end AIDS in the respective Cities by 2030 to affirm their commitments towards fast-tracking action towards achieving the 90–90–90 targets.

Photos and brief reports were produced and disseminated on the successful establishment and launch of the devolution forest in Kwa Kathoka Agricultural Training Centre in Makueni County with approximately 2500 tree seedlings grown. The devolution forest marked the successful culmination of the 2 million tree growing drive in the South-Eastern Kenya Economic Bloc (SEKEB) region as a pre-conference activity to the 7th Annual Final devolution conference 2021 themed multi-level governance for climate action. The Forest is a best practice to promote green spaces and increase tree cover in Counties that can be replicated in other Counties.

Further, the conference was critical in ensuring that subnational governments, both local, regional and across the globe, have a platform to discuss and deliberate on the need to design interventions bearing in mind the challenges posed by climate change in their communities, further worsened by the COVID-19 pandemic and to conserve our environment for the current and future generations. The conference report can be accessed at: <https://bit.ly/3Rz3ffu>

2.7.2. Afri-Cities Conference

The Multi-Agency Committee led by the Ministry of Devolution, Council of Governors, the Africities Secretariat, and other agencies planned for the 9th Africities Summit which was held from Tuesday 17th to Saturday 21st May 2022 at Mamboleo Showground, Kisumu County. The theme of the Summit was “The Role of Intermediary Cities of Africa in the Implementation of Agenda 2030 of the United Nations and the African Union Agenda 2063”. The theme was premised on Sustainable Development Goal (SDG) 11 on Sustainable Cities and communities which seeks to make cities and human settlements inclusive, safe, resilient, and sustainable and the need to address challenges that hamper the realization of UN’s 2063 Agenda.

During the 9th Africities Summit CoG participated in a Session on multiplying the efforts and reports of local authorities for the localization of SDGs through Voluntary Local Reviews.



One of the Plenary sessions during the Africities Conference

One of the key recommendations from the summit is the need to audit and review of various devolution policy and legal frameworks and ensure that due attention is given to the urban areas and cities with a view to positioning them as engines of economic growth and service delivery. The other key recommendation is ratification of the African charter on the values and principles of decentralization, local governance, and local development.

2.7.3. World Urban Forum

The World Urban Forum (WUF) is the premier global conference on sustainable urbanization. WUF was established in 2001 by the United Nations to examine one of the most pressing issues facing the world today: rapid urbanization and its impact on communities, cities, economies, climate change and policies. The first WUF was held in Nairobi, Kenya in 2002 and has been held around the world ever since.

The WUF 11 was informed by the intensified rate of urbanization across the Globe and with an estimated 70 percent of the global population expected to be living in cities by 2050, there was an urgent need to harness the transformative force of urbanization. It is in this regard that the conference theme was “Transforming Our Cities for a Better Urban Future” and sought to strengthen relationships and develop action and policy to improve urban environments, in the context of achieving Sustainable Development Goal 11 – “making cities inclusive, safe, resilient, and sustainable.

The forum sought to harness solutions to the current urban problems including poverty, inequality, environmental degradation, climate change and conflict from city leaders and managers, the private sector, civil society, grassroots organizations, and urban thinkers. WUF11 was co-organized by UN-Habitat, Poland’s Ministry of Development Funds and Regional Policy and the Municipal Office of Katowice.

After five days of debate and discussion, with 400 events featuring 700 speakers from government, civil society, communities, academia and the private sector, the Eleventh Session of the World Urban Forum (WUF11) in Katowice, Poland closed. The closing ceremony in the Spodek Arena concluded with the torch for WUF12 being officially passed to the Egyptian government, represented by General Mohammed Sharawy, Minister of Local Development, in a short signing. WUF concluded with declared actions that representatives of government, civil society and the private sector will take back to their home cities for further discussion and implementation.

2.7.4. United Nations Ocean Conference

The Government of Kenya and the Government of Portugal were mandated to co-host the UN Oceans conference via the General Assembly resolution number 73/ 292 under the title “the 2020 United Nations Conference to support the implementation of sustainable goal number 14: conserve and sustainably use the oceans, seas, and marine resources for sustainable development. The conference took place from 27th June to 1st July 2022 in Lisbon, Portugal with several side events taking place prior to the official opening and during the conference dates.

In recognition of the role that subnational governments play in the realization of SDG 14 and in the development of the blue economy sector globally, the 2022 conference hosted a special session for subnational governments dubbed “Localizing Action for The Ocean: Local and Regional Governments Special Event.” The session focused on local and regional solutions to accelerate progress towards the achievement of SDG 14 in helping to protect the health of the ocean and its biodiversity.

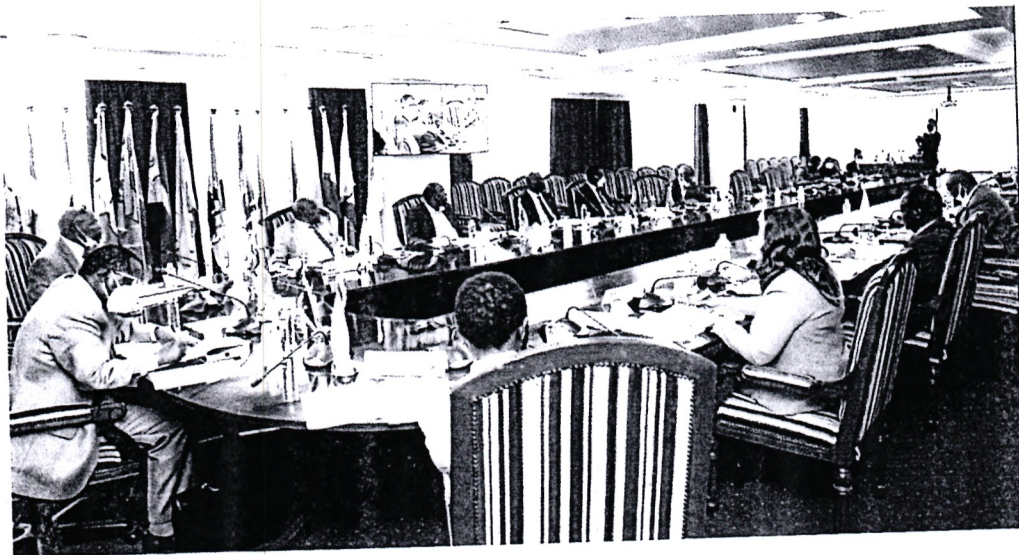
2.8. Inter-and-Intra-Governmental Consultations

2.8.1. National and County Government Coordinating Summit

During the reporting period, no Summit meetings were convened.

2.8.2. Council of Governors Meetings

The Council of Governors held six meetings during the reporting period to discuss strategic issues affecting County Governments and find solutions geared towards safeguarding the interests of County Governments. Among the key issues addressed concerning the Counties included the status of the Pension Bill in the counties, review of the ECDE proposed structure, upgrading of maternity and newborn facilities, establishment of Level 3A Hospitals in the counties by the MoH, County Governments’ recurrent expenditure budget ceiling for the FY 2022/23, and the Managed Equipment Service (MES) Project, among others.



Council meeting in October 2021

2.8.3. Intergovernmental Budget and Economic Council (IBEC)

In the FY 2021/22 the IBEC held three ordinary sessions that addressed critical matters affecting County Governments. Some of the key resolutions made by the Council include:

- i. The council directed that under the Leadership of the Ministry of Devolution, the Council of Governors, Controller of Budget, Commission on Revenue Allocation, National Treasury, IGRTC, NSSF, CPF and Lap-fund, convene a meeting, to come up with avenues for negotiation on lowering the penalties and interest charges on pension and reach an agreement on how to settle them once the figures are reasonable. It was observed that over 60% of the historical pending bills relates to pension funds.
- ii. To address issues around Own Source Revenue (OSR) underperformance the Council made the following resolutions: (i) Tax Administration Diagnostic Assessment Tool (TADAT) be effectively undertaken in the 36 counties yet to undertake it. For the 11 Counties that have already performed the TADAT assessment, appropriate resources and frameworks should be provided to ensure the implementation of the Revenue Enhancement Action Plans (REAPs).
- iii. The Council mandated the Controller of Budget (COB) to advise counties based on recommendations made by the CRA about OSR that will have been assessed based on the performance of the last three years. The counties shall be required to use the given advice for their budgeting OSR projections. This is to ensure that Counties make realistic revenue projections/targets to avoid budget gaps occasioned by OSR underperformance.



H.E. Hon. Dr. William Ruto, Deputy President of the Republic of Kenya (right), H.E. Hon. Martin Wambora, EGH (center) CoG Chairman, Mr. Julius Korir, Permanent Secretary, State Department for Devolution, during the 20th IBEC meeting

The IBEC also considered and adopted the following reports and frameworks:

- i. The Council adopted the framework for sharing of mining royalties between the National and County governments. The framework seeks to operationalize the provisions of Section 183 of the Mining Act 2016.
- ii. The Council considered and approved the proposed solution by the Legal committee and the resultant framework. The Cabinet Secretary for National Treasury was directed by the Council to gazette the framework for transfer and collection of County Court fines to operationalize it. This is the framework for sharing of court fines and fees imposed under County legislation.

2.8.4. Intergovernmental Forum for Health

During the reporting period, CoG jointly with the MoH and in collaboration with other stakeholders, held the 17th, 18th, and 19th Health Sector Intergovernmental Forums. The main objective of the Health Sector Intergovernmental Forum (HSIFG) is to bring together the CECMs of Health at the counties and the CS Health and the national ministry of health to deliberate on key emerging issues, iron out challenges and providing strategic direction for the health sector.

The main areas of discussions during the 17th HSIFG were on the state of COVID-19 in the country while the 18th HSIFG focused on mitigating the impacts of COVID-19 to achieve UHC as well as strengthen technical thematic committees on health in addressing issues of digital health platform, Health Facility Autonomy through FIF and NHIF reforms. The 19th HSIFG discussions focused on strengthening health systems to improve health outcomes amongst the population and promoting better healthcare through learning. Each of the forums reviewed the progress update on the resolutions of the previous forums. The CoG together with key stakeholders in the sector including the MoH, are currently implementing some of

the resolutions passed during the forums geared towards reforming the health sector to improve health care service delivery.

2.8.5. Intergovernmental Forum for Agriculture (IGF-A)

The National Government through the Ministry of Agriculture, Livestock and Fisheries jointly with all the 47 County Governments through CoG established the sector coordination mechanism that has enabled the two levels of government to provide leadership in implementing Article 186(1).

During the reporting period, CoG jointly with the ministry and other stakeholders held the 4th IGF-A with the objective of providing an opportunity for the two levels of government and stakeholders to undertake consultative engagement, reflect and candidly take stock of the performance of the agriculture sector under the theme Strengthening Sustainable Food Systems towards 100% Food & Nutrition Security in Kenya. The 4th IGF-A was convened to review the performance of the two levels of government in implementing the resolutions of the 3rd IGF-A.



Group photo during the 4th IGFA

The 4th IGF-A was attended by 214 delegates (134 male representing 63% and 80 females representing 37%) led by the co-chairs Hon. Peter Munya, Cabinet Secretary Ministry of Agriculture, and Governor James Nyoro, who represented the Council of Governors. The participants were drawn from: (1) National Government; (2) County Governments; (3) Development Partners; (4) Private Sector; (5) Civil Society; (6) Farmers and (7) Fisher folks.

Among the key resolutions of the forum were the need to fill the gaps in food production and consumption, avoid duplication and enhance efficiency in the use of the resources in the sector. The forum further noted the need for overhaul of the sector through strengthening of intergovernmental relations, enhancing accountability in the sector, sustaining harmonized implementation sector reforms, and developing a robust framework to address the challenges facing the agriculture sector including low productivity, high input prices, low mechanization, low access to market and value addition in the sector.

CHAPTER FOUR PROGRAMMES AND PARTNERSHIPS

The CoG continued receiving support from development partners in specific sectors to strengthen devolved functions and improve service delivery. This Chapter highlights some of the key programmes supported by the development partners that are managed by the CoG through the various Committees and implemented in collaboration with the National Government institutions.

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

Project Start date: September 2016

Initial End date: September 2021

Current End Date: (after two-year no cost extension): September 2023.

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

Key Implementation Updates in the last Financial Year (July 2021 – June 2022):

In Quarter 4, a total of KSh.1.45 billion was disbursed to eligible County Governments. The late disbursement was occasioned by delayed approval and enactment of the County Governments Additional Allocations Act, 2022. Over the years of implementation, a total of KSh.11.25 billion has been disbursed to the County Governments. The last financial year 2021/22 was the final year of disbursement. The cumulative expenditure by County Governments since inception of the project till 30th June 2022 was KSh.9.12 billion giving an overall absorption rate of 81.09%.

The project continued to provide technical assistance to all 47 County Governments through on-site support which focused on utilization of project funds and documentation of expenditures. Challenges causing low absorption of funds and poor performance of project core indicators were discussed and appropriate solutions were formulated together with the county teams. There was an increased focus on preparation for project closure. The County Governments are required to complete the implementation of activities by end of June 2023. Emphasis was also put on the initiation of sustainability measures to avoid reversing the gains made through the project. In addition to the on-site technical support, performance review meetings were conducted with the 47 County Governments as well as capacity building trainings and workshops for the county project designated accountants, procurement officers and internal auditors.

Highlighted Achievements over the years:

1. Supported County Governments to invest in their priorities towards improving delivery of reproductive, maternal newborn, child, and adolescent health (RMNCAH) services.
2. Built capacity of the County Governments in development of Annual Workplans during the planning process.

3. Advocated for an increase in budgetary allocation to health by County Governments through the project minimum conditions.
4. Contributed to health systems strengthening in the County Governments through supporting printing of tools and registers, supervision activities, establishment and operationalization of community units and capacity building of healthcare workers.
5. Supported performance-based transfers to health facilities in the County Governments as well as incentives to community health workers.
6. Health products and technologies including “mama packs” have been procured in the County Governments through funds from the project.
7. Supported operationalization of Grievance Redress Mechanisms at county and Facility level.

3.2. DANIDA UHC Grants

3.2.1. DANIDA PHC 2021-2025 Grant

The DANIDA PHC Support Program is named “Improved primary health care with focus on reproductive, maternal, newborn, child and adolescent health.” It still focuses on the counties and specifically at level 2 and 3 health facility level as well as level 1 (community) health services. The current funding is likely to be the last phase of Danish health support to Kenya and therefore there is a strong component of sustainability. A counterpart funding modality was put in place where Danida contributions will drop each year with County Governments required to replenish the amounts accordingly.

Key Implementation Updates in the last Financial Year (July 2021 – June 2022):

In quarter 4, FY2021/2022 Tranche 1 funds amounting to KSh.322 million were disbursed. Like the THS-UC project, disbursement was delayed by the prolonged approval and enactment of the County Governments Additional Allocations Act. On-site technical support on the program was accorded to all 47 County Governments alongside the THS-UC projects. County Governments also got an opportunity to present on progress made in implementation of the program during the performance review meetings. The County Governments were supported in working towards meeting the DANIDA PHC minimum conditions more so on the counterpart funding modality. Follow up was also made with affected County Governments to resolve pending audit issues which would compromise eligibility to receive further funding under the grant.

During the financial year under review, signing of the MoU for the DANIDA PHC program by all key implementers was concluded in quarter 3. Over the financial year, it was clarified that the counterpart funds contributed by County Governments towards the program are not allowed to be deposited into the existing County Special Purpose Accounts (SPA) since they are government funds. The County Governments were, therefore, required to open new SPAs. By end of the financial year, 46 counties except Nairobi had opened the new SPAs.

In September 2021, the Royal Danish Embassy announced additional funding to the PHC program of DKK 75 million (KSh.1.2 billion). The initial budget for the grant was DKK 140

million (KSh.2.4 billion). Following consultations among CoG, MoH, Royal Danish Embassy, and the County Governments, it was agreed that approximately KSh.800 million would go into facilitating a more gradual phase-out of the grant with approximately KSh.400 million channeled towards support to level 1 (community). An addendum to the existing Development Engagement and Bilateral Agreement was prepared which gave provisions for the disbursement and utilization of the additional funding.

Highlighted Achievements of the DANIDA Grants:

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

3.3. UNSDG Partnership Platform - Primary Healthcare Partnership Accelerator Window

The Primary health care accelerator window is one of the 4 windows of the The United Nations SDG Partnerships Platform (UNSDG PP) that contributes to the achievement of universal health coverage through steering innovative financing mechanism for Resource mobilization domestically and catalyzing partnerships between the private and the public sector with a focus of strengthen Primary Health Care service delivery. For the financial year 21/22, the Platform working in collaboration with County Governments, Private sector and Development partners and CoG has been able to achieve the following.

1. Supported the 7th annual and final Devolution Conference. The platform provided facilitation support for two breakaway sessions for health, one on climate change and health at the county level focusing on the burden, impact, interventions, and lessons learnt in the devolved context and the other on COVID 19, reflecting on the gains and lessons learned during the pandemic with an objective of informing the country's preparedness to handle future pandemics. The UN SDG Partnership platform also facilitated the development and printing of branding materials and health factsheet highlighting key indicators for service delivery during the health breakout sessions.



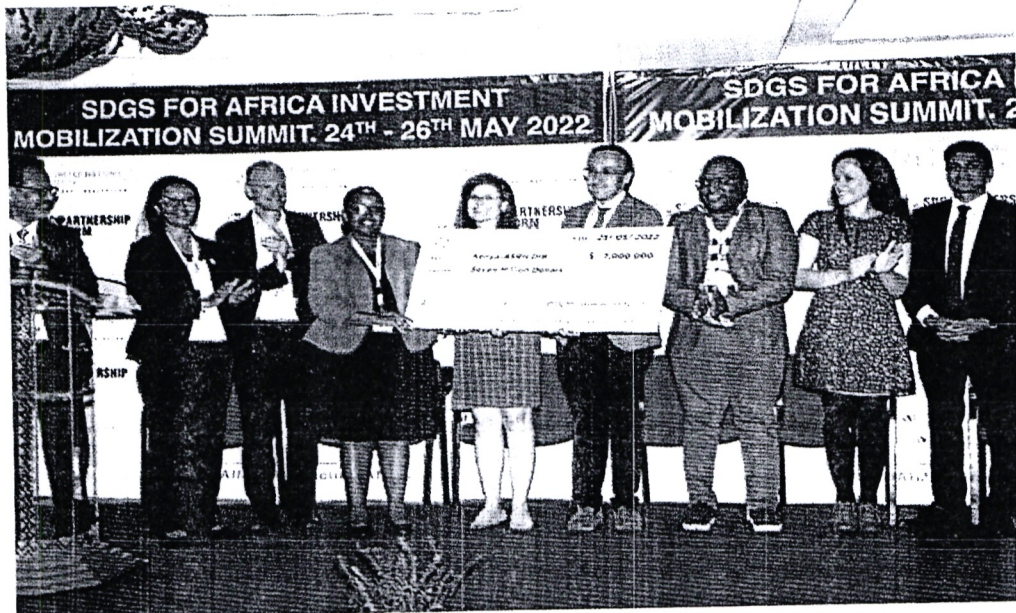
Panelists during the health sector breakaway session on Climate change during the Seventh and Final Annual Devolution Conference

2. Enhanced government capacities to advance public - private collaborations for PHC. The platform provided facilitation support to Kisumu County Government to host the Kisumu International Investment Summit and Expo from 19th to 22nd December 2021, specifically the session on health systems. The summit brought together experts in the health sectors to deliberate on how to accelerate health service delivery through leveraging on private sector Investment for Sustainable Development either through the traditional Public Private Partnerships (PPP) model or alternative models such as the Public Private Collaborations (PPC) which are provided for under the Kenya Public Private Collaboration Strategy e.g., in leasing of medical equipment and utilization of specialized services. Other key areas of discussions during the summit included reengineering existing mechanism for better management of health products and commodities. One of the investments commitments made was the signing of an MOU between Kisumu County and Pharm Access on renewal of Marwa scheme which has an emphasis on inclusiveness of the vulnerable in health.



H.E. Hon. Prof. Anyang' Nyong'o, Governor Kisumu County and Chair of the CoG Health Committee, and Dr. Wasunna Owino, Country Director Pharm Access signing an MoU on the continuity of the Marwa Health Scheme

3. Unlocked financing for Adolescent Sexual and Reproductive Health through Development Impact Bond (DIB). Under the coordination of the Joint UN team comprising of the UN Resident Coordinator's office, UNSDG-PP, UNFPA, WHO, and UNAIDS, Kenya unlocked an investment of USD 7 million from of the UN Joint SDG Fund to support 10 counties in accelerating Adolescent Sexual Reproductive Health (ASRH). The project will be implemented in 10 counties, namely: Migori, Homa Bay, Kisumu, Bungoma, Kakamega, Busia, Kisii, Nyamira, Nairobi and Mombasa. The identified counties have a high burden of adolescent pregnancies and HIV/AIDS in 2023.



Joint UN team showcasing the ASRH DIB during the SDG Africa investment mobilization summit, May 2022.

3.4. Team of Experts (ToE) Technical Support to CoG Health Committee

The Team of Experts (ToE) seconded to CoG by USAID has since December 2020 been providing technical assistance to the CoG Health Committee in the thematic areas of public health, health financing, health supply chain, and governance and intergovernmental relations in health. During the period under review, the ToE support was instrumental in enhancing health service delivery and other devolved functions which have borne key results as highlighted below:

- i. Strengthened CoG Health Committee's capacity to analyze, critique health policies and legislations of interest and articulate its position and intervene in various important aspects of the devolved health: ToE has continued to carefully analyse and provide transferrable lessons to the CoG's Health Directorate through strengthening the capacity of the Health Directorate in providing timely briefs and advisories on critical health issues requiring intervention by CoG and County Governments. This has strengthened the CoG's ability to articulate its position and intervene in various important aspects of the devolved health function, thus protecting the interests of County Governments and citizens in the delivery of health services. Specifically,

through ToE's advisories, CoG has been able to clearly articulate its position which has led to:

- a. The Formation of a Joint Project Implementation Committee comprising of CoG, MoH, and County Governments to oversee the implementation of the Bilateral Agreement on the medical exchange program between Kenya and Cuba which is aimed at improving and strengthening Kenya's Primary Health Care system as a catalyst to achieving Universal Health Coverage (UHC).
 - b. Increase of CoG's representation in the National Health Insurance Fund (NHIF) board from 1 to 2 following the enactment of the NHIF Amendments Bill.
 - c. Nomination of a CoG representative in a lead advisory role in the MoH Costing Study on Health Care Services in the development of the Costing Study Methodology and Draft Study Protocols.
 - d. Representation of CoG in the drafting of health workforce migration policy.
 - e. Formation of a joint committee of CoG and MoH to review the proposed unconstitutional establishment of the Strategic Health Programmes Authority by the Ministry of Health after CoG raised concern about its constitutionality.
- ii. Strengthened partnership between CoG and partners: The involvement of the ToE in the operations of CoG's Health Directorate in the past year has strengthened the capacity of CoG to influence and partner with key other players in health and devolution. Through co-creation of the joint activities between CoG and AMREF Health Africa, ToE supported the conceptualization of the MoU signed between CoG and AMREF Health Africa to support 15 County Governments to strengthen Facility Improvement Funds (FIF) by facilitating the completion of the FIF model law and guidelines, supporting the validation and dissemination to counties, and conducting advocacy activities to ensure the operationalization of this model law and guidelines. In addition, the co-created activities will also include support also be provided in strengthening the Community Health workforce in establishing Community Health Services Bureaus.
 - iii. Capacity building of counties in delivery of health services: Through the support of ToE, the health directorate has been able to organize and facilitate regular quarterly meetings with county caucuses on health for sensitization on key matters of importance in the delivery of devolved health functions. The forums have provided a platform for county health leadership to also engage directly with key players in the health sector for example NHIF, KEMSA, the National Treasury, and donors. Through the ToE support, the directorate was able to organize for Governors' high-level consultative meeting in December 2021; the first-ever joint meeting of Finance and Health CECMs to discuss pertinent county health sustainable financing issues as well as the first-ever joint meeting of CECMs, Chief Officers and Director for Health to review the draft induction manual.
 - iv. Technical support to CoG's Health Directorate in learning and adaptation: One of CoG's key strategic priorities is supporting learning and adaptation. The TOE has continued to support the CoG Directorate and Counties in learning and adaptation through fostering documentation, review, and dissemination of promising practices and lessons learned in health through the Maarifa Centre Platform as well as online forums including with various health caucuses and other cross-learning forums.

3.5. Sustainable Development Goals

In this financial year, CoG has continued to deepen SDGs implementation in Counties through support in mainstreaming of SDGs in county projects and plans as well as support in tracking and reporting on the progress of SDGs implementation.

Reporting on local progress on the SDGs is essential in creating awareness of the 2030 Agenda at the Sub-national level in order to accelerate the localization movement, to advocate for greater acknowledgment of and a more enabling institutional environment for the role of sub-national governments in achieving the SDGs. To this end, the CoG developed guidelines for Voluntary Local Review (VLR) of SDGs implementation to support County Governments in reporting local progress. Currently, five County Governments (Narok, Marsabit, West Pokot, Busia, and Makeni) have managed to develop and submit their VLR reports.

As part of strengthening VLR, CoG enhanced the capacity of County Directors from all departments from Narok County on mainstreaming of SDGs and in VLR in collaboration with the SDGs Kenya Forum and Indigenous Livelihoods Enhancement Partners (ILEPA). CoG further enhanced the capacities of CECMs, COs, and Directors from West Pokot, Busia, Makeni, Narok, and Marsabit County Governments on the VLR process and developing the VLR reports through in-county technical support. Among the key achievements include:

- a) The support targeted local tracking and voluntary Local Review for West Pokot County that led to the developing of a VLR report highlighting progress made in mainstreaming and implementation of SDGs Goals number 4 (Quality Education), 5 (Gender Equality), 14 (Life Below Water), 15(Life on Land) and 17(Partnerships for the Goals) which were the goals of focus for this reporting period.
- b) The support targeted capacity building on SDGs and the guidelines for Voluntary Local review (VLR) Process for Busia County, leading to the developing of a draft VLR report.
- c) The support targeted the key steps for initiating the VLR process, tracking and reporting on the progress of SDGs implementation, and the passage of various policies that are under development for accelerating SDGs implementation in Marsabit County

Further, in collaboration with State Department for Planning, Council of Governors, KEPSA, SDGs Forum Kenya, United Nations Development Programme (UNDP), UN Women and other partners, the CoG coordinated the plenum session for County Governments to share experiences on SDGs implementation and COVID-19 response during the Annual National SDGs multi-stakeholder engagement forum. During the forum, Makeni, Meru, and Narok were feted for their exemplary performance in SDGs implementation. The forum recommended need for strengthening policy dialogue at County level on SDGs implementation with all stakeholders, strengthening data generation and management in County Governments, and strengthening coordination between various stakeholders.

During the reporting period, CoG collaborated with the State Department for Planning National SDGs Directorate and CoG developed guidelines for documenting SDGs best practices. The Guidelines seek to help in identification, documentation, scaling up and sharing of good practices in SDGs implementation for replication by County Governments and other stakeholders. Furthermore, a collaboration bringing together CoG, the State Department for Planning, KEPSA, UNDP, SDGs Kenya Forum, Kenya Parliamentary Caucus on SDGs, and

other stakeholders led to the development of an SDGs Recovery and Acceleration Strategy 2022-2030 to accelerate progress in implementation of the SDGs.

As part of promoting meaningful and active engagement of citizens in good governance, accountability, and transparency in the implementation of SDGs, CoG partnered with the County Assemblies Forum, Royal Danish Embassy, Centre for Multi-Party Democracy, KEPSA, SDGs Kenya Forum, Kenya Parliamentary Caucus on SDGs, political parties, development partners and other stakeholders in convening the SDGs Village at the Peoples Dialogue Festival 2022. The festival featured rich conversations and interactive discussions on strengthening SDG coordination mechanisms in Counties by establishing SDG units to fast-track the achievement of SDG targets at the sub-national level and eliminate existing regional disparities matters governance, the political party expo and festival performances. Further it was resolved that Counties should ensure accountability and adopt peer review mechanisms to facilitate learning and sharing of best practices among Counties. County Assemblies should also embrace equity in budgetary allocations to achieve sustainable development across all the Counties and ensure no one is left behind.



H.E. Prof. Kivutha Kibwana, EGH – Governor, Makueni County, engages participants during the SDGs Village at the Peoples Dialogue Festival 2022

3.6. Regional Economic Blocs

The Council of Governors has provided support in strengthening of Regional Economic Blocs (REBs) through development of appropriate legislation and alignment of their economic blueprints to emerging county plans and strategies.

During the FY, CoG supported Jumuiya ya Kaunti za Pwani (JKP) Economic Bloc (comprising of Mombasa, Kwale, Kilifi, Taita Taveta, Lamu, and Tana River Counties) and the Lake Region Economic Bloc (LREB) (comprising Kisumu, Busia, Vihiga, Bungoma, Trans Nzoia, Kakamega, Bomet, Nandi, Homa-Bay, Migori, Kericho, Kisii and Nyamira Counties) to align their Economic

Blueprints to the COVID-19 Socio-Economic Reengineering and Recovery Strategy. From the support, the strategy has been mainstreamed in the JKP 2030 Economic Blueprint and LREB Economic Blueprint.

As part of strengthening the capacity of the REBs, CoG held a virtual peer learning session between JKP Economic Bloc and FCDC on legislative drafting. JKP Economic Bloc was taken through the lessons and experiences from FCDC on their process for developing the FCDC Bill. Through this, JKP drew lessons from FCDC that have enabled them to embark on the legislative drafting process.

Further, through a consultative meeting with all 7 REBs (FCDC, LREB, JKP, North Rift Economic Bloc, Narok, and Kajiado Economic Bloc, Central Region Economic Bloc, and South-Eastern Kenya Economic Bloc), the team reviewed the County Resource Development Bill, 2021 and developed a memorandum which was submitted to the Senate for consideration.

3.7. Kenya Urban Support Programme

The Kenya Urban Support Program is a World Bank Supported Programme through the State Department of Housing and Urban Development that seeks to support the implementation of the Kenya Urban Programme (Ken UP), which is a Kenyan Government Programme.

The program development objective is to establish and strengthen urban institutions for improved infrastructure service delivery. The program is implemented in 59 municipalities in 45 counties with the exclusion of Nairobi and Mombasa. Through the programme County Governments through their respective municipalities have greatly invested in infrastructure. The achievements so far include:

- i. 202 kilometers of roads within the municipalities.
- ii. 171 kilometers of non-motorized transport (NMT).
- iii. 5,250 parking spaces which include both parking for private and public transport.
- iv. 4,533 streetlights installed with an additional 81 high mast lighting (mainly solar);
- v. 192 kilometers of storm water drains constructed.
- vi. 31 kilometers of sewer line constructed.
- vii. 12 recreational facilities constructed.
- viii. 16 retail markets constructed.
- ix. 12 fire stations constructed in different municipalities.

3.8. Financing locally led Climate Action Programme

The Government of Kenya requested for financial support to the proposed Financing Locally Led Climate Action Program (FLLOCA). The program development objective is to strengthen local resilience to the impact of climate change, natural hazards, and other shocks/stressors by building local capacity to plan, budget, implement and monitor resilience investments in a way that promotes collaborative partnerships between communities, national and county governments. The program will focus on capitalizing the National and County Climate Change Funds; building county level capacity for planning, budgeting, reporting and implementation

of local climate actions in partnership with communities; and strengthening of national level capacity for coordination, monitoring and reporting. The program will be implemented by the National Government in collaboration with County Governments.



H.E. Hon. Prof. Anyang' Nyong'o, Governor of Kisumu County (left) and H.E. Hon. Dr. Wilber Khasilwa Ottichilo, Governor of Vihiga County, following proceedings during one of the FLLoCA stakeholders' meetings

CoG continued to provide technical assistance to County Governments to comply with the funding requirements for the FLLoCA programme. Among the key highlights under the programme include:

- i. 38 County Governments met the minimum access conditions, enacted County Climate Change Act, established Special Purpose Accounts, and signed the participation agreement.
- ii. 47 CECMs in Environment and Climate Change and Finance were trained on performance grants which include County Climate Institutional Support (CCIS) grant and County Climate Resilience Investment (CCRI). Under the CCIS, County Governments who have met the minimum set conditions are allocated USD.100,000, with 95% of Counties qualifying for Tier 1 for 2021/2022.
- iii. CoG coordinated with the National Treasury PIU to help Counties fast-track meetings and submit the requirements. This includes Governor-approved work plans and budgets, signing the FLLoCA participation agreement, and opening the special dedicated accounts to access the County Investment Support Grant. 39 County Governments submitted approved work plans and budgets and have climate change laws. This was achieved by developing and disseminating a guiding and uniform template to facilitate Counties meet the Minimum access conditions for the County institutional support grant (CCIS).
- iv. 44 Counties have appointed CECMs in charge of Climate Change.

3.9. Kenya Informal Settlements Improvement Project (KISIP II)

The Kenya Informal Settlements Improvement Project 2 (KISIP 2) is a World Bank Supported Programme through the state department of housing and urban development that seeks to improve access to basic services in participating informal settlements.

The program development objective is to improve access to basic services and land tenure security of residents in participating urban informal settlements and strengthen Institutional Capacity for slum upgrading in Kenya. 33 County Governments are benefiting from the programme.

3.10. The Land Governance Programme

The Land Governance Programme is funded by the European Union together with the Food and Agricultural Organization (FAO), in partnership with the Council of Governors (GoG), the Ministry of Lands and Physical Planning (MoLPP), and the National Land Commission (NLC).

The program's rallying call has been to improve food and nutrition security through equitable and secure access and management of land for better livelihoods and socioeconomic development in all counties as per Vision 2030.

The project outputs included improved land management and administration in the counties (including securing community land tenure), promotion and establishment of participatory land-use planning methodologies, improved policy, and legal framework for a guideline with the Voluntary Guidelines on the Governance of Tenure of Land, Fisheries & Forests (VGGT) and strengthening the capacity of research institutions on land tenure and management issues.

The programme achieved;

- Inclusive land management and administration: 3,115 County decision makers and technical staff trained on land governance.
- Participatory land-use planning methodology established: 42,810 Community members, national and county officials and NGO trained on land governance
- Land policy and legal framework for improved land governance in Counties established in line with VGGT:
 - 5,591 officials and members from national, county officials, civil society organizations, and community members sensitized on land governance issues
 - 59 communities supported through participatory land delimitation to recognize, protect, and register their Land.
 - 24 communities supported have received titles.
- strengthened as follows:
 - 8 Counties (Tana River, Marsabit, Turkana, Samburu, Laikipia, West Pokot, Baringo, and Nandi) GIS Labs setup and equipped.
 - 1 customer care center established at Ardhi House.
 - 14 National and County Land registries refurbished.
 - 21 studies, research, and assessments.

3.11. The Affordable Housing Programme

This programme was conceptualized in the second term of President Uhuru Kenyatta's administration in 2018 as one of the big four agenda pillars to promote long term economic development. The programme seeks to build 250,000 units annually. So far, 26 County Governments have signed MoUs with the State Department of Housing and Urban Development and are currently implementing the programme.

CHAPTER FOUR: DEPARTMENTS OF THE COG

4.1. Finance

The Finance department at the CoG coordinates and ensures proper and efficient use of resources advanced to the CoG. In the FY 2020/2021, the CoG received support from the National Treasury through the Ministry of Devolution. The CoG also received support from other development partners.

	2021-2022	2020-2021
	KSh	KSh
Revenue from non-exchange transactions		
Transfer from Government Entities	56,948,385	30,063,646
Public Contributions and Donations	129,470,796	31,612,182
Grants From Ministry of Devolution	212,340,000	195,340,000
Grants From Ministry of Health	1,450,000	-
Grants From Ministry of Devolution (The Kenya SymbioCity Programme)	10,623,015	-
Receipts in Kind	34,976,123	49,369,027
Rent Deposit	-	3,568,975
Bank Interest on Staff Loan Fund (Mortgage)	3,216,883	4,633,023
Miscellaneous receipt - The Kenya SymbioCity Programme	370,000	-
Total revenue	449,395,203	314,586,852
Expenses		
Use of goods and services	230,958,640	144,585,784
Employee costs	137,097,847	131,646,800
Depreciation expense	993,487	11,249,181
Repairs and maintenance	6,372,628	10,957,367
Acquisition of non-financial Assets	25,071,561	-
The Kenya SymbioCity Programme	105,420,802	59,225,182
Payments in Kind	34,976,123	49,369,027
Taxation	865,380	805,993
Total expenses	541,756,469	407,839,334
Net Surplus for the year	(92,361,265)	(93,252,482)

4.2. Human Resource

The Department facilitated the following:

- i. Leadership Recruitment: Successful recruitment and transition of new CEO following the resignation of the Founding CEO. The transition was seamless which improved business continuity.

- ii. Implementation of the approved organization establishment. The Establishment has been filled to 55%. A though job evaluation was done, and alignment of various positions was done and submitted to SRC for approval.
- iii. CoG staff establishment has a representation of 38 counties.
- iv. We have a gender representation as follows: 48% male and 52% female.
- v. Reduced Attrition Rate from 6.7 to 5%.
- vi. Increased access to all Welfare services: 21 Officers have Mortgage and the Car loans facilitated through the Department. The Department also supported various officers when pressing welfare needs occurred namely sickness, death in the family and during various celebrations across the year.
- vii. Completion of Employee Induction Handbook which will be useful going forward to induct new and continuing employees in the service.
- viii. Increased Sacco membership and access to benefits: 52 Staff have joined the Sacco and are contributing and accessing the applicable benefits
- ix. Improved Governance and Compliance in the Service: During the period, there was reorganization of Committees, staff who serve in the committees, Review and Implementation of HR and Admin Manual SOPs, adherence to the set guidelines to improve processes and accountability at the Council.
- x. Training: During the Review period 25 staff successfully completed various relevant trainings to improve their competencies and improve their fit for purpose. This were coordinated both physically and virtually.

4.3. Maarifa Centre

CoG is aware that knowledge is increasingly being recognized as a core strategic asset in good governance, and this calls for a structured and systematic mechanism of capturing and sharing knowledge at the CoG level and at the County level. Further the mandate of the CoG under section 20(b) is to promote sharing of information and best practices amongst Counties. It is with this understanding that the Maarifa Centre was established.

Maarifa Centre serves as a knowledge hub for innovations and success stories emerging from the 47 County Governments during performance of their functions. It serves as Kenya's premier knowledge sharing and learning platform and conducts peer-to-peer learning activities among Counties.

In the 2021- 2022 financial year the following were achieved by the Maarifa Centre:

- i. 52 success stories on County service delivery were identified, documented, validated, and uploaded on the Maarifa e-platform.
- ii. The County Handbook on Knowledge Capturing and Sharing was published and uploaded.
- iii. The First Edition of the Compendium on County Innovations and Best Practices on COVID-19 Response was launched on 28th February 2022 and disseminated.



Right to Left: H.E. Francis Kimemia, EGH, CBS, HSC, Governor of Nyandarua, H.E. Hon. Dr. Wilber Khasilwa Ottichilo, Governor of Vihiga County, Ragini Dalal - World Bank Program Leader for Sustainable Development in Kenya, Rwanda, Somalia, and Uganda, H.E. Hon. Martin Wambora, EGH, Chairperson – Council of Governors, H.E. Maj.(Rtd) Dr. Dhadho Gaddae Godhana, Governor of Tana River, and Muratha Kinuthia, Senior Social Development Specialist at The World Bank, during the launch of the Compendium

- iv. The Second Edition of the Compendium on County Innovations and Best Practices on Service Delivery was developed and published. It covers seven sectors.
- v. The above publications will be useful for the new County leaders as they will have a reference point for service delivery interventions. The Compendiums have become very popular with Counties and the public interested in knowing what is happening in the service delivery front at the County level.
- vi. The compilation of the Third Edition of the Compendium was started and the finalization and publishing of the same will be done in the first Quarter of the FY 2022-2023.
- vii. The Knowledge Management Capability Assessment: this was undertaken, and the results disseminated to the County Executive and Assembly arms - the results have been included in the National KM Strategy. This Assessment together with the above-mentioned Handbook will inform the development of a comprehensive KM Capacity Building program for Counties.
- viii. In a bid to strengthening KM at the County level, the team at Maarifa Centre developed a Model County KM Office guide to assist County Governments in setting up functional KM structures. Institutionalization of KM in the Counties is a priority for the Maarifa Centre. This is informed by the fact that strong County KM structures will enable County Governments to manage knowledge in an effective and sustainable way. Further, a strong KM culture at the County level will play a central role in spurring inter-County learning.

- ix. On partnerships, Maarifa Centre held consultative meetings with academia and Governors to explore ways in which the Centre can meaningfully collaborate with research institutions and Counties. The resolutions generated from these meetings will be implemented in the FY 2022/23.
- x. Maarifa Centre continues to share the County best practices both on maarifa.cog.go.ke/ and on Twitter @maarifa_Centre.

4.4. Communications

During the period under review, the Communication department recorded achievements in different areas as follows:

SOCIAL MEDIA GROWTH

The CoG's social media presence has grown immensely over the last year. On Twitter, the CoG handle has 305,252 followers up from 247,232 followers as of the end of June 2021. On the other hand, the COG Facebook page had 40,426 followers up from 35,000 followers by the end of June 2021.

BRANDING

Branding is core for an institution's own brand identity and image. The CoG brand has grown over the years and has now become consistent. During the period under review, the department spearheaded the successful exhibition of the CoG and its brands in forums including the Devolution Conference, United Nations Environment Assembly, People's Dialogue Festival, and the 9th Africities Summit.

DOCUMENTARIES

The Communication department produced four major documentaries:

- i. Devolution conference documentaries.
- ii. Compendium of County Covid-19 best practices.
- iii. CEO's vision board.
- iv. Strategic pillars for the next FY.

CSR

Corporate social responsibility is a form of international self-regulation which aims to contribute to societal goals of a philanthropic or charitable nature by engaging in or supporting volunteering or ethically oriented practices. In this regard, the Council of Governors engaged in a CSR activity at the Nairobi remand and rehabilitation school.

DEPARTMENTAL SWITCH

To foster cohesiveness and cooperation among the Council of Governor's secretariat, a knowledge-sharing initiative dubbed the 'Departmental Switch' was undertaken on Thursday, 14th April 2022. The activity sought to enable members of staff to learn, understand and appreciate the connectivity, functions, and importance of each department. The activity involved staff members taking roles in different departments for a day under the mentorship of one staff member from that department.

CHAPTER FIVE: CHALLENGES AND RECOMMENDATIONS

5.1. Challenges

While CoG has witnessed significant strides by the County Governments to make devolution work for the citizens, there are still challenges that are slowing down the progress towards the realization of the devolution agenda. Among the notable challenges include:

- a. Continued delayed disbursement of funds by the National Treasury which has significantly affected service delivery in the Counties.
- b. Establishment of national institutions through policy and legislation that undermine the functional integrity of County Governments.
- c. Slow implementation of intergovernmental decisions.
- d. Existing state agencies and parastatals that continue to receive colossal budgets and continue to perform County functions nine (9) years later; and
- e. Poor generation of own source revenue by County Governments.

5.2. Recommendations

- a. CoG to continuously work with intergovernmental institutions to ensure adherence to and implementation of intergovernmental decisions and resolutions.
- b. CoG to work closely with Commission of Revenue Allocation, Office of the Controller of Budget, and other stakeholders to support County Governments in enhancing OSR generation.
- c. CoG to constantly engage the Senate and the National Assembly on legislation and policy matters touching on devolution to meet the threshold of the constitutional requirements.

6. ANNEX

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

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Draft Donation, Transfusion, and Transplantation of Human Derived Therapeutic Products Policy	<ol style="list-style-type: none"> The roles of national and county governments highlighted are not aligned to the Constitution and the devolved governance system. The county ones are unnecessarily prescriptive. Sections 4.2 to 4.4 though referring to the Intergovernmental Relations Act, 2012 are not aligned to it. The principles for joint funding by national and county governments are unclear Sections 6.1, 6.2 and 6.3 on KNBTTS are not aligned to the Constitution as it fails to recognize the functions of county governments. 	<ol style="list-style-type: none"> The Governance and Implementation Framework section needs to be reviewed to include all the institutional arrangements needed for implementation of the policy. The structures proposed in the draft KNBTTS Bill need to be reviewed for alignment to the devolved governance system. The section on devolution context needs to recognize the role of county governments in implementation of coordinated service, and the aspects of enforcement. 	Kenya National Blood Transfusion Service	Feedback incorporated	Policy finalized and launched in July 2022

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Draft: Reproductive Health Policy 2020 to 2030	<p>1. The Ministry of Health conceptualized and developed the draft policy without involving county governments contrary to the provisions and requirements of the constitution</p> <p>2. Although the title of this section (Alignment of the draft policy with the constitution, policy and legal framework) refers to alignment of the policy to the constitution, policy and legal frameworks, the actual content only refers to alignment to Articles 43(2)(a) to 53. First, Article 43(2)(a) does not exist in the constitution.</p> <p>3. The content of Alignment of the draft policy with the constitution, policy and legal framework section fails to make any reference to alignment to the devolution context within which health services are currently delivered. Most importantly, there is need to mention how the policy is aligned to the constitutional functional assignment to the two levels of government clearly indicating which functions that relate to reproductive health are assigned to which level of government.</p> <p>4. Although the content also refers to alignment to several other legislations, many of which were enacted before the adoption of the constitution of 2010, it fails to recognize that some of these legislations may need to be reviewed to align them to the constitution and the devolved system of government.</p>	<p>1. Involvement of county governments is necessary because development of policy in respect of reproductive health is a concurrent function of both national and county governments</p> <p>2. The level of the required involvement of county governments is distinct and cannot be secured by merely including county governments among other stakeholders that have been consulted. While involvement of other stakeholders can be satisfied by mere consultation, that of county governments is a much higher obligation that amounts to equal partnership in the entire process of conceptualization and formulation of the policy.</p> <p>3. CoG believes the policy meant Article 43(1)(a) (not Articles 43(2)(a)) which establishes the right of every person to the highest attainable standard of health, which includes the right to health care services, including reproductive health care, among others, and all other rights covered by the others articles up to Article 53.</p> <p>4. The national government's policy function ought to be read and understood against the county government's health functions which include reproductive health services as well as county policy on reproductive health matters which form part of the content of the county government function of promotion of primary health care.</p>	Ministry of Health (MOH)	Proposals not considered	Policy launched.

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Proposed New NHIF Reimbursement Rates for Dialysis Services	<p>1. NHIF Supa Cover offers patients 2 sessions per week and currently reimburses providers at KSh.9,500 per session in both public and private facilities (19,000 per week). The cover also includes kidney transplant package.</p> <p>2. This is not optimal, and patients have much longer interdialytic periods that increases risk and lowers survival.</p> <p>3. Prices may vary across health facilities, with clients sometimes required to top up beyond NHIF rate depending on facility ownership e.g., prices may go as high as 15,000 per session.</p> <p>4. The Health Benefits advisory panel (HBAP) gazetted in 2018 to design and cost a UHC benefit package recommended a reimbursement rate of 5,000 per dialysis session. This was in line with improving on the NHIF's pricing levels to closer match true costs.</p> <p>5. The healthcare financing reforms panel recommended the strengthening of the general oversight of provider empanelment and contracting based on, among others, compliance to price setting and regulation including transparently setting clear guidelines on prices of services and how much NHIF is paying for them.</p>	<p>1. Achievement of UHC requires regulation of the prices for both services and the health products and County Governments have a critical role to play in supporting the reform process.</p> <p>2. However, there is need for a meeting between NHIF and Counties, who are to bear the larger burden of this reduced rates to discuss further on the proposed rates. This to include all other services and rates set to be affected.</p> <p>3. Need for NHIF to increasingly become accountable to County Governments in the reforms process.</p> <p>4. CoG to advocate for a government led comprehensive costing of health services in the Country before NHIF rates are adjusted</p> <p>5. Furthermore, there is need to address the contractual terms of the NHIF cover. What does the NHIF insurance cover provide in respect of setting of reimbursement rates? Can NHIF change the rates midstream without renegotiating with the patients and the empaneled health providers who include county health facilities. These are fundamental contractual issues that must be addressed both for the existing contracts and any future contracts Health care providers may negotiate and sign.</p>	National Hospital Insurance Fund (NHIF)		

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Pharmacy and Poisons Act (Transport of Pharmaceuticals) Rules, 2022; (Pharmaceuticals Waste Management) Rules, 2022; and (Pharmacovigilance and Post-market Surveillance) Rules, 2022	<ol style="list-style-type: none"> The rules have failed to recognize the fact that they are being made against a Pharmacy and Poisons Act that is unconstitutional in several respects since it has not been comprehensively reviewed and amended to align it to the constitution and the devolved system of governance The transport and waste management rules have failed to consider the fact that the functions of refuse removal, refuse dumps and solid waste disposal, of which pharmaceutical waste forms apart, are assigned to the county governments by the Fourth Schedule to the constitution The Pharmacovigilance and Post-market Surveillance rules have also failed to consider the fact that the County governments' constitutional function of county pharmacies includes a significant policy, legislative and regulatory functions for the county governments The Pharmacovigilance rules by requiring County governments to appoint focal persons are seeking to create offices in the county public services are in contravention of Article 235 which empowers county governments to establish offices in their own public services 	<ol style="list-style-type: none"> There is need to clarify the role of county governments given their constitution functions of refuse removal as the rules on the manner of disposal refer to municipal waste (implying refuse removal, refuse dumps, and solid waste disposal which are functions assigned to county governments under the fourth Schedule of the Constitution of Kenya, 2010) The responsibility of active surveillance extends to other arms of the MOH and county governments. The role of supervising teams and managers at subcounty level belongs to the county so should be deleted. Clarify the roles of county government as not just appointing the focal persons as proposed, and to anchor the role of the focal committee and persons (not just one person) leaving the discretion to the county as the county government are responsible for establishment of positions, offices, and management of staff under the Constitution of Kenya, 2010 and the County Government, 2012. 	The Pharmacy and Poisons Board	Feedback incorporated	Feedback incorporated

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Legislative Memorandum on the Persons with Disability Bill, 2021	<p>1. While the Bill seeks to give effect to the rights of persons with disabilities under article 54 of the Constitution by restructuring the National Council of Persons with Disabilities and providing for functions and powers; institutional framework for protecting, promoting and monitoring the rights of persons with disabilities; the Bill fails to give adequate recognition to the fact that most of the rights of persons with disabilities impose obligations on county governments as the ultimate providers of those rights which ought to be represented in the National Council for Persons with Disabilities and be involved in many activities related to them.</p>	<p>1. The establishment of the National Council of Persons with Disabilities as a joint entity of the national and county governments with the Council of Governors being allowed to nominate two persons to the Council to represent the 47 counties and the COG</p> <p>2. The functions assigned to the Cabinet Secretary for Education to be undertaken in cooperation, collaboration and coordination with County governments</p> <p>3. Address the issue of the need for additional financial allocations to county governments to enable them to finance the additional demands of implementing the rights of persons with disabilities.</p>	The National Assembly		The memorandum was prepared and shared but it appears the Bill was not passed by Parliament before the MPs went to elections. We need to follow-up and ensure the revival of the Bill.

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Cabinet Memorandum on the Establishment of the Kenya Tissue and Transplant Authority	<p>1. The State Corporations Act was enacted before the promulgation of the Constitution of 2010 and has not been subjected to comprehensive review to align it to the Constitution and the devolved system of government. In light of this, it's unconstitutional for the President to establish the Kenya Tissue and Transplant authority through an executive order under the Act as is being proposed.</p> <p>2. Considering that the Blood Transfusion Bill is still in the pipeline, and the development of regulations envisaged under section 80 (2) is at a nascent stage, the establishment of a state agency/authority through a parallel route is not justifiable.</p> <p>3. The Constitutional Requirement for Public Participation, which is better achieved through a legislative process in parliament than an Executive Order also militates against use of an Executive Order to establish the proposed Authority</p>	<p>1. The Cabinet Memo should be halt and the proposed changes be undertaken through amendments to the Health Act and/or the Kenya National Blood Transfusion Bill, 2021.</p>	Moh	The Authority was recently established through Legal Notice 142 under the State Corporations Act, Cap 244 against the recommendations of the COG.	CoG to challenge the establishment through legal means

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	<p>Capitation of UHC Indigents in County Public Hospitals</p>	<p>1. The NHIF policy on beneficiary selection of health providers, it is important to note that one recommendation by HEFEP on NHIF reforms required that NHIF ensures beneficiaries have access to quality healthcare services. Notably, NHIF embarked on the re-contracting process which includes clean-up of the panel of hospitals under NHIF resulting in 5,833 public hospitals (73%), 314 FBO (4%) and 1,619 Private hospitals (21%). This is evidence that Public Hospitals constitute a large proportion of hospitals and therefore should be prioritized as the main health care service delivery mechanism in the county and should be well resourced.</p> <p>2. NHIF engaged in the registration of UHC indigent households with the full support from county governments and this saw NHIF receive approx. 1,202,855 households from all the 47 counties out of which approx. 920,325 households have been successfully validated using the Integrated Population Registration System (IPRS) and uploaded into the NHIF system.</p> <p>3. The current mechanisms used by the NHIF for reimbursement of health facilities have created distortions in the health care market under which private health facilities receive disproportionately very high reimbursements compared to public health facilities.</p>	<p>1. NHIF funds should aim to improve the quality and range of services in public hospitals to meet the critical need of increasing access to health services for all including indigents. One mechanism of ensuring that beneficiaries access quality health care services is to invest in public health facilities and can be secured by obligating the indigents whose premiums are paid for by the government to access services from public health facilities.</p> <p>2. It would therefore be prudent if indigent households access benefits upon payment of the Ksh 6 billion premium by MOH from the main county health public facilities, this will not only allow for the county health facilities to plough back resources into improving their facilities but also strengthen county health systems.</p> <p>3. The government would be justified to limit the right of choice by the indigents on which facility to go to. If anything, the indigents access health services from public health facilities which many at times have had to waive the fees on account of inability to pay.</p> <p>4. Accordingly, the most efficient and effective way of ensuring Health Equity is by having indigents seek health services from public health facilities as they are accessible and NHIF funds to these facilities will help in improvement of quality of services as well as all other health systems building blocks thus correcting the market distortions created by the current NHIF model of reimbursements to public and private hospitals.</p>	<p>National Hospital Insurance Fund (NHIF)</p>	<p>Proposals considered</p>	

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	The Proposed Cabinet Memorandum on the Transition of NACC, NASCOP, NTLD-P, Division of National Malaria Program and Community Health Services to a National Strategic Health Programmes Authority	<p>1. The Cabinet memo takes county government functions for HIV, TB, Malaria and Community Services and allocates them to a National Agency which is unconstitutional</p> <p>2. The issue of Donor engagements is not the preserve of national governments as the constitution gives leeway for county governments to engage with donors.</p> <p>3. A cabinet memo always gives a set of recommended options clearly emulating the pros and cons of each option which is not the case done in this Cabinet memo.</p> <p>4. A National Government Authority as per the objects of Devolution focuses on Policy, Technical Assistance, Quality Assurance and Capacity Building. These are not the focus areas for this proposed Authority.</p> <p>5. The cabinet memo raises issues that are significant to devolved health services and proposes a reorganization and restructuring of county health services for strategic health programmes (HIV, TB, Malaria, Community Health Services) but does not indicate the level of consultation with the County Governments</p>	1. Have a Joint Technical Committee with representation from the two levels of Government to prepare a Position Paper for approval by the two levels of government			<p>The Joint Committee if the CoG and MoH was unable to agree on whether or not it was constitutionally sound to establish the Authority through an executive order. The Committee agreed to refer the matter to the Attorney General for interpretation.</p> <p>The National Aids Control Council appears to have abandoned the recommendation and secured the publication of Legal Notice No. 143 of 2022 through an executive order amending the 1999 executive order establishing NACC to change the name to Kenya Syndemic Diseases Authority and still expand the mandate of NACC. CoG has instructed its lawyers to prepare an application in Constitutional Petition No. 281 of 2017 for an injunction to stop the implementation of the Legal Notice No 143 of 2022.</p>

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	The Kenya National Public Health Institute Order, 2022	<ol style="list-style-type: none"> The Order is unconstitutional in its substance and end-product to the extent that it seeks to establish the Institute as a national government entity instead of a joint entity of both national government, and county governments The order assigns the constitutional health functions of county governments to a national government entity without their consent. The order provides for a Board of Directors of the Institute in which the CoG and county governments are not represented. The order allocates to the Institute funds that form part of revenue raised nationally without following the constitutionally prescribed process for equitable sharing of revenue raised nationally. The order allocates to the Institute revenue sources that the constitution has identified and allocated to county governments and duplication of functions, roles and expenditures. The order is also unconstitutional for failure to conduct public participation over the same. In terms of the provisions of the constitution, an Order of a legislative nature such as the Order under review, cannot be sustained without having been subject to public participation. 	<ol style="list-style-type: none"> The COG should demand that the implementation of the Order be halted, and the Order be withdrawn pending the commencement of an intergovernmental process to address the matters raised in the Order. The CoG demand that rather than address these matters through a presidential Order, an intergovernmental process for the comprehensive review of the Public Health Act be commenced to align the Act to the Constitution and to devolved system of government, and to consider the possibility of establishing the Institute, if necessary, through the provisions of the amended Public Health Act. 	Ministry of Health (MOH)	These concerns have not been considered.	The Public Health Institute has been gazetted, and a board appointed

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	NHIF Amendment Bill 2021	<p>1. The Bill is not aligned to the devolved system of governance under which the county governments play a major role in the delivery of health services. The NHIF Board of Trustees discharges functions that have been assigned to both national and county governments.</p> <p>2. The Bill has not addressed County representation in the Board, a matter that has been discussed and approved at the National and County Government Coordination Summit.</p> <p>3. Overall, the amendments focus on resource mobilization and heavy penalties with little attention being given to accountability of the revenues that are anticipated to increase and, innovations towards cost containment and, enhancing efficiency and effectiveness in health services provision</p> <p>4. The amendments focus more on curative care, with no mention of preventive and primary health care.</p>	<p>1. The law must therefore recognize that the functions performed by the Board of Trustees are delegated to it by the two levels of government which have the ultimate constitutional responsibility for the functions</p> <p>2. The Bill must also recognize and make provisions regarding the accountability of the Board of Trustees must be made. The Board must be designed and structured as being accountable first, to the citizens; and second, to the two levels of government</p> <p>3. The amendments need to be cognizant of the fact that, some of the offenders are Government entities who make late payments. If they are to be subjected to such penalties, then the government is bound to lose huge sums of money.</p> <p>4. Appropriate measures should be detailed to contain the current operations and administration costs from the current 14% to the average of many other countries (4-5%). Amendments should include "virtual pooling of health funds including those from donors and government to support UHC.</p> <p>5. There is need to obtain a suitable balance between curative care and p/ptic to move towards a health-oriented nation (as opposed to disease orientation). It is therefore urgent to design amendments that cover all the aspects of holistic health as defined from the UHC perspective.</p>	National Hospital Insurance Fund (NHIF)		<p>The Bill was passed with most of the proposals by the CoG not having been included. However, the number of representatives of the CoG to the NHIF Board of Directors was increased from one to two, who have already been appointed. CoG needs to convene a meeting with the representatives and share with them their TORs.</p> <p>CoG may still need to pursue further reforms to address the accountability issues more effectively.</p>

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Public Health Act	<ol style="list-style-type: none"> The Act is not aligned to the devolved system of governance under which the county governments play a major role in the delivery of health services. There is a need to update the act to be effective in the prevention and management of epidemics and pandemics in the current context. 	<ol style="list-style-type: none"> Make the act relevant and responsive to the current devolved context including ensuring county governments are supported in executing their mandate on devolved health functions Realign bodies formed under the Public Health Act to be aligned to the current constitutional and health sector context. Specifically, review the purpose, function, and constitution of the Central Board of Health 	MoH, Department of Preventive and Promotive Health		Act still under review
	Community Health Strategy Bill	<ol style="list-style-type: none"> The County Governments will not be able to meet the costs of these added responsibilities from their equitable shares of revenue raised nationally and their own source revenues as envisaged by Article 20(5) of the Constitution. 	<ol style="list-style-type: none"> The bill needs to recognize that promotion of primary health care function is an obligation upon which suits against county governments can be founded. As such, promotion of primary health care functions of county governments should be given priority in the division of revenue raised nationally between national and county governments. Provision of conditional grants to county governments to enable them to meet the additional costs of the initial establishment of the e-Health system. 	The Senate & National Assembly departmental Committees on health		Bill still under review at the National Assembly

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	The Draft National Food Safety Policy of 2021	<ol style="list-style-type: none"> <li data-bbox="239 560 319 672">1. The Draft Policy in various respects fails to fully align the Food safety system to the constitution of 2010 and the devolved system of government <li data-bbox="239 672 319 784">2. Several of these legislations and the Agencies they establish were enacted and or established before the promulgation of the constitution, they therefore ought to be comprehensively reviewed to ensure that they are consistent with the constitution and the devolved system of government <li data-bbox="239 784 319 896">3. The focus of the Policy appears to be limited to coordination of the many Food and Feed Safety Agencies and alignment to the changes that have taken place at the international level instead of interrogating the many legislations and Agencies in the context of the constitution and the devolved system of government 	<ol style="list-style-type: none"> <li data-bbox="239 784 319 896">1. The policy should go beyond coordination of the agencies and seek to rationalize and harmonize the many legislations and agencies in the light of the constitution and the devolved system of government to eliminate any duplications and overlaps of roles and responsibilities and expenditures as well as contradictions in the legislations. <li data-bbox="239 896 319 1008">2. Align food and feed safety and the regulatory agencies to the constitution and the devolved system of governance <li data-bbox="239 1008 319 1120">3. Rationalize and harmonize the legislations and the regulatory agencies <li data-bbox="239 1120 319 1232">4. Eliminate duplication of functions, roles, responsibilities and expenditures of the regulatory agencies, and eliminate the contradictions in the legislations. 	<ul style="list-style-type: none"> <li data-bbox="239 1008 319 1120">▪ Ministry of Agriculture, Livestock, Fisheries and Cooperatives <li data-bbox="239 1120 319 1232">▪ Ministry Of Health 		A Joint meeting of the Ministries of Agriculture and Health was held with the CoG when it was agreed that the Ministry of Agriculture would revise the draft policy to address the concerns raised by CoG and revert. They have not yet reverted.

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	County E-Health Bill, 2021	<ol style="list-style-type: none"> The County Governments will not be able to meet the costs of these added responsibilities from their equitable shares of revenue raised nationally and their own source revenues as envisaged by Article 20(5) of the Constitution. 	<ol style="list-style-type: none"> Provision of conditional grants to county governments to enable them to meet the additional costs of the initial establishment of the e-Health system. Requirement of CECMs to collaborate with relevant stakeholders in the health sector when undertaking their responsibilities. Clarification on the reference to referral health facilities as being restricted to national referral health facilities and not including county referral health facilities. That subject the E-Health Law to not only the principles of personal data protection set out under the Data Protection Act but also to all the other relevant provisions of the Data Protection Act. 	The Senate	<p>Feedback shared with Senate. Bill still under consideration in parliament</p>	<p>Bill still under consideration in parliament</p>

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COC'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Facility Improvement Fund (FIF) guidelines	<p>County Governments budget implementation is dependent on equitable share of revenue which account on average 80% of County budget. The funds are expected to be disbursed from the National Treasury without delay however late disbursement of equitable share of revenue by the National Treasury continues unabated. In addition, County governments health facility improvement funds are reallocated to other activities rather than ploughing back to the facility even though Article 207 of the Constitution provides that all monies raised or received on behalf of the counties shall be paid to County Revenue Funds unless excluded by an Act of Parliament.</p>	<p>1. The PFM Act 2012 provides exceptions to money that may not be paid into CRF which include -</p> <p>a) Monies excluded from payment into that fund because of a provision of this Act, or another Act of Parliament and is payable into another County Public Fund established for a Specific Purpose</p> <p>b) May, in accordance with other legislation, this Act of County legislation, be retained by the County Government entity which received it for purposes of defraying its expenses or</p> <p>c) Is reasonably excluded by an Act of Parliament as provided in Article 207 of the Constitution.</p> <p>2. Section 109 (1) b, of the PFM Act envisages that retaining of fees by counties in general and the user fees collected by health facilities in counties fall within the description of these envisaged fees. Therefore, the retention of User fees is not unconstitutional as Article 207 enables an Act of Parliament (currently the PFM Act 2012) to reasonably exclude payment into a respective Revenue Fund. Consequently, there is need for County Governments to determine legal instruments to effect this intention relating to other user fees as the PFM Act provides an appropriate basis for this.</p>	<p>Ministry of Health, National Treasury, County Treasury, County Assembly</p>	<p>1.Sensitization of County Governments on how to ring fence resources at the health facility level using the existing provision of PFM act 2012, including user fees to improve delivery of health care services and health outcome</p> <p>2.Development of FIF Model Law to guide counties in development of their county specific FIF legislations for counties so as to address the challenge of funds flow in order to ring fence health sector funds at county level through which the use of retained fees can be tracked and accounted for</p>	<p>1. Draft FIF guidelines under review and to be finalized with inputs from the County Stock Taking exercise undertaken for FIF</p> <p>2. Consultant in place to support Drafting of the FIF Model Law that will provide a framework for counties in developing their respective FIF legislations and implementation arrangements</p>

SN	NAME OF BILLS/ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	County Additional Allocation Bill 2022	<p>1. While in terms of section 4(a) of the Bill, additional grants include 'additional allocations from development partners required for transfer of functions to counties from the National Government as provided for under Article 187 of the Constitution'; there is no evidence in the rest of the Bill of any National Government functions that have been transferred to county governments in terms of Article 187 of the Constitution.</p> <p>2. It is not clear what the instruments for Devolution Advice and Support is all about.</p> <p>3. While the Memorandum of objects and reasons states that clause 5 of the Bill provides for the requirement for county governments to facilitate public participation on intergovernmental agreements on conditional allocations; clause 5 in the Bill does not in any way mention the issue of public participation.</p>	<p>1. The Bill should be amended to provide clarity on which constitutional functions of national government have been or will be transferred to county governments under Article 187 of the Constitution.</p> <p>2. It is not clear what the instruments for Devolution Advice and Support is all about. When this is made clear, it may also turn out to fall within the constitutional functions of county governments</p>	The National Assembly		
	Management of Migratory and Invasive Pests Strategy (2022-2027)	<p>Failure to provide for the COG and County Governments in the implementation of the Strategy.</p> <p>Clarity in the role of the National and County Governments in the management of the migratory and invasive pests in Kenya.</p>	<p>Migratory Pest and Invasive Management Strategy should provide for a coordinated approach to management of the migratory and invasive pests in Kenya bringing on board COG and County Governments in its implementation.</p> <p>Resources for implementation of the Strategy to be devolved to the counties.</p>	The State Department of Crops Development and Agriculture Research (SDC&AR)	Yes	The strategy was launched on 7 th February 2022. Its implementation is ongoing.
	Draft Cooperative Bill	Clarity in the role of the Commissioner of Cooperatives and the County Director of Cooperatives.	The Bill to be amended to ensure that the Commissioner of Cooperatives regulates tertiary and federations of cooperatives while the Director of Cooperatives regulates primary and secondary cooperatives	The State Department of Cooperatives	Yes	The Bill is pending Cabinet approval and submission to Parliament for consideration.

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Draft Kenya Agricultural Sector Extension Policy, 2022	Clarity in the role of the National and County Governments in the provision of the agricultural extension and farmer advisory services.	The national government to only provide standards and technical assistance while County Governments provides agricultural extension and farmer advisory services.	The State Department of Crops Development and Agriculture Research (SDC&AR)	Yes	The launch of the Policy and approval by the Cabinet is pending.
	Draft Dairy Industry Bill, 2022	Review of the Dairy Industry Act Cap 336 to align to the Constitution.	Clarity in the role of the Dairy Board and County Governments in the regulation of the dairy industry.	The State Department of Livestock and Kenya Dairy Board	Yes	The draft Bill developed awaiting stakeholders' engagement and submission to Parliament for consideration.
	National Fish Marketing Strategy	The functions of national and county Governments	Representation of the County Governments in the Board of the Management of the Dairy Board of Kenya			
	Fish Levy Trust Fund Regulations	Composition of the Board of Trustees of the Fish Levy Trust Fund.	Clear functional assignment by the policy to both levels of government.	State Department of Fisheries	Done	The policy has distinctly and clearly affirmed the role for both levels of government
	National Plan of Action to Eliminate Illegal, Unregulated, and Unreported Fishing	Access of the Fund by the County Governments	Inclusion of a representative of the Council in the Board of Trustees of the Fund as well as making a provision for the counties to access 25% of the Fund for development and regulation of fisheries	State Department of Fisheries	No	The Council has written a legislative memorandum to the State Department for Fisheries emphasizing on the need to amend the regulations to capture the proposals.
	The Veterinary Directorate Regulations, 2015	The role of the Director of Veterinary Services vis-a-vis County Director of Veterinary services and County Executive Committee Members in charge of Livestock	Use the constitutional assignment of functions for county government	State Department of Fisheries	Pending	Awaiting the final plan to confirm inclusion of county functions
	Coconut Industry Development Bill, 2021 (Senate Bill No. 24 of 2021)	Adequate representation of the County Governments in the Board of the Authority.	There is need for clarity on the role of various actors as provided for under the Fourth Schedule of the Constitution.	State Department of Livestock	Pending	The State Department for Livestock has constituted a taskforce to review the regulations, CoG is represented in the Taskforce.
		Inclusion of all the nuts and oil crops	Expansion of the Bill to include other nuts and oil crops.	Senate	The Bill lapsed with the previous Parliament	The Bill lapsed with the previous Parliament
			Increase representation of the County Governments			

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Irrigation (Amendment) Bill, 2021	Separation of the role of the County Executive Committee Members and County Irrigation Development Authority.	Separation of the role of the County Executive Committee Members and County Irrigation Development Authority.	National Assembly Senate	The Bill lapsed with the previous Parliament	The Bill lapsed with the previous Parliament
	Tea Act, 2020	Licensing of the Middle and Small-Scale Irrigation Schemes by the County Governments	Licensing of the Middle and Small-Scale Irrigation Schemes by the County Governments	Parliament Ministry of Agriculture	No	Various stakeholders have challenged the Act in Court. The matter is currently pending determination.
	Crops Coffee (General) Regulations, 2019	Clarity on the regulatory roles between the Agriculture and Food Authority (AFA) and County Governments	The Tea Board should only license Tea importers and exporters while the County Governments license all the other tea dealers. All licensing of coffee dealers except importers and exporters should be undertaken by the County Governments	Ministry of Agriculture AFA Coffee Directorate	Yes. The Crops (Coffee) (General) Regulations, 2019 were published through Legal Notice No. 102 of 2019 by Cabinet Secretary for Agriculture, Livestock, Fisheries, Irrigation and Cooperatives	The implementation of the regulations is ongoing.
	Coffee Amendment Regulations, 2022	Claw back on the regulatory functions of the County Governments namely licensing of the Grower and Commercial milling licenses. Failure to consult all the County Governments in the amendment of the regulations.	The amended regulations return back the regulatory functions assigned to the County Governments by the parent regulations to Agriculture and Food Authority (AFA). These include: i. Grower marketer license authorizing the grower to market own coffee; ii. Miller marketer license authorizing the holder to conduct the business of milling and marketing coffee at a fee. As such the Council has since sort judicial redress to stop the implementation of the regulations.	Cabinet Secretary, Ministry of Agriculture AFA Coffee Directorate	The matter is pending at the court.	The Council has filed a constitutional petition at the High Court of Kenya to stop the implementation of the regulations.

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Marine Fisheries Regulation 2022	Composition of the multi-agency committee established under the regulation Issuance of fishing vessel licenses to artisanal fishers	County Governments to access 40% of the landed values paid by persons authorized to fish as industrial, semi-industrial, and foreign fishing. Inclusion of a representative of the COG in the multi-agency committee	Ministry of Agriculture, Livestock, Fisheries and Cooperatives	Pending	The Marine Fisheries Regulation 2022 is pending validation and gazetting.
	Food Safety Bill	Comprehensive review and amend the existing legislations on food safety, and the food and feed safety regulatory agencies they establish, to align them to the Constitution and the devolved system of governance and to eliminate duplication of roles, responsibilities, and expenditures; and any contradictions	Comprehensive review and amend the existing legislations on food safety, and the food and feed safety regulatory agencies they establish, to align them to the Constitution and the devolved system of governance and to eliminate duplication of roles, responsibilities and expenditures, and any contradictions. Separation of the roles of the Food Controller and County Food and Feed Safety Committees	Ministries of Agriculture and Health	Yes	The Bill is pending approval of the Cabinet and subsequent submission to the Parliament for consideration.
	The Fisheries Management and Development (Amendment) Bill (Sen. Bills No. 22 of 2019)	Appointment of the Chairperson and Chief Executive Officer of the Fish Marketing Authority	No objection to the Bill	Parliament	The Bill lapsed with the previous Parliament	The Bill lapsed with the previous Parliament
	Political Parties Amendment Bill	Auditing of accounts of Political parties that receive political parties' fund. Appeals to the Supreme Court	The Auditor General should be able to audit the accounts of the political parties and present its report to Parliament for consideration to enhance transparency The Appeals should be to the Supreme Court.	Parliament	Yes	The Bill lapsed at the expiry of the term of Parliament as per the provisions of the Constitution and Standing Orders.
	The County Governments Oversight and Accountability Bill	The role of a Senator in oversighting a County Government	The Bill should be withdrawn in its entirety.	Parliament	NO	The Bill lapsed at the expiry of the term of Parliament as per the provisions of the Constitution and Standing Orders.
	County Governments (Amendments) Bill 2021	The Council supported the Bill	The Council supported the Bill	Parliament	NO	The Bill lapsed at the expiry of the term of Parliament as per the provisions of the Constitution and Standing Orders.

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	The Community Group Registration Bill	Conflict with the Constitution	The Council opposed the Bill in its entirety due to noncompliance with the Constitution	Parliament	NO	The Bill has since been enacted into an Act of Parliament: The Community Groups Registration Act, 2022
	Children Bill	Involvement of the County Governments.	The roles of the national government, and/or its representatives should be carried out with consultation and collaboration with the county governments.	Parliament	Yes	The Bill has since been enacted into An Act of Parliament: Children Act, 2022.
	Persons with Disabilities Bill, 2021	The Council supported the Bill in its entirety.	The Council supported the Bill in its entirety	Parliament	NO	The Bill lapsed at the expiry of the term of Parliament as per the provisions of the Constitution and Standing Orders
	National Cohesion and Integration (Amendment) Bill	The Council supported the Bill in its entirety	The Council supported the Bill in its entirety	Parliament	NONE	The Bill lapsed at the expiry of the term of Parliament as per the provisions of the Constitution and Standing Orders
	Division of Revenue Bill, 2022	Increase of the County shareable revenue from 370 billion to respond to emergencies such as covid19 and disaster management	Increase of the County shareable revenue from 370 billion to respond to emergencies such as covid19 and disaster management	Parliament	NO	The Bill is now an Act of Parliament: Division of Revenue Act, 2022
	Statute Miscellaneous (Amendment) Bill, 2022	Inclusion of the County Governments in various bodies	Inclusion of the CoG in the Boards of various institutions such as those in the water sector among others.	National Development Implementation Technical Committee (NDITC)	Pending	The Bill is still pending consideration at the various National Government Ministries.
	Culture Bill, 2022	Inclusion of the National values and principles of governance Promotion of diversity of culture in Kenya	Amend the Bill to include the following <ul style="list-style-type: none"> Inclusion of the National values and principles of governance Promotion of diversity of culture in Kenya Separation of cultural database in Kenya as national and county and allow consultation between the Cabinet Secretary and County Governments in development of national culture register. 	Ministry of Culture	Pending	The Bill is still pending consideration at the Ministry.

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Whistle Blower Protection Bill 2022		<p>The Council of Governors supports the Bill however there is need to ensure;</p> <ul style="list-style-type: none"> That persons are protected from malice perpetrated by persons who knowingly disclose information that is not true. Timelines for action need to be clear. Action should be expeditious and undue delay should not be allowed. 	National Development Implementation Technical Committee (NDITC)	Pending	The Bill is still pending consideration at the various National Government Ministries.
	The Conflict-of-interest Bill, 2022.	Suspension from office	<p>The Council supports the Bill but sought the following amendments;</p> <p>Amend to ensure that the State Officers are suspended from office for a period of 30 days</p> <p>Inclusion of relatives in relation family of a State Officer</p>	Parliament	NO	The Bill lapsed at the expiry of the term of Parliament as per the provisions of the Constitution and Standing Orders
	Heraldry Bill 2021	Membership of the College of Arms	Inclusion of the Council of Governors in the membership of the College of Arms	Attorney General	Pending	The Bill is still pending consideration at the office of the Attorney General
	County Governments Grants Bill	<ul style="list-style-type: none"> The short title of the Bill "The County Government Grants Bill" Definition of Authorized Officer Making reference to the "County Gazette" Role of the County Assembly with regards to Appropriation of the conditional allocations. 	<ul style="list-style-type: none"> The title be amended to read "The County Government Conditional and Non-Conditional Grants Bill" Introduce an interpretation of Authorized Officer Delete the terms "County gazette" Provide for appropriation of the funds by County assemblies. 	Senate	<ul style="list-style-type: none"> Definition of Authorized Officer Delete of the terms "County gazette" 	Passed with those amendments and forwarded to the national Assembly for consideration.
	Division of Revenue Bill, 2022	Retention of County governments equitable share of revenue at Kshs.370 billion	The revenue be increased taking into consideration the factors laid out under Article 203 (1) of CoK, 2010	Senate	None	Passed without amendments

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	National Government Constituencies Development Fund (Amendment) Bill, 2021	<ul style="list-style-type: none"> The constitutionality of the National Government Constituencies Development Fund <p>The proposal to increase of the minimum share appropriated to the fund from 2.5%to 5%.</p>	<ul style="list-style-type: none"> The Bill be withdrawn and await the decision of the court as it is unconstitutional. <p>Deletion of the proposal to increase of the minimum share appropriated to the fund from 2.5%to 5% as it offends Division of Revenue between the two levels of government.</p>	National Assembly	None	Passed without amendments
	County Governments Additional Allocations Bill, 2021	<ul style="list-style-type: none"> The short title of the Bill "The County Government Grants Bill" Role of the County Assembly with regards to Appropriation of the conditional allocations. 	<ul style="list-style-type: none"> The title be amended to read "County Governments Additional Allocations Bill" Provide for appropriation of the funds by County assemblies. 	National Assembly	Both matters considered.	The Bill was amended at the INA and sent back to the Senate necessitating mediation. The matters were adopted by the mediation committee.
	County Allocation of Revenue Bill, 2022.	Transfer of functions between the two levels of government	Amendments to include a scenario where the National government transfers a function to a county government	Senate	None	Passed without amendments
	County Governments Additional Allocations Bill, 2022	Omission of conditional allocation for the library function and conditional allocations from a World Bank credit to finance Locally Led Climate Action Program, (FLoLoCA)	<p>The Second Schedule of the Bill be amended to include Conditional allocation for the library function</p> <p>Conditional allocations from a World Bank credit to finance Locally Led Climate Action Program, (FLoLoCA)</p>	Senate	Both	Passed by the Senate with the amendments and forwarded to the National Assembly for consideration.
	PFM (County Governments) (Amendment) Regulations, 2022	Clauses proposing the deletion of the terms "County Public Debt" and substituting them with the terms "County Debt"	Amendments to these regulations be set aside in toto since County Public Debt forms part of public debt	Senate	All	The proposed amendment was withdrawn

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COC'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Land Survey and Mapping Policy, 2021	The fourth Schedule of the Constitution of Kenya 2010 assigns the function of County Planning and Development including Land survey and mapping to the County Governments. Further, the Transitional Authority report together with gazette notice no. 238 of 1 st April of 2016 clarifies the functions to be exercised by both the National Government and the County Governments. The current Survey Act is not alive to these provisions and it necessitated the need to amend it. A taskforce was therefore necessary to address the existing gaps through the review of the existing Land Survey policy, legal and institutional framework, and the Survey Act with a view to streamline the land survey and mapping sector to ensure conformity with the Constitution of Kenya and the emerging technological trends.	<p>The Council proposed the establishment of the office of the County Director of Survey and mapping with clear roles and mandates</p> <p>The proposed Bill creates a number of institutions and offices at the national level including the Surveyor General, National Director of Survey, National Mapping and Hydrographic Authority headed by a Director General and several Committees including Kenya National Spatial Data Infrastructure Committee, Hydrographic Committee and the Geographical Names Committee. The Council proposed that these functions can be performed by the National Director of Surveys and the Authority established in the Bill to avoid duplication of functions.</p> <p>The Bill provides for the office of the County Director of Surveys, there is no clear provision of the functions of County Governments on survey matters. The Council proposed that one of the schedules in the Bill should clearly provide for the assignment of functions between the two levels of Government as envisaged in the Constitution of Kenya 2010 and gazette notice no. 2238 of 1st April of 2016 which I have already alluded to.</p> <p>On cadastral Survey especially cadastral Survey for public land held or vested with the County Government, the Council proposed that it should be undertaken by the County Governments through the County Directors of Surveys.</p> <p>All private surveyors undertaking survey work within the County Governments must subject their work to the County Government through the established office of the County Director of Survey and therefore there should be a provision in the Bill to provide for such.</p>	Ministry of Lands and Physical Planning	The Land Surveying and Mapping Bill, 2022 and the Land Surveying and Mapping Policy, 2022 provided for the establishment of the office of the County Director of Surveys	Draft Bills and policy submitted to the Cabinet secretary to be tabled before the next Parliament

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	National Rating Bill, 2021	The Bill seeks to repeal the current Valuation for Rating Act of 1956 (Cap 266) and the Rating Act of 1963 (Cap 267) and seeks to modernize the rating laws to conform them to Article 209 (3) of the Constitution of Kenya 2010 which empowers county governments to impose property taxes.	<p>The Council proposed several amendments to the Act to be aligned with Article 209 (3) of the Constitution of Kenya 2010 which empowers county governments to impose property taxes and Article 6 (2) of the constitution of Kenya 2010 which gives the power to prepare valuation rolls to County Governments.</p> <p>The Council proposed that the functions of the Chief Land Valuer be restricted to the functions of National Policy development, norms and standards on property valuation and capacity building of counties, advice to the national government on matters property valuation and rating.</p> <p>Preparation and approval of the valuation roll is a County Government function and therefore the Chief Government valuer can participate in the process. Subjecting the draft valuation rolls to the chief government valuer undermines the functional integrity of the county governments and is in conflict with article 6 (2) of the constitution. He/she can be consulted by the county governments at their discretion where need be.</p>	National Treasury	Partially incorporated; Section amended (now section 26) to restrict the functions of the Chief Government Valuer to National Policy development, norms and standards on property valuation and capacity building of counties, advise to the national government on matters property valuation and rating	
	Draft Urban Areas and Cities Act Regulations 2021	<p>The regulations seek to provide further rules that will act as the point of reference in the formation and establishment of all urban areas.</p> <p>The regulations provide for the establishment of an association of Cities and Urban Areas.</p>	<p>The Council proposed that the association of Cities and Urban Areas to be established as per section 20(2) of the Intergovernmental Relations Act 2012 by the Council of Governors which shall be a consultative forum on their performance of their functions and shall include;</p>	State Department of Housing and Urban Development (STHUD)	The amended regulations provided clarity on the establishment of the association of Cities and Urban Areas as per section 20(2) of the Intergovernmental Relations Act 2012	Draft regulations are still being reviewed by the State Department of Housing and Urban Development

SN	NAME OF BILLS/ ACTS/REGULATIONS	ISSUE	COG'S PROPOSAL	RECEIVING ENTITY	MATTER CONSIDERED	STATUS
	Physical and Land Use Planning Regulations 2021	The regulation unconstitutional transfers the Constitutional power of the County Governments to undertake County Planning, grant development permission and approval as provided for in Schedule 4 Part 2 (b) of the Constitution of Kenya 2010 to the Cabinet Secretary for Lands.	The membership and reporting mechanism of the Intercounty Joint Physical and Land Use Development Planning Committee to include the Council of Governors.	Senate of Kenya		The regulations were gazetted and in force.
		The membership and reporting mechanism of the Intercounty Joint Physical and Land Use Development Planning Committee does not include the Council of Governors whose mandate include to facilitate consultation amongst Counties as well as receive reports and monitor the implementation of inter-county agreements on inter-county projects as per section 20 (a) and (f) of the Intergovernmental Relations Act 2012.				
	The Land Surveyors Registration Bill, 2021	The current Survey Act does separate registration of Land Surveyors from the Practice	The Council agreed with the proposition of the Taskforce to separate registration of Land Surveyors from the Practice	Ministry of Lands and Physical Planning	A new law on the registration of land surveyors was developed to separate registration of Land Surveyors from the Practice	Draft submitted to the Cabinet secretary to be tabled before the next Parliament

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

	TITLE OF STORY	COUNTY	LINK
1	Nairobi County improves quality of Early Childhood Development Education by narrowing the teacher-pupil ratio	Nairobi	https://maarifa.cog.go.ke/248/nairobi-county-improves-quality-early-childhood-education-by-narrowing-teacher-pupil-ratio/
2	Kiambu County sensitizes high school students on environmental conservation to encourage youth led environmental protection and advocacy	Kiambu	https://maarifa.cog.go.ke/247/kiambu-county-sensitizes-high-school-students-environmental-conservation-encourage-youth-led-protection/
3	Nairobi County refurbishes old classrooms and improves the feeding programme to boost class performance and attendance	Nairobi	https://maarifa.cog.go.ke/249/nairobi-county-refurbishes-equips-old-classrooms-improves-feeding-programme-boost-class-performance-attendance/
4	Kisumu County establishes a trading bazaar to help local business owners and traders sell their products in a common place during the Africities Conference to boost their visibility and sales	Kisumu	https://maarifa.cog.go.ke/245/kisumu-county-establishes-trading-bazaar-help-local-business-owners-traders-sell-their-products-in-common/
5	Tana River County empowers businesses owned by marginalized groups through Inuka fund interest-free loans	Tana River	https://maarifa.cog.go.ke/246/tana-river-county-empowers-businesses-owned-by-marginalized-groups-through-inuka-fund-interest-free-loans/
6	Nakuru County boosts farmers by donating incubators, seeds, and training on modern agriculture technology through the Local Chicken Stimulus Project	Nakuru	https://maarifa.cog.go.ke/243/nakuru-county-boosts-farmers-by-donating-incubators-seeds-training-modern-agriculture-technology-through/
7	Kiambu County gives farmers maize and beans seeds to boost food security under the Big Four Agenda	Kiambu	https://maarifa.cog.go.ke/242/kiambu-county-gives-farmers-maize-beans-seeds-boost-food-security-under-big-four-agenda/
8	Kakamega County improves the living standards of its vulnerable residents through the shelter improvement programme	Kakamega	https://maarifa.cog.go.ke/240/kakamega-county-improves-living-standards-its-vulnerable-residents-through-shelter-improvement-programme/
9	Kakamega County launches a wastewater treatment facility as an alternative to sewerage to aid in wastewater management	Kakamega	https://maarifa.cog.go.ke/241/kakamega-county-launches-wastewater-treatment-facility-as-alternative-sewerage-aid-in-management/
10	Lamu County establishes a Disaster Risk Management Policy to improve coordination and response to disaster	Lamu	https://maarifa.cog.go.ke/239/lamu-county-establishes-disaster-risk-management-policy-improve-coordination-response/
11	Meru County tackles youth unemployment through the Meru Youth Service Policy	Meru	https://maarifa.cog.go.ke/resource/makueni-universal-healthcare-program-makueni-are-https://maarifa.cog.go.ke/244/embu-county-establishes-talent-academy-boost-youth-creativity-employment/
12	Embu County establishes talent academy to boost youth creativity and offer a pathway to employment	Embu	https://maarifa.cog.go.ke/244/embu-county-establishes-talent-academy-boost-youth-creativity-employment/
13	Laikipia County supports manufacturers by paying business permits, licenses and 30 per cent of electricity bill	Laikipia	https://maarifa.cog.go.ke/233/laikipia-county-supports-manufacturers-by-paying-business-permits-licenses-30-percent-electricity-bill/
14	Kirinyaga County gives feed production machines to dairy farmer to boost milk production and improve livelihoods	Kirinyaga	https://maarifa.cog.go.ke/231/kirinyaga-county-gives-feed-production-machines-dairy-farmer-boost-milk-improve-livelihoods/
15	West Pokot County promotes safe coexistence between different communities by initiating the Peace Boarder Schools project	West Pokot	https://maarifa.cog.go.ke/234/west-pokot-county-promotes-safe-coexistence-between-different-communities-by-initiating-peace-border/

	TITLE OF STORY	COUNTY	LINK
16	Bomet County supplies free sanitary pads to female KCPE candidates to keep them in school while preserving their dignity	Bomet	https://maarifacog.go.ke/226/bomet-county-supplies-free-sanitary-pads-female-kcpe-candidates-keep-them-in-school-while-preserving/
17	Bomet County gives nursery school pupils milk to prevent malnutrition and improve school enrolment and attendance	Bomet	https://maarifacog.go.ke/225/bomet-county-gives-nursery-school-pupils-milk-prevent-malnutrition-improve-enrolment-attendance/
18	Makueni Universal Healthcare Program (Makuenicare)	Makueni	https://maarifacog.go.ke/resource/makueni-universal-healthcare-program-makuenicare
19	Lamu County boosts the local fishing industry by reviving the Faza ice plant to avoid post-harvest losses	Lamu	https://maarifacog.go.ke/237/lamu-county-boosts-local-fishing-industry-by-reviving-faza-ice-plant-avoid-post-harvest-losses/
20	Nakuru County adopts medical waste treatment and disposal/recycling technologies to minimize air/ground pollution	Nakuru	https://maarifacog.go.ke/236/nakuru-county-adopts-medical-waste-treatment-disposal-recycling-technologies-minimise-air-ground-pollution/
21	Kisumu County digitizes data collection by Community Health Volunteers for wider coverage and high-quality data for timely health interventions	Kisumu	https://maarifacog.go.ke/230/kisumu-county-digitizes-data-collection-by-community-health-volunteers-for-wider-coverage-high-quality/
22	Kilifi County unveils a digital platform for applying building permits	Kilifi	https://maarifacog.go.ke/218/kilifi-county-unveils-digital-platform-for-applying-building-permits/
23	Nyamira County provides free medical insurance to vulnerable families	Nyamira	https://maarifacog.go.ke/219/nyamira-county-provides-free-medical-insurance-vulnerable-families/
24	Nyandarua County Empowers Youth Through Skill Training and Procurement of Necessary Equipment	Nyandarua	https://maarifacog.go.ke/220/nyandarua-county-empowers-youth-through-skill-training-procurement-necessary-equipment/
25	Medicines and Therapeutics Committees response to safe use of antimicrobials in Karatina Sub-County Hospital in Nyeri County	Nyeri	https://maarifacog.go.ke/resource/medicines-and-therapeutics-committees-response-to-safe-use-of-antimicrobials-in-nyeri-county
26	Combating the silent pandemic: Antimicrobial Stewardship Programme at the Nyeri County Referral Hospital	Nyeri	https://maarifacog.go.ke/resource/combating-the-silent-pandemic-antimicrobial-stewardship-program-at-the-nyeri-county-referral-hospital
27	Isiolo Youth Innovation Centre: A center of excellence providing safe spaces for youth talent, skills, and competency development for improved livelihoods	Isiolo	https://maarifacog.go.ke/resource/isiolo-youth-innovation-centre-a-centre-of-excellence-providing-safe-spaces-for-youth-talent-skills-and-competency-development-for-improved-livelihoods

Annex 3: Major Reports / Publications during FY 2021/2022

1. A Compendium Of County Innovations And Best Practices On COVID-19 Response (Link:<https://maarifa.cog.go.ke/resource/a-compendium-of-county-innovations-and-best-practices-on-covid-19-response>).
2. Second Edition of the Compendium on County Innovations and Best Practices in Service Delivery
3. Reproductive Health/Family Planning Rapid Assessment Report (Link: <https://maarifa.cog.go.ke/resource/reproductive-health-family-planning-rapid-assessment-report>).
4. Assessment of the Impact of Devolution on Women and Girls Report (Link: <https://maarifa.cog.go.ke/resource/assessment-of-the-impact-of-devolution-on-women-and-girls-report>).
5. Report On Proceedings Of High Level Consultative Forum On Health Policy And Legislative Barriers (Link: <https://maarifa.cog.go.ke/resource/report-on-proceedings-of-high-level-consultative-forum-on-health-policy-and-legislative-barriers>).
6. Virtual Peer To Peer Learning Report On How Adopting Good Practices Can Institutionalize Access To Information Within Counties (Link: <https://maarifa.cog.go.ke/resource/virtual-peer-to-peer-learning-report-on-how-adopting-good-practices-can-institutionalize-access-to-information-within-counties>).
7. Kenya County Delivery Exchange Comprehensive Report (Link: <https://maarifa.cog.go.ke/resource/kenya-county-delivery-exchange-comprehensive-report>).