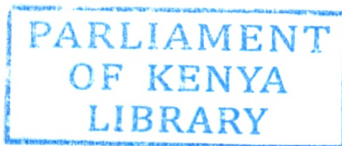


REPUBLIC OF KENYA



Admnd
John
15/3/2018

TWELFTH PARLIAMENT



THE SENATE



THE STANDING COMMITTEE

ON

DEVOLUTION AND INTERGOVERNMENTAL RELATIONS

REPORT ON CONSIDERATION OF

THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL, 2017 (SENATE
BILLS NO. 7 OF 2017)

Clerk's Chambers,
First Floor,
Parliament Buildings,
NAIROBI.

PAPERS LAID	
DATE	<i>15/03/2018</i>
TABLED BY	<i>Chairperson</i>
COMMITTEE	<i>Devolution & IR</i>
CLERK AT THE TABLE	<i>Com</i>

MARCH, 2018

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ABBREVIATIONS

APSEA	Association of Professional Societies in East Africa
CAF	County Assemblies Forum
COG	Council of Governors
CRA	Commission on Revenue Allocation
IEBC	Independent Electoral and Boundaries Commission
KEPSA	Kenya Private Sector Alliance
S.O	Standing Order
SEN.	Senator
TISA	The Institute for Social Accountability

PREFACE

Establishment of the Committee

The Standing Committee on Devolution and Intergovernmental Relations is established pursuant to the Senate Standing Order (S.O.) 212. In accordance with S.O. 212 (3), the mandate of the Committee as set out in the second schedule is *“to consider all matters relating to devolution, intergovernmental and inter-county relations, governance and management of county governments, cities, towns and urban areas”*.

Further, in accordance with S.O. 212 (4), the Committee is also mandated to *“in dealing with the matters assigned to it under the second schedule, scrutinize the resolutions of the Senate (including adopted committee reports), petitions and formal undertakings given by the National Executive and Examine-*

- a) whether or not such resolutions and undertakings have been implemented and where implemented, the extent to which they have been implemented; and whether such implementation has taken place within a reasonable time; and*
- b) whether or not legislation or subsidiary legislation passed by the Senate has been operationalised and, where operationalised, the extent to which such operationalisation has taken place within a reasonable time.*

Composition of the Committee

The Committee is comprised of the following members;

1. Sen. Sen. Kinyua John Nderitu, MP	-	Chairperson
2. Sen. Juma Golich Wario, MP	-	Vice Chairperson
3. Sen. Amos S. Wako, MP	-	Member
4. Sen. James Orengo, MP	-	Member
5. Sen. Ephraim Mwangi Maina, MP	-	Member
6. Sen. Falhada Iman Dekow, MP	-	Member
7. Sen. Boniface Mutinda Kabaka, MP	-	Member
8. Sen. Juma Issa Boy, MP	-	Member
9. Sen. Samson Cherarkey, MP	-	Member

Committee Secretariat

- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Ms. Carol Cheruiyot | - Legal Counsel |
| 3. Ms. Fiona Musili | - Research Officer |
| 4. Ms. Lucianne Limo | - Media Relations Officer |
| 5. Ms. Regina Munyao | - Legal Pupil |
| 6. Lucy Mwaniki | - Serjeant-At-Arms |
| 7. John Pere | - Serjeant-At-Arms |

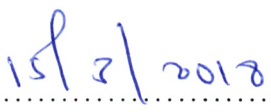
Acknowledgement

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the conduct of the public hearings and during meetings with relevant stakeholders. The Committee also expresses its gratitude to members of the public and stakeholders who made submissions, both orally and in writing.

Mr. Speaker Sir,

It is my pleasant duty, pursuant to Standing Order 137, to present a Report of the Standing Committee on Devolution and Intergovernmental Relations on the consideration of The County Governments (Amendment) (No.2) Bill, 2017 (Senate Bills No. 7 of 2017).

Signed.....

Date.....

SEN. KINYUA NDERITU

CHAIRPERSON

**STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL
RELATIONS**

EXECUTIVE SUMMARY

The County Governments (Amendment) (No.2) Bill, 2017 (Senate Bills No. 7 of 2017) was read a First Time in the Senate on 29th November, 2017.

Following the First Reading of the Bill, it stood committed to the Committee on Devolution and Intergovernmental Relations (in accordance with Standing Order 134) for facilitation of public participation and consideration. Consequently, the Committee, pursuant to Article 118 of the Constitution and Standing Order 134 (5), invited submissions from members of the public on the above Bills via an advertisement on the Daily Nation Newspaper on Tuesday, 27th February, 2018. The Committee received both oral and written submissions on the Bills during its meetings with the members of public held on 28th February, 2018 in the Commission Board Room, First Floor, County Hall, Parliament Buildings, on 6th March 2018 in Committee Room 10, Parliament Buildings and on 8th March, 2018 in Committee Room 9, Parliament Buildings.

CHAPTER ONE

1. INTRODUCTION

1.1. The County Governments (Amendment) (No.2) Bill, 2017 (Senate Bills No. 7 of 2017)

The County Governments (Amendment) (No.2) Bill, 2017 (Senate Bills No. 7 of 2017) is sponsored by Sen. Mutula Kilonzo Junior, MP. The Bill seeks to amend the County Governments Act, No. 17 of 2012 to provide for the procedure for the disposal of a report of a Commission of Inquiry established pursuant to Article 192(2) of the Constitution. Further, the Bill seeks to provide for the termination of a suspension of a county government under Article 192(4) of the Constitution.

OVERVIEW OF THE BILL

1.2. The County Governments (Amendment) (No.2) Bill, 2017 (Senate Bills No. 7 of 2017)

The Bill seeks to amend Section 123(7) of the Act to provide that the Commission shall inquire into the matters before it within three (3) months of its appointment and report on the facts and submit its recommendations to the President. Currently, there are no timelines and the Commission is only required to inquire into matters before it expeditiously. Thereafter, within seven days of receipt of the report of the Commission, the President is expected to submit to the Speaker of the Senate the report, the recommendations of the Commission and the petition.

Where the President, in the memorandum submitted is satisfied that justifiable grounds exist for the suspension of a county government, the Speaker of the Senate shall refer the documents received to the relevant Senate Committee for consideration. The committee has fourteen days to consider the documents and make its recommendations to the Senate on whether or not the Senate should authorize the suspension. The Bill makes provision

for a situation where the Commission does not recommend the suspension of a county government or where the President is not satisfied that justifiable grounds exist for suspension. In such an instance, the Senate may consider any other recommendations of the Commission not relating to whether or not the county government should be suspended and make a determination on the way forward with respect to those recommendations.

The Bill also seeks to provide for the procedure for the termination of a suspension of a county government by the Senate as the procedure is currently not provided for in the Act. The Bill provides that a Senator may move a motion for the termination of a suspension of a county government. The Speaker shall refer the proposed motion to the relevant select committee of the Senate to consider and make recommendations as to whether or not the Senate should terminate the suspension of a county government. The committee shall report to the Senate within ten days of referral of the motion to the committee and shall invite representations from the public, the Interim County Management Board and any other relevant person.

The report of the committee shall be tabled in the Senate and if the motion is supported by a majority of all the county delegations of the Senate, the suspension of the county government shall stand terminated. On termination of suspension of a county government-

(a) the Interim County Management Board shall stand dissolved; and

(b) the governor, the deputy governor and the members of the county executive committee, the speaker and the members of the county assembly shall resume their functions and continue to receive their benefits in full from the date of termination of the suspension and shall hold office for the remainder of their term.

CHAPTER TWO

2. SUBMISSIONS FROM MEMBERS OF THE PUBLIC/ STAKEHOLDER CONSULTATIONS

2.1. SUBMISSIONS ON THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) BILL, 2017 (SENATE BILLS NO. 7 OF 2017)

The Committee did not receive any submissions on the County Governments (Amendment) (No. 2) Bill, 2017 (Senate Bills No. 7 of 2017). The relevant stakeholders who appeared before the Committee did not also present any submissions or comments regarding the Bill.

CHAPTER THREE

3.0 COMMITTEE RECOMMENDATIONS

In the absence of submissions or memoranda from the public or stakeholders, and upon extensive scrutiny by the Committee, no amendments are hereby recommended on the Bill by the Committee.

APPENDICES

1. Minutes of the Meetings
2. Attendance Lists for the Public Hearing

Minutes of the Meetings

**MINUTES OF THE 2ND MEETING OF THE STANDING COMMITTEE ON
DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON
THURSDAY, 22ND FEBRUARY, 2018 IN COMMITTEE ROOM 10, MAIN
PARLIAMENT BUILDINGS FROM 9.00 A.M.**

MEMBERS PRESENT

- | | |
|---------------------------------|------------------|
| 1. Sen. Wario Golich Juma | -Ag. Chairperson |
| 2. Sen. Sitswila Amos Wako | -Member |
| 3. Sen. Boy Issa Juma | -Member |
| 4. Sen. Cherarkey Samson | -Member |
| 5. Sen. Iman Falhada Dekow | -Member |
| 6. Sen. Boniface Mutinda Kabaka | -Member |

ABSENT WITH APOLOGIES

- | | |
|------------------------------|--------------|
| 7. Sen. Nderitu John Kinyua | -Chairperson |
| 8. Sen. Ephraim Mwangi Maina | -Member |
| 9. Sen. James Orendo | -Member |

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Ms. Carol Cheruiyot | - Legal Counsel |
| 3. Ms. Fiona Mwikali | - Research Assistant |
| 4. Ms. Lucianne Limo | - Media Relations Officer |

MINUTE SEN/SCDIR/7/2018: PRAYERS

The meeting was called to order at 9.00 am by the Acting Chairperson followed by a word of prayer.

MINUTE SEN/SCDIR/8/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Boniface Mutinda Kabaka and seconded by Sen. Iman Falhada Dekow as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Housekeeping: - Confirmation of Minutes of Previous Meeting and Matters Arising;
4. Pre-Publication scrutiny of the County Wards Development Equalisation Bill, 2018;
5. Consideration of briefs for the bills referred to the Committee;
 - a. The Urban Areas and Cities (Amendment) Bill, 2017;
 - b. The County Governments (Amendment) (No.2) Bill, 2017;
 - c. The County Governments (Amendment) Bill, 2017
6. Any Other Business;
7. Date of Next Meeting & Adjournment.

Mombasa on 24th – 27th February, 2018, and that all preparations were complete.

2) Committee Work plan

The committee resolved to consider its work plan during the retreat

MINUTE SEN/SCDIR/13/2018: DATE OF NEXT MEETING & ADJOURNMENT

The Committee resolved to hold its next meeting on Wednesday 28th February, 2018, the day set for the public hearings.

There being no other business, the meeting was adjourned at 10.55 a.m.


SIGNATURE.....

(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

DATE.....

6/3/2018

**MINUTE SEN/SCDIR/16/2018: PUBLIC HEARINGS FOR
CONSIDERATION OF BILLS**

The Committee received public views on the following bills: -

- a. The Urban Areas and Cities (Amendment) Bill, 2017 (Senate Bills No.4 of 2017) read a first time in the Senate on 7th November, 2017;
- b. The County Governments (Amendment) (No.2) Bill, 2017 (Senate Bills No.7 of 2017) read a first time in the Senate on 29th November, 2017;
- c. The County Governments (Amendment) Bill, 2017 (Senate Bills No.11 of 2017) read a first time in the Senate on 14th December, 2017.

Only one presentation (written memoranda) was made to the Committee by an organization called Youth Progressive Initiative. The Youth organization was represented by Hon. Danson Mungatana (as its advocate), Mr. Collins Juma (CEO) and Mr. Abel Noah (Operations Manager).

Some memoranda sent by the public were also received through mails sent via the office of the Clerk of the Senate and via the official email address given to the public during the advertisement.

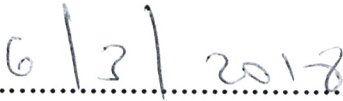
**MINUTE SEN/SCDIR/17/2018: DATE OF NEXT MEETING &
ADJOURNMENT**

The Committee resolved to hold its next meeting on Tuesday 6th March, 2018.

There being no other business, the meeting was adjourned at 11.40 a.m.

SIGNATURE.....

(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

DATE.....

MINUTES OF THE 4TH MEETING OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON TUESDAY, 6TH MARCH, 2018 IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDINGS FROM 10.00 A.M.

MEMBERS PRESENT

- | | |
|---------------------------------|--------------|
| 1. Sen. Nderitu John Kinyua | -Chairperson |
| 2. Sen. Boy Issa Juma | -Member |
| 3. Sen. Cherarkey Samson | -Member |
| 4. Sen. Iman Falhada Dekow | -Member |
| 5. Sen. Boniface Mutinda Kabaka | -Member |

ABSENT WITH APOLOGIES

- | | |
|------------------------------|-------------------|
| 6. Sen. Wario Golich Juma | -Vice Chairperson |
| 7. Sen. Ephraim Mwangi Maina | -Member |
| 8. Sen. Sitswila Amos Wako | -Member |
| 9. Sen. James Orengo | -Member |

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Ms. Carol Cheruiyot | - Legal Counsel |
| 3. Ms. Regina Munyao | - Legal Pupil |

MINUTE SEN/SCDIR/18/2018: PRAYERS

The meeting was called to order at 10.25 am by Sen. Boniface Mutinda Kabaka (who was the Acting Chairperson at commencement) followed by a word of prayer.

MINUTE SEN/SCDIR/19/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Boniface Mutinda Kabaka and seconded by Sen. Boy Issa Juma as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of Previous Meeting;
4. Matters Arising;
5. Meeting with Council of Governors (CoG), County Assemblies Forum (CAF) and The Institute for Social Accountability (TISA) to receive views/memoranda on the following bills:-
 - a. The Urban Areas and Cities (Amendment) Bill, 2017;
 - b. The County Governments (Amendment) (No.2) Bill, 2017;
 - c. The County Governments (Amendment) Bill, 2017
6. Any Other Business;
7. Date of Next Meeting & Adjournment.

MINUTE SEN/SCDIR/20/2018: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING AND MATTERS ARISING

The Minutes of the following meetings were confirmed by the members present and signed by the Chairperson:

- (i) Minutes of the 2nd Meeting held on 22nd February 2018 proposed by Sen. Boniface Mutinda Kabaka and seconded by Sen. Boy Issa Juma.
- (ii) Minutes of the 3rd Meeting held on 28th February 2018 proposed by Sen. Iman Falhada Dekow and seconded by Sen. Boniface Mutinda Kabaka.

There were no matters arising from the minutes.

MINUTE SEN/SCDIR/21/2018: MEETING WITH STAKEHOLDERS TO RECEIVE VIEWS/MEMORANDA ON THE THREE BILLS

- (i) The Committee met with Ms. Wanjiru Gikonyo - the National Coordinator of The Institute for Social Accountability (TISA) and received views/memoranda on the Urban Areas and Cities (Amendment) Bill, 2017. TISA was concerned that the Senate should adhere to standards of public participation to avoid challenges on the constitutionality of instruments emerging from the House because of insufficient consideration to public participation. The coordinator noted that since Parliament publishes numerous bills which sometimes never make to the second reading, then sufficient notice should be given to the public to present views or memoranda.

TISA through the Coordinator presented to the Committee several proposals for amendments to the Urban Areas and Cities (Amendment) Bill, 2017.

- (ii) The committee received written memorandum from the County Assemblies Forum (CAF).
- (iii) The Committee deliberated on a letter from the Council of Governors (CoG) requesting for more time to present their views/memorandum. CoG in the letter proposed to meet with the Committee on 13th March, 2018. Upon deliberation, the Committee noted that since it was running short of time, it would not allow CoG the additional time of one week requested but would instead allow them to present within three days (i.e. by Thursday 8th March, 2018), since CoG had already taken too long scrutinizing the bills. The Committee resolved to meet with CoG on Thursday 8th March, 2018 at 12.00 noon.

MINUTE SEN/SCDIR/22/2018: AOB

Under AOB, Members agreed to consolidate the various amendments and compile its report immediately after finalizing with CoG. The Committee also resolved that its report on the three bills will be ready for tabling by Tuesday 13th March, 2018. The chairperson was requested to meet with the Senate

Majority Leader (Sponsor of the two bills) to request for indulgence to the Committee.

MINUTE SEN/SCDIR/23/2018: DATE OF NEXT MEETING & ADJOURNMENT

The Committee resolved to hold its next meeting on Wednesday 7th March, 2018, the day set for the public hearings.

There being no other business, the meeting was adjourned at 11.57 a.m.


SIGNATURE.....

(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

18/2/2018
DATE.....

**MINUTES OF THE 5TH MEETING OF THE STANDING COMMITTEE ON
DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON
WEDNESDAY, 7TH MARCH, 2018 IN COMMITTEE ROOM 9, PARLIAMENT
BUILDINGS FROM 10.00 A.M.**

MEMBERS PRESENT

- | | |
|-----------------------------|--------------|
| 1. Sen. Nderitu John Kinyua | -Chairperson |
| 2. Sen. Boy Issa Juma | -Member |
| 3. Sen. Cherarkey Samson | -Member |
| 4. Sen. Iman Falhada Dekow | -Member |

ABSENT WITH APOLOGIES

- | | |
|---------------------------------|-------------------|
| 5. Sen. Wario Golich Juma | -Vice Chairperson |
| 6. Sen. Boniface Mutinda Kabaka | -Member |
| 7. Sen. Sitswila Amos Wako | -Member |
| 8. Sen. Ephraim Mwangi Maina | -Member |
| 9. Sen. James Orengo | -Member |

ATTENDANCE BY NON-MEMBER OF COMMITTEE (S.O. 203)

- | | |
|---------------------------|--------------------------|
| 1. Sen. Adan Dullo Fatuma | - Senator, Isiolo County |
| 2. Sen. Johnes M. Mwaruma | - Senator, Taita-Taveta |

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel |
| 3. Ms. Regina Munyao | - Legal Pupil |
| 4. Ms. Lucianne Limo | - Media Relations Officer |

MINUTE SEN/SCDIR/24/2018: PRAYERS

The meeting was called to order at 10.00 am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCDIR/25/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Iman Falhada Dekow and seconded by Sen. Boy Issa Juma as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Public Hearings for consideration of the following bills: -
 - a. The Assumption of Office of County Governor Bill, 2018;
 - b. The County Boundaries Bill, 2017;
4. Any Other Business;
5. Date of Next Meeting & Adjournment.

**MINUTE SEN/SCDIR/26/2018: PUBLIC HEARINGS FOR
CONSIDERATION OF BILLS**

The Committee received public views on the following bills: -

- a. The County Boundaries Bill, 2017 (Senate Bills No.6 of 2017) read a first time in the Senate on 30th November, 2017;
- b. The Assumption of Office of County Governor Bill, 2018 (Senate Bills No.1 of 2018) read a first time in the Senate on 15th February, 2018;

The Committee received views from the following groups/persons: -

(1) Isiolo Community

- (i) Yusuf H. Jillo
- (ii) Hassan Wako Wario
- (iii) Dr. Abdullahi Dima Jillo

This group noted that the boundaries of Meru and Isiolo Counties were very contentious, emotive and sensitive. They presented a memorandum and documents (including Court rulings) on the matter and requested the Committee to give consideration to the plea of Isiolo Community when looking at the County Boundaries Bill, 2018. They also noted that development projects in the contested boundaries such as LAPSET Corridor development project (among others in the area) may be affected if the matter is not well addressed. The group further noted the need to amend the Constitution to consider historical boundaries dating way back into 1963 since the 1991 boundaries recognized in the Constitution presented overlaps and marginalization in some Counties.

(2) Mount Elgon Sabaot Community Representative

Mr. Martin Simotwo: Presented a memorandum on the County boundaries bill, 2017.

(3) Africa Art Group

Mr. Wanjohi Nyamu made oral presentation to the Committee. He explained the need to respect Independent Commissions such as IEBC in undertaking their constitutional mandates. He also noted the need to consider reviewing the Constitution.

Some memoranda sent by the public were also received through mails sent via the office of the Clerk of the Senate and via the official email address given to the public during the advertisement.

MINUTE SEN/SCDIR/27/2018: DATE OF NEXT MEETING & ADJOURNMENT

The Committee resolved to hold its next meeting on Thursday 8th March, 2018.

There being no other business, the meeting was adjourned at 12.10 p.m.

SIGNATURE.....

(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

DATE.....13/3/2018.....

**MINUTES OF THE 6TH MEETING OF THE STANDING COMMITTEE ON
DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON
THURSDAY, 8TH MARCH, 2018 IN COMMITTEE ROOM 9, MAIN
PARLIAMENT BUILDINGS FROM 12.00 NOON.**

MEMBERS PRESENT

- | | |
|---------------------------------|-------------------|
| 1. Sen. Nderitu John Kinyua | -Chairperson |
| 2. Sen. Wario Golich Juma | -Vice Chairperson |
| 3. Sen. Boy Issa Juma | -Member |
| 4. Sen. Cherarkey Samson | -Member |
| 5. Sen. Sitswila Amos Wako | -Member |
| 6. Sen. Boniface Mutinda Kabaka | -Member |

ABSENT WITH APOLOGIES

- | | |
|------------------------------|---------|
| 7. Sen. Ephraim Mwangi Maina | -Member |
| 8. Sen. Iman Falhada Dekow | -Member |
| 9. Sen. James Orengo | -Member |

ATTENDANCE BY NON-MEMBER OF COMMITTEE (S.O. 203)

- | | |
|-------------------------------|---------------------------|
| 1. Sen. Mutula Kilonzo Junior | - Senator, Makueni County |
|-------------------------------|---------------------------|

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Mr. Jeremy Chabari | - Legal Counsel |
| 3. Ms. Regina Munyao | - Legal Pupil |
| 4. Ms. Fiona Musili | - Research Assistant |
| 5. Ms. Lucianne Limo | - Media Relations Officer |

MINUTE SEN/SCDIR/28/2018: PRAYERS

The meeting was called to order at 12.05p.m. by the Chairperson and followed by a word of prayer.

MINUTE SEN/SCDIR/29/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Boniface Mutinda Kabaka and seconded by Sen. Boy Issa Juma as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with Council of Governors (CoG) and the Deputy Governors Forum for consideration of the following bills:-
 - a. The Urban Areas and Cities (Amendment) Bill, 2017;
 - b. The County Governments (Amendment) (No.2) Bill, 2017;
 - c. The County Governments (Amendment) Bill, 2017
4. Any Other Business;
5. Date of Next Meeting & Adjournment.

MINUTE SEN/SCDIR/30/2018: MEETING WITH THE COUNCIL OF GOVERNORS AND DEPUTY GOVERNORS FORUM

(A) Attendance from the Council of Governors

1. Governor Stephen Sang, Chair of Intergovernmental Relations Committee of the CoG;
2. Rosemary Njaramba, Legal Officer
3. Eva Sawe, Legal Officer
4. Benson Loktari, Legal Officer
5. Mukami Kibaara, Legal Officer
6. Eugene N. Lawi, Legal Officer
7. Zipporah Muthama, Legal Officer

(B) Attendance from Deputy Governors Forum

1. Mr. Joash Maangi, Kisii County Deputy Governor, Chair of Deputy Governors Forum
2. Mr. John Mwaniki, Laikipia County Deputy Governor

The Council of Governors (CoG) and the Deputy Governors Forum made presentations on the following bills:-

- a. The Urban Areas and Cities (Amendment) Bill, 2017;
- b. The County Governments (Amendment) (No.2) Bill, 2017;
- c. The County Governments (Amendment) Bill, 2017

Each of the two organs presented written memoranda on their areas of interest in the three bills.

MINUTE SEN/SCDIR/31/2018: AOB

The Committee also received a written memorandum from the Speaker of Nairobi City County Assembly regarding the sections dealing with impeachment of the County Assembly Speaker.

The Council of Governors requested to appear again on Tuesday 13th March, 2018 in order to present memoranda on the Assumption of Office of County Governor Bill, 2018 and the County Boundaries Bill, 2017.

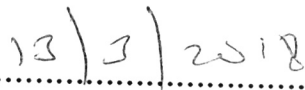
MINUTE SEN/SCDIR/32/2018: DATE OF NEXT MEETING & ADJOURNMENT

The Committee resolved to hold its next meeting on Friday 9th March, 2018, to compile its report on the three bills, i.e. the Urban Areas and Cities

(Amendment) Bill, 2017, the County Governments (Amendment) (No.2) Bill, 2017, and the County Governments (Amendment) Bill, 2017.

There being no other business, the meeting was adjourned at 2.00 p.m.


SIGNATURE.....
(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)


DATE.....

MINUTES OF THE 7TH MEETING OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON TUESDAY, 13TH MARCH, 2018 IN FIRST FLOOR BOARD ROOM, RED CROSS BUILDING AT 10.00 AM.

MEMBERS PRESENT

- | | |
|-------------------------------------|-------------------|
| 1. Sen. Nderitu John Kinyua, MP | -Chairperson |
| 2. Sen. Wario Golich Juma, MP | -Vice Chairperson |
| 3. Sen. Iman Falhada Dekow, MP | -Member |
| 4. Sen. Cherarkey Samson, MP | -Member |
| 5. Sen. Boniface Mutinda Kabaka, MP | -Member |

ABSENT WITH APOLOGIES

- | | |
|----------------------------------|---------|
| 6. Sen. Ephraim Mwangi Maina, MP | -Member |
| 7. Sen. Sitswila Amos Wako, MP | -Member |
| 8. Sen. . Boy Issa Juma, MP | -Member |
| 9. Sen. James Orengo, MP | -Member |

COMMITTEE SECRETARIAT

- | | |
|---------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Ms. Carolyne Cheruiyot | - Legal Counsel |
| 3. Ms. Fiona Musili | - Research Assistant |
| 4. Ms. Lucianne Limo | - Media Relations Officer |
| 5. Ms. Lucy Mwaniki | - SAA |
| 6. Mr. John Pere | - SAA |

MINUTE SEN/SCDIR/33/2018: PRAYERS

The meeting was called to order at 10.25am by the Chairperson and followed by a word of prayer.

MINUTE SEN/SCDIR/34/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Iman Falhada Dekow, MP and seconded by Sen. Wario Golich Juma, MP as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with Council of Governors (CoG) to receive memorandum on the following bills:-
 - a. The Assumption of Office of County Governor Bill, 2018; and
 - b. The County Boundaries Bill, 2017.
4. Consideration of the Committee report on the bills
5. Any Other Business;
6. Date of Next Meeting & Adjournment.

MINUTE SEN/SCDIR/35/2018: MEETING WITH THE COUNCIL OF GOVERNORS

Attendance from the Council of Governors

1. Governor Stephen Sang, Chair of Intergovernmental Relations Committee of the CoG;
2. Mr. Barnabas K. Ngeno, CEC Member for Lands, Kericho County
3. Mr. Bramwel Murgor, CEC Member for Lands, Bungoma County
4. Eng. Lucy Kariuki, CEC Member for Lands, Nakuru County
5. Mr. Timothy Kariuki, Embu County Attorney
6. Ms. Rosemary Njaramba, Legal Officer
7. Ms. Eva Sawe, Legal Officer
8. Ms. Mukami Kibaara, Legal Officer

The Council of Governors (CoG) made presentations on the following bills:-

- a. The Assumption of Office of County Governor Bill, 2018; and
- b. The County Boundaries Bill, 2017.

They presented written memoranda on some areas of interest in the two bills. The presentation is annexed in the Committee report.

MINUTE SEN/SCDIR/36/2018: CONSIDERATION OF THE COMMITTEE REPORT

The Committee resolved to hold a meeting this afternoon at 4.00pm to consider the matrix of the proposed amendments prepared by the secretariat and to adopt its report.

MINUTE SEN/SCDIR/37/2018: DATE OF NEXT MEETING & ADJOURNMENT

There being no other business, the meeting was adjourned at 1.20 p.m.

SIGNATURE.....
(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

DATE.....13/3/2018.....

MINUTES OF THE 8TH MEETING OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON TUESDAY, 13TH MARCH, 2018 IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDINGS FROM 4.00 P.M.

MEMBERS PRESENT

- | | |
|----------------------------------|-------------------|
| 1. Sen. Kinyua John Nderitu, MP | -Chairperson |
| 2. Sen. Wario Golich Juma, MP | -Vice Chairperson |
| 3. Sen. Ephraim Mwangi Maina, MP | -Member |
| 4. Sen. Iman Falhada Dekow, MP | -Member |
| 5. Sen. Sitswila Amos Wako, MP | -Member |
| 6. Sen. James Orengo, MP | -Member |

ABSENT WITH APOLOGIES

- | | |
|-------------------------------------|---------|
| 7. Sen. Cherarkey Samson, MP | -Member |
| 8. Sen. Boy Issa Juma, MP | -Member |
| 9. Sen. Boniface Mutinda Kabaka, MP | -Member |

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Ms. Carol Cheruiyot | - Legal Counsel |
| 3. Ms. Fiona Musili | - Research Assistant |

MINUTE SEN/SCDIR/38/2018: PRAYERS

The meeting was called to order at 4.15pm by the Chairperson and followed by a word of prayer.

MINUTE SEN/SCDIR/39/2018: ADOPTION OF AGENDA

The agenda of the meeting was adopted after it was proposed by Sen. Iman Falhada Dekow, MP and seconded by Sen. Wario Golich Juma, MP as follows;

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of Previous Meetings;
4. Matters Arising;
5. Adoption of Committee Report for consideration of the following three bills: -
 - a. The Urban Areas and Cities (Amendment) Bill, 2017;
 - b. The County Governments (Amendment) (No.2) Bill, 2017; and
 - c. The County Governments (Amendment) Bill, 2017
6. Any Other Business;
7. Date of Next Meeting & Adjournment.

MINUTE SEN/SCDIR/40/2018: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS AND MATTERS ARISING

The Minutes of the following meetings were confirmed by the members present and signed by the Chairperson:

- (i) Minutes of the 4th Meeting held on 6th March 2018 proposed by Sen. Wario Gorich Juma, MP and seconded by Sen. Boy Issa Juma, MP.
- (ii) Minutes of the 5th Meeting held on 7th March 2018 proposed by Sen. Iman Falhada Dekow, MP and seconded by Sen. Amos Wako, MP.
- (iii) Minutes of the 6th Meeting held on 8th March 2018 proposed by Sen. Wario Gorich Juma, MP and seconded by Sen. Amos Wako, MP.
- (iv) Minutes of the 7th Meeting held on 13th March 2018 proposed by Sen. Iman Falhada Dekow, MP and seconded by Sen. Wario Gorich Juma, MP.

There were no matters arising from the minutes.

MINUTE SEN/SCDIR/41/2018 ADOPTION OF THE COMMITTEE REPORT

The Committee considered its draft report on the following three bills: -

- a. The Urban Areas and Cities (Amendment) Bill, 2017;
- b. The County Governments (Amendment) (No.2) Bill, 2017; and
- c. The County Governments (Amendment) Bill, 2017

After going through its draft report and the draft amendments prepared by the legal counsel, the Committee unanimously adopted the report.

MINUTE SEN/SCDIR/42/2018: DATE OF NEXT MEETING & ADJOURNMENT

The Committee resolved to hold its next meeting on Thursday 15th March, 2018, to consider and adopt the report on the Assumption of Office of County Governor Bill, 2018.

There being no other business, the meeting was adjourned at 6.45 p.m.

SIGNATURE.....
(CHAIRPERSON: SEN. NDERITU JOHN KINYUA, M.P.)

DATE.....13/3/2018.....

Attendance Lists for the Public Hearing

2

PUBLIC HEARINGS ON THE URBAN AREAS & CITIES (AMENDMENT) 2017, (SENATE AMENDMENT BILLS NO.4 OF 2017); THE COUNTY GOVERNMENTS (AMENDMENT) (NO.2) BILL 2017 (SENATE BILLS NO.17 OF 2017 ; AND THE COUNTY GOVERNMENTS (AMENDMENT) NO.2) BILL, 2017 (SENATE BILLS NO.11 OF 2017

COUNT HALL, MINI CHAMBER ON 28TH FEBRUARY 2017

REGISTRATION FORM

[illegible]

COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS

6/3/18

NAME

ORGANISATION

CONTACT

SIGN

1. WANDIRU GIKENYO

TSA

0722 718302

wanjiru.gikenyo@tsa.or.ke

WG

SENATE STANDING COMMITTEE ON DEVOLUTION & INTER-GOVERNMENTAL RELATIONS

VENUE:.....COMMITTEE ROOM 9.....

DATE:.....8/3/2018.....

REGISTRATION FORM

NO.	NAME	INSTITUTION/ORGANIZATION	DESIGNATION	Tel. No.	SIGN
1.	Governor Stephen Sang	Council of Governors	Chair, Intergovernmental Relations Committee		
2.	DG. JOASH MAAWGI	DEPUTY GOVERNOR'S FORUM	Chair of the DG's Forum	0717543303	Joash Mawgi
3.	JOHN MWANIKI	Deputy Governor	Chair Committee on Senate Bill	0722811103	John Mwaniki
4.	Benson Loktain	Council of Governors	Legal Officer	0702080207	Bf
5.	Eva Sawa	CoG	Legal officer	0721406302	Eva Sawa
6.	Mukami Kibara	CoG	Legal officer	0704797752	Mukami Kibara
7.	Rosemary Mwarumba	CoG	Legal Officer	0722481736	Rosemary Mwarumba
8.	Eugene N. Lawi	CoG	Legal Officer	0727301448	Eugene N. Lawi
9.	Zipporah Muthama	CoG	Legal Officer	0722-635626	Zipporah Muthama
10.	MOTILA KILONZO VUNJO	Senate			Motila Kilonzo Vunjo
11.	Gothich Juma Waini	Senator	V/Chair Dev	0722223828	Gothich Juma Waini
12.	Sen. John Kirgano	Senate	chair devolution & inter	0722783014	John Kirgano