

Sustaining The Momentum

ASSESSMENT OF IMPLEMENTATION OF THE TRANSFERRED FUNCTIONS TO THE COUNTY GOVERNMENTS



AUGUST 2015



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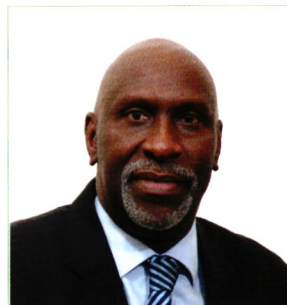


Commission for the Implementation of the Constitution



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Foreword



Articles 174 and 175 of the Constitution of Kenya, 2010 envision the power of self-governance and enhanced participation in decision-making by the people of Kenya. Thus, the Constitution envisages that the implementation of the system of devolved government will lead to, among other governance issues, empowerment, equity, prudent use of public resources and increased accessibility of services to the people of Kenya.

The general elections of 4th March 2013 ushered in the devolved system of government, which has now been implemented for two years. The First Assessment carried out by CIC in March/April 2014, found commendable progress in the operationalization of the system of devolved government in all counties. Counties were putting in place institutional structures, systems and administrative procedures in both the County Executives and County Assemblies to facilitate the delivery on the transferred functions. In this second assessment (June/July 2015), it was reported that most of these systems and structures are in place and are being strengthened. There has been an increase in public participation in county planning. Infrastructure such as road networks, health facilities, agricultural facilities that had been abandoned have been rehabilitated; business sheds have been put up in different markets; new technologies such as green houses have been introduced and agriculture extension services have been revamped. Virtually every county has been involved in trade promotion. These activities have generally led to improved service delivery to the people.

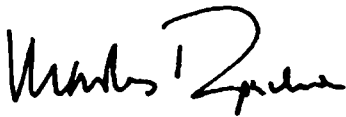
Despite these achievements, there are substantive challenges, which should be addressed to ensure effective implementation of the system of devolved government and the delivery of services to the people of Kenya. The first challenge is the failure to define some functions as required by the Constitution and relevant devolution related legislation. Lack of proper definition/unbundling of the functions lead to some functions or components of a function meant for County governments being retained at the National government level. The second challenge is resource constraint. Since most functions have been transferred to the counties, more resources should be given to counties to facilitate the performance of these functions in line with the constitutional principle that resources follow functions. Counties reported that this has not been the case. The counties also reported that there are delays in getting even the little resources they are entitled to. Thirdly, the Constitution requires decentralization of services to Sub-counties, Wards, Villages, and any other lower level units as may be practicable. This requires the establishment of the necessary structures complete with personnel to perform the decentralized functions. The county governments

are slow in decentralizing structures. Most counties have not established Villages with most of them reporting that attempts to establish villages is frustrated by politics and resource constraints.

The Constitution of Kenya is a transformative document. Its implementation requires change management away from the manner in which we have managed public affairs in the past. The subject of change management in all counties should be given the seriousness it deserves. This will make Kenya realize the desired transformation. The people of Kenya need to unite, defend the Constitution and demand for improved services.

The Commission urges all the people of Kenya to remain vigilant and continually demand of implementation agencies to play their respective roles in order to realize full implementation of the Constitution, in both letter and spirit. The people should also hold leaders to account, and participate in the implementation of the devolved system of government by taking advantage of public participation provisions of the Constitution. The people of Kenya must always bear in mind that the full and effective implementation of the Constitution and specifically of the devolved system of government, is intended to benefit both the current and future generations.

It is our hope that the experiences and observations contained in this report will make a contribution to the successful implementation of the devolved system of government in particular and the Constitution of Kenya, 2010 generally.



Charles Nyachae
Chairperson

Acknowledgement

The Commission for the Implementation of the Constitution recognizes and appreciates the efforts of all individuals and institutions that contributed to the success of this assessment. As a Constitutional Commission charged with the responsibility of monitoring, facilitating and overseeing the implementation of the Constitution, we would like to acknowledge that to discharge this mandate, CIC requires support from other institutions and the people of Kenya. We therefore salute all those who have facilitated the Commission's work in general, including this assessment.

Special thanks go to all Governors of county governments and Honorable Speakers of the County Assemblies for supporting the assessment. In a special way, we recognize the efforts by the County Secretaries, Clerks of County Assemblies and Secretaries to the County Public Services Boards who mobilized and coordinated respective departments, and for their response to the assessment questionnaire. Their participation in the assessment provided valuable insights into the achievements and challenges in the implementation of the system of devolved government in general and the performance of the transferred functions in particular.

The County Executive Committee members, their Chief Officers and Directors were very valuable in enumerating departmental achievements, challenges and specific results accruing to the people of Kenya from the performance of the transferred functions. We therefore appreciate that they could avail time for this assessment despite their busy schedules.

It would not have been possible to undertake this assessment were it not for the financial support from the United States Agency for International Development (USAID), through the International Development Law Organization (IDLO), and the United Nations Development Programme (UNDP) who have been with us since the establishment of the Commission. In this particular assignment, they came in handy and financed each step. To USAID, IDLO and UNDP, we say a big THANK YOU!

Like the First Assessment Report, the Commission would like to make a CAVEAT: This report is not ranking counties in their performance. There are so many excellent devolution activities and results in all counties. Equally, there are challenges out there, as has also been highlighted in different forums. If we were to document all these, we would need forty-

seven volumes of reports of this kind. This report therefore highlights achievements, drawing in examples from various counties to support the conclusions and recommendations.

Finally, care has been taken to ensure accuracy in the data analysis, interpretation, presentation and conclusions reached. As a Commission, we apologize for any misrepresentation that may appear in this report and take full responsibility.

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List of Acronyms

ADB	African Development Bank
AMS	Agricultural Mechanization Station
ASAL	Arid and Semi Arid Land
ATC	Agricultural Training Centre
CARPS	Capacity Assessment Rationalization Programme
CASB	County Assembly Service Board
CBEF	County Budget Economic Forum
CECM	County Executive Committee Member
CHW	Community Health Worker
CIC	Commission for the Implementation of the Constitution
CPSB	County Public Service Board
CRA	Commission for Revenue Allocation
DANIDA	Danish International Development Agency
JICA	Japan International Cooperation Agency
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
IBEC	Independent Electoral and Boundaries Commission
IEBC	Independent Electoral and Boundaries Commission
IFMIS	Integrated Financial Management Information System
KEHNA	Kenya National Highways Authority
KERRA	Kenya Rural Roads Authority
KISIP	Kenya Informal Settlements Improvement Project
KNUT	Kenya National Union of Teachers
KURA	Kenya Urban Roads Authority
MCA	Member of County Assembly
NACADA	National Authority for Campaign against Alcohol and Drug Abuse
NEMA	National Environmental Management Authority
NGO	Non-governmental Organization
PFM	Public Finance Management Act
SRC	Salaries and Remuneration Commission
TA	Transition Authority
TARDA	Tana River Development Authority
TDGA	Transition to Devolved Government Act
TSC	Teachers Service Commission
USAID	United States Agency for International Development
WARMA	Water Resource Management Board

Executive Summary

The Constitution of Kenya, 2010 and the Commission for the Implementation of the Constitution Act, 2010, mandates the Commission to monitor the implementation of the system of devolved government effectively. In exercise of this mandate, CIC undertook an assessment in March/April 2014 to determine the status of implementation, challenges and lessons learnt from the system of devolved government. As a follow up to the first assessment, CIC undertook a second assessment in the months of June and July 2015 in the forty-seven (47) counties to assess the extent to which the county governments have implemented the transferred functions as envisaged by the Constitution.

Data collection methods used in the Assessment were literature reviews, interviews, focus group discussions and case studies, with the main respondents being County Secretaries, County Executive Committee Members, County Assembly Clerks, County Assembly Speakers, Secretaries to the County Public Service Boards, Chief Executive Officers of various departments in the county governments and members of the public. Both quantitative and qualitative methods were employed to analyze the data collected. The report documents the achievements, challenges experienced, lessons learnt and opportunities arising from the implementation of the system of devolved government and highlights some of the recommendations towards effective implementation of the system of devolved government

Generally, the results of the assessment show that county governments have made significant progress in the implementation of the functions that have been transferred to them, despite the challenges they reported to be experiencing. Some of the key findings and recommendations are that:

The apex inter-governmental relations institutions that include the Summit and the Council of Governors are now operational. We are however concerned that other than the Intergovernmental Budget and Economic Council none of the sectoral intergovernmental forums contemplated by Section 13 of the Intergovernmental Relations Act is fully operational. We believe that these forums are critical in resolving sector specific concerns that arise between the two levels of government. There is need for urgent and effective operationalization of these sectoral intergovernmental forums.

The establishment of joint management committees for Management of Agricultural Training Centre and Mechanization Stations shared between/among counties has been delayed. This needs to be fast-tracked to ensure optimal utilization of the facilities.

Inadequate Capacity of County Assemblies to perform their roles owing to low levels of education and in a few cases low levels of literacy of some MCAs. Though the provision on educational requirements will be active in the next general elections, CIC recommends that there is need to amend subsection (b) of Section 22 of the Act to extend the period needed to acquire the post secondary school qualification from three (3) months to at least one (1) year. It has also been noted that there was a shortage of technical drafters in most counties thereby prejudicing the quality of legislative proposals emanating from the executive and the legislation eventually enacted by the county assemblies. It is recommended that the Kenya Law Reform Commission (KLRC) enhance the support it was giving to the county assemblies in legislative development. This would require additional funding to enhance the capacity of the Commission.

Counties complained that there were delays in having their laws published by the Government Press. It was alleged that the queues for documents awaiting publication are usually very long and that documents relating to the National Government are given automatic priority. In order to ensure that the Government Press serves both levels of government and does so fairly, CIC recommends the Government Press be restructured through a legal framework to give it operational autonomy and that its services be decentralized.

County Executives complained that county assemblies routinely altered or adjusted budgets fundamentally without consulting the Executive. This has converted the assemblies into budget making as opposed to budget approving entities, leading to fundamental shifting of implementation priorities by county assemblies without involving the Executive. Even more worrying, some of the changes are based on the specific interests of individual MCAs and not on the general interests of the county. We recommend amendments in the PFM Act to balance the powers of the two entities so that respective powers of the assemblies and executives are exercised in a manner that does not prejudice the mandates of the other. Most critically budget adjustments by CAs must not lead to a fundamental shift in the executives planning without their input.

Gaps in law where the county governments are required to implement national laws to the extent that the legislation so requires and county legislation too. A good number of both sets of laws were found to have challenges. For instance

- (a) Section 10 of the County Governments Act states that each county assembly shall have a majority and minority leader. It is however not clear how to select the leader of minority in cases where all the MCAs are from one political party.
- (b) Section 58 of the County Governments Act outlines the composition of a County Public Service Board but it is not clear if the county secretary, as the secretary to the board, is an ex-officio member.
- (c) The County Government Act has no provisions for the removal of a deputy governor from office.

Some national laws have provisions that are not aligned with the Constitution. Examples are laws for agriculture, water, irrigation, roads, sports, health and drugs. The Kenya Roads Act, 2007 has not been reviewed to align it with the Constitution. Respondents reported

that there has been no collaboration between KENHA, KURA and County Transport Departments in the discharge of their respective mandates leading to duplication of roles and wastage of resources. We recommend that all laws that impede full implementation of functions already transferred to county governments be aligned to the Constitution immediately and any that relate to functions yet to be transferred be reviewed to align them with the Constitution before the end of the transition period provided in the Constitution

A review of some county laws identified unconstitutional provisions. The following are some of the unconstitutional provisions found in laws passed by some county governments:

- 1) Ward Development Fund laws that involved MCAs and Clerks of the county assemblies in the administration of the funds, formation of committees, vetting of committee members and determination of projects to be funded. The High Court in the CDF case has already decreed such practices unconstitutional.
- 2) Article 230 (4)(b) requires national and county governments to seek the advise of SRC on the remuneration and benefits of all public officers yet salaries and allowances of many officers in counties are paid without consulting SRC
- 3) There are laws that create entities as corporate bodies with powers to borrow money without subjecting the same to Article 212 of the Constitution and the provisions of the PFM Act relating to guarantees by the National Government
- 4) County laws created a multiplicity of institutions to perform county functions in breach of Article 201 on the Constitution on prudent use of resources.

CIC recommends that Article 3 of the Constitution that requires every person to respect, observe, uphold and defend the Constitution is adhered to and county governments are no exception. Each county government should make sure that the laws they enacted are compliant with CoK 2010. County residents too have a role in ensuring that their governments do not enact unconstitutional laws

The process of decentralizing functions by counties to lower levels has been slow. In some cases lower levels (Sub-counties, Wards) have complained of delivery of services and decision making being centralized at the county headquarters. The tendency to recentralize is unconstitutional and goes against the objects of devolution under Article 174 of the Constitution.

The assessment found out that most public participation related to planning and budgeting. There were also many complaints that public participation was largely tokenistic and lacked feedback mechanisms. This has led to increasing apathy by citizens. To ensure county governments implement this function, we recommend that the county governments develop public participation guidelines with clear feedback mechanisms.

Disparities in remuneration of different categories of staff in counties were reported and there were complaints that staff employed directly by county governments, those seconded from the national governments and those absorbed from the defunct local authorities were earning different salaries even when they performed similar duties. Secondly, there have been complaints that persons working for the NG for jobs similar to those of counties are

earning salaries that are significantly different. Whereas there was no obligation in law for officers at both levels of government to earn similar salaries, significant unjustifiable discrepancies for similar jobs would be unjust for the public service. CIC calls upon both levels of government to respect the advice of SRC on salaries and requests SRC to ensure that their advice on salaries to staff respect the principle of equal pay for equal work implied in Article 230 (5) of the Constitution of Kenya 2010

Three years after the County governments were established and the equalization fund granted budgetary allocations, the regulations for utilization of the Fund are yet to be finalized so that critical developmental needs in the counties identified to benefit from the fund can be addressed. We recommend the fast tracking of the regulatory and institutional framework for utilization of the Fund.

Although TA through three Gazette Notices has transferred functions to county governments, the main challenge has been that the some functions have not been unbundled leading to lack of clarity in assignment of components of functions to either level of government in some instances. This has meant that some elements of some functions, which are meant for the county governments, are still being implemented by the national government and/or some functions meant for one level of government are performed by both governments due to lack of clarity. Although already transferred, some components of certain functions are not being implemented by county governments because of lack of clarity; for example, the betting control and licensing component of cultural activities, public entertainment and amenities. In some instances, an overlap of functions had been reported, which has led to confusion and conflict between the two levels of government in addition to the duplication being imprudent use of funds. It is necessary for the Transition Authority to deliver whatever is remaining of its mandate, if any, in accordance to the law so that the transition period runs smoothly.

Introduction

1.1 Objectives of the Assessment

The Constitution of Kenya 2010 and the Commission for the Implementation of the Constitution Act, 2010, mandates the CIC to monitor the implementation of the system of devolved government effectively. In discharge of this mandate, CIC carried out an assessment covering the period between 4th March 2013 to 4th March 2014 to establish progress made by county governments in putting in place structures, systems and procedures required to facilitate the implementation of the system to devolved government in accordance with the County Governments Act, 2012. As a follow up to the first assessment, a second assessment was carried out in the months of June and July 2015 to establish the extent to which county governments have implemented the transferred functions as envisaged by the Constitution. The specific objectives were to:

- 1) Assess the status of implementation of transferred functions by county governments in the period 2014/2015
- 2) Document achievements, challenges faced, lessons learnt and opportunities arising from the implementation of the system of devolved government; and
- 3) Make recommendations to address any challenges to the effective implementation of the system of devolved government in general and the performance of the transferred functions in particular.

1.2 Scope and Methodology of Assessment

1.2.1 Scope of Assessment

The Assessment covered all the forty seven (47) counties and focused on the following areas:

1. Status of Implementation: Analysis and Transfer of Functions;
2. Legal, Policy and Institutional Frameworks;
3. Human Resource Management;
4. County Planning;
5. Financial Systems;
6. Intergovernmental Relations;

7. Establishment of Decentralized Units;
8. Establishment of Cities, Towns and Municipalities;
9. Public Participation;
10. Civic Education;
11. Citizen Service Centres; and
12. Roles of County Assemblies

(The questionnaire used in this Assessment is in Annex 6).

1.2.2 Methodology

1) Data Collection Methods

The main data collection methods used in this Assessment was literature reviews, interviews, focus group discussions and case studies. The team comprised 33 researchers who were trained on data collection and use of the assessment tool. The key respondents were County Secretaries, County Assembly Clerks, County Assembly Speakers, Secretaries to the County Public Service Boards, Chief Officers and Directors in various departments in the county governments and members of the public.

2) Literature Review

The following documents were reviewed:

1. Constitution of Kenya 2010
2. Transition to Devolved Government Act, 2012
3. County Governments Act, 2012
4. Urban Areas and Cities Act 2011
5. Public Finance Management Act, 2012
6. Intergovernmental Relations Act, 2012
7. Gazette Notice No. 16 of 6th February 2013
8. Gazette Notice No. 116 of 9th August 2013
9. Gazette Notice No. 33 of 28th February 2014
10. County Transition Implementation Plans and County Integrated Development Plans
11. Transition Authority Progress Reports and Advisories
12. Controller of Budget Implementation Review Reports
13. CIC Quarterly and Annual Reports
14. CIC Assessment of the Implementation the System of Devolved Government: From Steps to Strides

3) Data Analysis

Both qualitative and quantitative data analysis approaches were used.

4) General Findings

The findings are presented in Chapters 2 to 12 of the Report. Generally, the results show that county governments have made significant progress in the implementation of the transferred functions. There are however, a number of challenges reported by county governments.

1.3 Limitations of the Assessment

- 1) The Assessment confines itself to matters reported by the counties and does not give a comprehensive report of all achievements and challenges being experienced by county governments in the implementation of the transferred functions.
- 2) The Assessment used case study method that covered only a few counties. The sample of the cases used may not be representative of all the counties.
- 3) Most of the respondents were county government officials and responses may be somewhat skewed in their favour.

Despite these limitations the findings generally give a fairly accurate status of implementation of the transferred functions.

Since the second assessment focuses on the current status and hence the progress made by county governments in implementing their functions, each of chapters (2 to 13) in this report focuses on:

- 1) Narrating what the respondents from the field reported in terms of what they have implemented, what they have achieved and the challenges they have experienced during implementation; and
- 2) Analyzing the status of implementation and progress made.

Chapter 14 presents the general issues, conclusions and recommendations. Some of these general recommendations arise from the lessons learnt by CIC in its interaction with various actors involved in the implementation of the transferred functions. The chapter proposes solutions to the challenges experienced with recommendations of how county governments could effectively implement the transferred functions.



CIC Commissioners.

Status of Implementation: Analysis and Transfer of Functions

The Constitution of Kenya (CoK) 2010 heralded a new dispensation in which Kenya would be governed through two levels of government, namely the national government and 47 county governments. After the first general elections under CoK 2010, there was to be phased transfer of functions assigned to county governments, from the national government, in accordance with legislation passed by Parliament, over a period of not more than three years from the date of the first election of county assemblies (Section 15 of the Sixth Schedule of the Constitution). The contemplated legislation is the Transition to Devolved Government (TDG) Act, 2012. Section 23 of the Act provides for the procedure of transfer of the functions.

Following the first general elections held on 4th March 2013, the Transition Authority (TA) transferred functions from the national to the county governments in three phases. The details of the transfers are:

- 1) Gazette Notice No. 16 of 6th February 2013; (Annex 1)
- 2) Gazette Notice No. 116 of 9th August, 2013; (Annex 2) and
- 3) Gazette Notice No. 33 of February 28, 2014; (Annex 3).

During the second phase of transfers, all counties appealed to the Senate, against the decision by TA not to transfer some of the functions requested for. Senate, in accordance with the provisions of the TDG Act, determined that all the functions requested for be transferred.

Subsequently, county governments (CG) started implementing the functions they had taken up. Various State organs, including CIC, facilitated the CG to perform these functions. Since CoK 2010 mandates CIC to monitor the implementation of the system of devolved government effectively, CIC decided to assess the implementation of the system annually. The first assessment covering the period March 2013 to April 2014 was conducted between March and April 2014 and found out that most of the transferred functions had been taken up and were being implemented by county governments. This second assessment covered

the period March 5th 2014 to May 31st 2015 and sought to establish the progress made in the implementation of the transferred functions since the first assessment.

2.1 Assumption of Functions and Service Delivery

As already stated, the second assessment sought to assess the status of the implementation of the functions transferred to the county governments. In so doing, the assessment also sought to find out if any functions have been transferred to county governments during the second assessment period. The assessment also reports on the status of the development of policies legislation, administrative procedures and other systems and structures to guide the delivery of services, under the functions assumed by county government. In addition the assessment reports on how the policies, laws, administrative procedures and other systems and structures have been applied in the delivery of services by county governments.

The assessment found that no other functions had been transferred since the last transfer done in February 2014, despite the determination by the Senate in April 2014 that all the functions requested for by the county governments be transferred to them. This chapter therefore focuses on the status of the development of policies, legislation, administrative procedures and other systems and structures in the delivery of services under each of the functions assumed by county governments.

2.1.1 AGRICULTURE

This function includes crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control and fisheries. The second transfer of functions vide Gazette Notice No. 116 of 2013 transferred all the components of the agriculture services function except the management of Agricultural Training Centers (ATCs) and Agricultural Mechanization Stations (AMS). The Gazette Notice stated that the two would be transferred after six months. This was to allow for the requisite structures and mechanisms to be put in place by the Transition Authority. The functions have since been transferred vide Gazette Notice No. 33 of 2014. All the agriculture functions assigned to the county governments by the Constitution have therefore been transferred to county governments.

2.1.1.1 Frameworks for Service Delivery

The data collected for this assessment shows that all counties continue to develop policies, legislation and administrative procedures to facilitate the delivery of agricultural services. Annex 5 provides the details of some of the policies and laws being developed by each county.

Most counties reported that only a few of the policies developed by the executive had been finalized and approved by County Assemblies. Most of the bills were either under development by the Executive or had been submitted to County Assemblies for debate. Very few of these bills had been enacted into law. Most counties reported that they had put in place structures, which facilitated the decentralization of service delivery, from county to Ward levels. It was also reported that the Divisional Offices of the Ministries of Agriculture,

Livestock and Fisheries that existed before devolution had now been converted to county Ward offices.

2.1.1.2 Achievements

All the counties reported many achievements in the delivery of services. The following are examples of achievements in agriculture, reported by different counties:

- a) Kwale county government had procured 30 tractors to improve farming in the county.
- b) Nyamira county government was promoting green house agriculture through provision of 60 green houses and 60 open drip irrigation kits to 60 farmer groups.
- c) Nyandarua county government had introduced the use of mechanized potato farming in order to improve potato farming.
- d) Bomet county government had installed 15 milk coolers, 2 in each of the 6 sub-counties, which assisted farmers in storage and enabled them to access milk markets.
- e) Meru county government had purchased bulls from Laikipia farms to crossbreed with local breeds so as to improve meat production. The new breed is fast growing and bigger in size therefore giving more value to the farmers.
- f) Nyeri county government had purchased certified seeds and supplied subsidized fertilizer to farmers, in an attempt to increase maize, beans and potato production.
- g) Machakos county government provided free tractors, subsidized fertilizer, free chicks and free seeds to farmers. The county government has also given 150 green houses to women groups in each of the 40 wards to enhance food security.
- h) Makueni county government launched a fruit processing plant in Kalamba, Nzau/ Kalamba Ward, invested in the installation of milk coolers in Ilima, Mukuyuni, and constructed livestock yards at various market centres to improve food security.
- i) All counties reported improved access to extension services due to employment of extension officers.

Case Study I: Improving Food Security in Homa Bay County

Various farmers indicated that productivity of their farms had improved. For example, Mr. Kennedy Okware, a farmer from Angalo ward in Homa Bay County, recounted that Homa Bay County has suffered from food insecurity for a long time. Every year he said, people depended on relief food, which was often inadequate and delayed. This led to many school going children dropping out of school.

The county government has introduced a number of interventions, which have had positive results. The CEC's office reported that the county government has;

- (i) bought eight tractors, one per sub-county, offering services at subsidized rates i.e. Kshs. 2,000 per acre for ploughing and Kshs. 1,500 for harrowing, (ii)

introduced revolving inputs where seeds are distributed to farmers at subsidized rates, (iii) procured fertilizer for distribution to farmers at subsidized rates, (iv) educated farmers on fertilizer usage, (v) procured and distributed 6000 cows to farmers, (vi) procured 16 greenhouses, 2 per sub-county - of these, 8 greenhouses have been constructed at demonstration (one per county) sites for farmers, (vii) provided subsidized seeds and other farm inputs, and (viii) enhanced farmer training through the extension officers at the Ward level.

Other interventions include opening up of a Dairy Goat Multiplication Centre at Suba for milk production, construction of slaughterhouses and building of new hatcheries where high quality fingerlings are produced and sold to farmers at subsidized rates of Kshs 5.00 instead of the Kshs. 7.00 market price. According to the CEC Agriculture, these infrastructural improvements have led to opening up of new farming fields. For instance, in 2014, about 4,700 additional acres were opened up for cultivation by new farmers, food stock security has been created, land preparation time has been reduced, tractors and satellite collection centers have created employment to the operation and maintenance team

Okware further says, “the situation has significantly changed and for the first time we have accessed tractors within reach. Initially we got them from as far as Awendo (about 30km away), which was costly and unsustainable. With county government tractors, it takes one day to plough, which would take two weeks using oxen ploughs. Currently we pay Kshs. 2000 per acre down from Kshs. 9000 per acre using oxen ploughs. This makes a saving of about Kshs.7000 per acre on land preparation. Soil analysis is done in Homa Bay as opposed to Kisii, reducing farming costs.”

Access to extension services has improved. According to an officer in charge of Agriculture in the county, extension officers are now closer to farmers. Each Ward has a Ward agricultural officer. Okware who has been trained on farming at the FTC says he just calls and gets the extension services.

The opening up of access roads in the county has led to access to markets, says Okware. He markets his farm produce fairly easily, which includes watermelon, tomatoes, onions, and spider plants, within Homa Bay market, as compared to when access roads were poor. According to Okware, his watermelon farming has increased from 0.25 to 3 acres. The production has increased from 500kg per quarter an acre to 700kg. The prices he says, have also increased from Kshs. 13 per kilogram to Kshs. 23. Since he has increased his farmland to three acres, his income has increased from Kshs. 6,500 he used to earn from quarter an acre to about Kshs. 184,000 for the three acres. Okware reports that used to sell tomatoes locally at Kshs. 1,500 per crate. The current prices have increased to Kshs. 3,000 per crate. He attributed this to training on marketing and accessibility to markets where the produce fetch better prices than farm-gate prices. The production has increased from the initial 15-20 crates per quarter an acre to about 30 crates. The income has since increased from Kshs. 30,000 per quarter an acre to an average of Kshs. 80,000.

Okware started by leasing land but he has now bought land, has a water pump which he uses for micro irrigation, and has bought a few cows. There are also other five farmers in the ward who have benefitted as Okware.



Staff of the Commission with Tumaini Youth Group in the Greenhouse constructed by the County Government of Homa Bay.



Mr. Kennedy Okware, a farmer from Angalo Ward in Homa Bay County, taking CIC staff around his farm.

2.1.1.3 Challenges

The counties also reported that the counties were experiencing a number of challenges. These include:

1) Dysfunctional Management and Reporting Systems

Counties observed that staff absorbed from the National Government do not recognize the authority of the county governments. In some cases, it was reported that staff still get instructions from the National Government's Ministry of Agriculture, Livestock and Fisheries, without reference to county authorities.

2) Insufficient Number of Serviceable Equipment

It was reported that most of the machines, equipment and vehicles inherited from the former Local Authorities were old and dysfunctional. This has forced county governments to invest in repairs and purchase of new vehicles, agricultural machinery and equipment. This has proved quite expensive for county governments.

3) Inadequate Office Space and Equipment

The counties reported that most of the offices, which belonged to the Ministry of Agriculture and Livestock before the 4th March General Elections, were inadequate for the needs of the County government. Many of them needed rehabilitation and upgrading.

4) Difference in Interpretation of Functions

Results from the Assessment indicate that there was a challenge in the interpretation of some components of the agriculture function. It was reported by county officials in charge of agriculture that national corporations are purporting to perform functions, which according to the Fourth Schedule are under the jurisdiction of county governments. They pointed out as an example, that Bura Irrigation Scheme and Hola Irrigation Scheme in Tana River County, managed by the National Irrigation Board and TARDA Irrigation Scheme, managed by Tana River Development Authority (TARDA) are performing functions that belong to county governments.

2.1.1.4 Analysis and Recommendations

Based on the findings from the field and existing literature, county governments have made progress in the implementation of the functions they have assumed. Nevertheless, the county governments need to continue with the improvements until they fully implement the policies, enforce the laws, administrative procedures and other systems and structures. For the Agriculture function, CGs need to hasten the process of enacting laws, and developing the administrative procedures together with systems and structures that are CoK 2010 compliant, for the delivery of services.

Further, unbundling of some of the functions should be undertaken to clarify the roles of the two levels of government.

1.2 County Health Services

County health services include county health facilities and pharmacies; ambulance services; promotion of primary health care; licensing and control of undertakings that sell food to the public; veterinary services (excluding regulation of the profession); cemeteries, funeral parlours and crematoria; and refuse removal, refuse dumps and solid waste disposal. Gazette Notice No. 116 of 2013 transferred all county health services to the counties as detailed under Annex 1. The assessment results show that counties are implementing all the components of health services.

1.2.1 Legislation to Facilitate Service Delivery

To implement the health function, four (4) county governments, namely, Kiambu, Laikipia, Siaya and Nyamira reported to have developed county health Acts, while other counties that are in the process of developing Bills are shown in Annex 5.

1.2.2 Achievements

Counties reported to have improved the delivery of health services. Samples of the achievements reported by counties are:

- 1) Increased number of functional health facilities e.g. dispensaries, clinics, mortuaries in all counties due to construction or renovation of health facilities and construction of medical training colleges. For example;
 - a) Vihiga county government reported that it has built 15 new dispensaries, renovated 4 hospitals i.e. Vihiga, Emuhaya, Sabati and Hamisi Hospitals, and installed Oxygen Plant at Vihiga County Hospital. The county government has also constructed a mortuary.
 - b) Kisumu county government has opened 23 new health facilities. The county government has also opened an 8-bed ICU facility through Public Private Partnership (PPP). Before putting up the facility, patients were being referred to Moi Teaching and Referral Hospital in Eldoret which is about 115 kilometers by road
 - c) Kirinyaga county government has constructed 6 new laboratories and 2 mortuaries
 - d) Makueni County Government has completed construction of 39 dispensaries, equipped and stocked them with drugs, which has reduced immensely the distances covered to access health care services.
 - e) The Mandera Referral Hospital has been rehabilitated and upgraded to a level-5 Referral hospital. The county government has also upgraded level-3 hospitals at the sub-counties in Elwak, and Takaba to level-4 hospitals. Health facilities have been increased from 52 to 60.
 - f) Turkana county government is upgrading 35 health facilities and has strengthened outreach services after receiving 17 motorbikes with support from partners, and 2 utility vehicles from the World Health Organization

(WHO). They are also expanding a modern maternity unit at the Lodwar sub county hospital.

- 2) Increased investment in mobile health clinics in some counties, e.g., in Busia County. This has improved access to health services at the lowest levels.
- 3) Enhanced availability of health care services. This has been done through procurement of health equipment e.g. X-Ray, Ultra Sound, Dialysis machines, Intensive Care Unit (ICU) tools, commodities and drugs for county hospitals. These developments combined with closer supervision have resulted in a reduction in stock outs and thefts. Below are examples of counties that have made achievements in specific medical areas.
 - a) Kericho county government has established an ICU at the county hospital.
 - b) Trans Nzoia county government has improved procurement and distribution of drugs and non-pharmaceutical supplies to all hospitals. The county government has also put up a medical training college.
 - c) Mandera county government has invested Kshs. 100 million to purchase various hospital equipment including X-ray machines, Ultra-Sound and specialized lab items.
- 4) Increased availability of emergency medical services and enhanced referral systems through procurement of ambulances and other emergency medical facilities
 - a) Kiambu County government has procured 10 ambulances.
 - b) Kwale County government has procured 11 new ambulances.
 - c) Tana River County government has procured 10 ambulances
 - d) Lamu County government has procured 4 new ambulances.
 - e) Busia County government has procured 7 ambulances and equipped them to operate as mobile clinics. There is one such facility for each Sub-county.
 - f) Makueni County government has procured two (2) ambulances for each Sub-county to improve referral systems.
 - g) Kisumu County government has procured 7 ambulances one per Sub-county increasing the total number of ambulances to 8.
 - h) Turkana County government received 3 ambulances from partners and 3 ambulances were procured by the county for distribution to the seven sub-counties. An additional three ambulances procured by the county government were allocated to the Lodwar Referral Hospital. The county has also renovated the 12-body capacity mortuary which was dilapidated and constructed a new mortuary with a capacity of 60.
 - i) Nyamira County government has procured 5 ambulances with equipment to facilitate up to 95% of antenatal-care services.
 - j) Kisii County government has launched ambulatory service in every Sub-county. This has boosted referrals especially those of expectant mothers by more than 30%.

- k) Mandera County government has hired seven ambulances with ICU medevac capability. On average they said, 60 persons are referred to hospitals per month using these ambulances. They noted that number of women in labour that are assisted to reach maternity hospital is highest compared to any other time. They have also opened outreach medical service centres for immunization in all the six sub-counties.
 - l) Wajir county government has procured 8 ambulances that are equipped with communication and tracking devices.
 - m) West Pokot County government has procured 6 ambulances. The county government also bought ten vehicles to ease transportation for public officers.
 - n) Tana River county government has procured three wheeled motorcycle ambulances.
- 5) Improved quality of antenatal care and skilled delivery services resulting from the increased number of health facilities
- a) In Tharaka Nithi county, the number of health facilities offering maternity health services increased from 23 to 30, skilled delivery increased from 60% in 2012 to 62% in 2014
 - b) Migori county government reported an increase in deliveries in hospitals from 3 mothers out of 100 deliveries to 60 mothers out of 100 deliveries, infant mortality decreased from 695/100,000 deliveries per year to 540/100,000 deliveries per year.

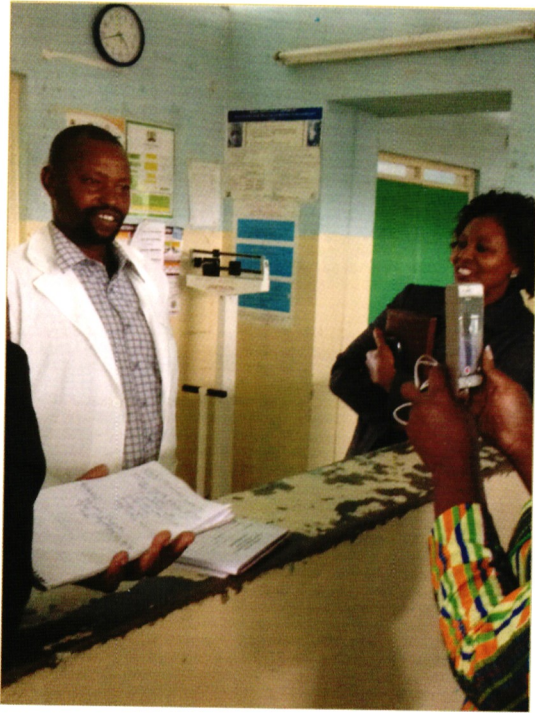
6) Scaled up Implementation of Community Health Strategy

The increased number of health facilities in each county has led to an increase in the number of community health workers (CHWs), which has improved the referral system at the entry level. In some of the hitherto marginalized counties e.g., Isiolo and Turkana, the health departments have partnered with NGOs and mission health service providers (notably the Anglican Church of Kenya (ACK), the Catholic Church and trained CHWs) and provided them with phones, through the M-Health initiative, with the aim of improving the referral system, especially for Maternal and Child Health (MCH) and Prevention of Mother to Child Transmission (PMCT) services. The collaboration has also established mother to mother (M2M) and Fathers Support Groups, which have improved health referrals.

7) Improved staffing in the Health Sector

Counties reported that they have employed additional staff to facilitate health service delivery. Mandera County for example, reported an increase of health personnel by 200 per cent. They have hired additional 360 medical professionals to make a total of 500 from 140. Kisii, Meru, Migori, Narok, Isiolo and Vihiga Counties reported that they had absorbed medical staff from the Economic Stimulus Programme.

The Narok case study reported below demonstrates the improvements that have been caused and challenges faced due to the delivery of health services by county governments.



Getting a brief from the ward nurse in Narok County Referral Hospital.



Maternity ward at the Machakos County Referral Hospital.

Case Study 2: Health Services in Narok County

Introduction

Narok County referral hospital is a large facility with solid buildings. The facility offers all health services from outpatient, emergency services, inpatient, laboratory, pharmacy and mortuary services, among others.

Soon after the county came into operation in 2013 the initial provision of medical supplies to the hospital was good in terms of quantity and time taken to deliver the required supplies leading to an increased number of clients seeking health services. This led to an increase in revenue collection while the clients received quality services and they did not have to visit unqualified health personnel in town. It is envisaged that when Narok hospital operates optimally it will benefit in two ways; offer quality medical services and the illegal clinics in town would close shop, without the health department spending time in closing them down.

Achievements

Notable improvements have been registered. They include 457 health workers employed to cover the gaps mainly experienced in the nursing category. This has led to an increase in the accessibility of health services. The county has opened up 33 new rural dispensaries, which are now operational and equipped with staff; though the county is vast, the county residents do not walk long

distances to seek medical services. The salaries for the staff in the health sector were increased to curb an exodus of workers from public health facilities in the county. This was aimed at improving the staff morale and service delivery.

To act on emergency health cases in good time, the county had procured 11 ambulances in partnership with the Red Cross. This was reported to have increased the survival rate of emergency cases that have occurred, as there are ambulance services to get the clients to the health facilities in good time.

The county has developed a three-year County Health Strategy to guide the implementation of health activities in the county. The county has held health campaigns on polio, and distributed mosquito nets. This has enhanced preventive health services and helped to improve the curbing of outbreaks of diseases.

Challenges

The county has experienced a number of challenges, which include inadequate funding of the health department. The flow of funds to the health department is unpredictable, and this has led to accumulation of debts with Kenya Medical Supplies Authority (KEMSA). As a result, there are delays in the delivery of medical supplies leading to gaps in curbing outbreaks. Overdue debts of KEMSA have slowed the supply of medical provisions to health facilities in the county.

The delay of the County Public Service Board to rationalize staff job groups and schemes of service affected the promotion of staff, leading to the exit of some health workers employed under the Economic Stimulus Program. However, the matter has since been resolved through streamlining of human resources with regards to staff that had been seconded to county governments. The county faces a challenge in attracting specialist doctors.

In Narok County the funds are still centrally managed. The decentralized units of administration have no establishment for the management of funds. There is need to make Sub county health facilities cost centres. This would reduce the delays experienced in delivering medical supplies, which are urgent in nature.

2.1.2.3 Challenges

The delivery of health services has faced some challenges. Some of those reported include:

1) **Misunderstanding on how a transfer of a function is meant to be effected under Article 187**

Counties were not quite certain about the way in which the following functions are to be transferred: (i) preventive and promotive health services; (ii) HIV/AIDS programme and other sexually transmitted infections (STIs); (iii) family planning, (iv) health inspectorate and (v) quarantine administration.

2) **Frequent industrial action leading to disruption of service provision**

There have been frequent industrial actions by medical staff in different counties.

These actions were reported to have led to a high staff turnover especially of doctors and nurses and disruption in the provision of health services.

- 3) Failure to attract specialized personnel such as dermatologists, dialysis machines operators, neurosurgeons and Ear, Nose and Throat (ENT) specialists, etc.
- 4) **Delays in reimbursement of grant funds from the national government**

The national government is required to reimburse health facilities expenses incurred on treatment of children under 5 years and expectant mothers, under the free health care policy. The reimbursements were however reported by counties to be delaying hence straining health facilities. The national government also reimburses Kshs. 5,000 for every delivery regardless of the nature of delivery, an amount that was reported to be inadequate to cater for complicated cases.

- 5) **Lack of an intergovernmental framework for the funding of Level 5 hospitals**

A number of Counties with Level 5 referral hospitals such as Nyeri, Mombasa, Kisumu, Kakamega, etc., reported that they lack intergovernmental frameworks for the funding of the Level 5 Hospitals. These hospitals continue to cater for patients from counties in their respective former provinces. Kisumu County, for example, serves patients referred to the facility from Siaya, Migori and Homa Bay counties, as was the practice before devolution of health services. These counties however do not contribute to the cost of running the facility

2.1.2.4 Analysis and Recommendations

The data collected points to remarkable achievements in outreach and improved delivery of health services in most counties. However, these expansions do not seem to have been supported by a systematic expansion and improvement of the systems and structures, including funding and personnel. Another key challenge is the lack of mechanisms to guide the sharing of health services by counties that benefit from a facility located in one county including level 5 referral hospitals.

It is recommended that county governments should be proactive in improving the systems and structures used in the delivery of health services, up to the lowest decentralized units, together with their linkages to county headquarters. Counties, which had referral hospital under the former central government system, may wish to consider entering into intergovernmental agreements with counties who continue to refer patients to their (referral) hospitals. This would be in line with the relevant provisions of the Intergovernmental Relations Act 2012.

2.1.3 Cultural Activities, Public Entertainment and Public Amenities

This function includes betting, casinos and other forms of gambling; racing; liquor licensing; cinemas; video shows and hiring; libraries; museums; sports and cultural activities and facilities; and county parks, beaches and recreation facilities. Gazette Notice No. 116 of 2013 excluded the Kenya National Library Services and museums from this list until the relevant laws are reviewed. However, the Senate held that the Kenya National Library Services Board Act, Cap 225 be reviewed to facilitate implementation of library services.²

² The Senate Report of the Sessional Committee on Devolved Government on the Appeals for the Transfer of Functions to the Counties pursuant to Section 23(7) of the Transition to Devolved Government Act, 2012 dated 10th April 2014.

2.1.3.1 Achievements

The main achievements reported by county governments include:

1) Promotion of culture

A number of counties including Turkana, Lamu, Kajiado, Taita Taveta and Bomet have held cultural festivals to celebrate and promote cultural heritage.

2) Participation in regional sports events and games such as sports tournaments organized in Baringo Kajiado and Bomet counties. Counties such as Nairobi and Makueni have also undertaken construction and upgrading of various social halls in their counties to facilitate the performance of this function

3) Establishment of talent academies to promote sports and cultural activities

Nyamira County is said to have established a talent academy for sports and culture at Kianyogoru Secondary School to support the performance of this function. Meru County is reported to have established a youth talent academy to identify and develop talents in sports and music. Makueni county reported that is developing a Talent Academy to nurture and mentor talents including athletics, music, theatre, craftwork and sports.

2.1.3.2 Challenges

Most counties reported that they were not implementing the betting control and licensing components because it had not been fully unbundled and that betting control and licensing laws were under the jurisdiction of the national government.

2.1.3.3 Analysis and Recommendation

The Constitution recognizes culture as the foundation of the nation and that every person has a right to enjoy his/her culture. It is therefore important that counties have embraced this function. For instance, the Annual Marsabit-Lake Turkana Festival supported by Marsabit County. The event features unique performances and cultural traditions of 14 ethnic communities which live in Marsabit County: El Molo, Rendille, Samburu, Turkana, Dassanatch, Gabra, Borana, Konso, Sakuye, Garee, Waata, Burji and Somali.

On the issues of unbundling of cultural activities, public entertainment and public amenities function, county governments may want to start unbundling it so that where there are conflicts with the national government, the unpacked functions would be used to guide intergovernmental discussions aimed at resolving any disputes about the function. Moreover, unbundling is what will help counties cost the function realistically.

2.1.4 County Transport Function

This includes county roads; street lighting; traffic and parking; public road transport; and ferries and harbours, excluding the regulation of international and national shipping and other related matters. The first transfer of this function to counties by the Transition Authority included access roads, street lighting, traffic and parking. The second transfer vide Gazette Notice No. 116 of 2013 states as follows:

- a) County roads including primary roads linking all Sub-county headquarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KERRA), Kenya Wildlife Service (KWS) and Kenya Forest Service (KFS);
- b) Mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall, during that period develop modalities of sharing the mechanical and transport equipment; and
- c) Public road transport on licensing of public service vehicles operations.

2.1.4.1 Achievements

Most counties reported increased road networks since the transfer of the function. For example;

- a) All counties reported that they had procured various equipment such as graders, backhoe loaders, rollers, wheel loaders, among others, to facilitate the construction of roads
- b) Kericho county government reported that it had constructed 1200 km of gravel roads, 30 box culverts, 3 bridges and carpeted 500m of tarmac in Kericho town, 20 lines of culverts within town. This had enhanced the road network for tea farmers especially in the highland areas of Bureti, Waldai and Ainamoi. It has also opened up previously remote areas and enhanced access to educational institutions, health facilities and markets.
- c) The construction of the Chembani 3rd Base Road in Mombasa had created business opportunities along the road.
- d) Lamu county government had upgraded 8 roads in 10 Wards, which had facilitated transportation of patients using *bodaboda*.
- e) Kitui county government had invested in urban roads development in Kitui town, Mwingi town and Kwa Vonza as well as other urban areas and markets to enhance agricultural produce. A total of 1250 km of road works had already been done either through grading, gravelling or opening up of new access roads.
- f) Makueni county government reported that it had graded 1200 km of road. The County government had purchased road equipment comprising: 2 Graders, 2 Rollers, 2 Tippers and 2 Backhoe loaders worth KShs. 94 million. The county government is installing street lighting and floodlighting in Wote town, Nunguni, Mukuyuni, Kikima, Tawa, Mbumbuni, Kathonzweni, Matiliku, Mtito-Andei, Kambu, Kibwezi, Emali, Kasikeu towns and Malili.
- g) In Embu County, 182 roads covering 448km had been rehabilitated while 91 others covering 237km were graded and graveled. In addition 8 bridges and footbridges were built, linking previously inaccessible areas, thus promoting trade and easing movement.

2.1.4.2 Challenges

The main challenges reported by most counties in the roads sector include:

- 1) Lack of clarification of what are national truck roads for the national government and what are county roads. Most counties contested Gazette Notice No. 116 of 2013 that excluded roads managed by the Kenya Urban Roads Authority and Kenya Rural Roads Authority, which effectively locked out the counties from developing any of these roads. The Kenya Roads Act, 2007 which established KENHA, KURA and KERRA assigned powers and functions to these Authorities as follows:
 - i) KENHA is responsible for the management, development, rehabilitation and maintenance of national roads.
 - ii) KERRA has the responsibility for the management, development, rehabilitation and maintenance of rural roads. That is, constructing, upgrading, rehabilitating and maintaining rural roads.
 - iii) KURA has the responsibility for the management, development, rehabilitation and maintenance of all public roads in the cities and municipalities in Kenya except where those roads are national roads.
- 2) Low budget for infrastructure.
- 3) Inadequate capacity in terms of equipment and staff with technical skills.

Include here sample photos of these equipment from counties – e.g., tractors from Kilifi County



Watamu Township Cabro works.



Marafa Chamari Road (culvert installation)



The newly graded and gravelled Mariakani-Kibanda Hasara road.



A Kilifi County Government grader at work.

Case Study 3: Improved Road Network in Kilifi County

Introduction

The roads in the county are classified in a manner that 326.2km are of bitumen standards, 542.3 gravel and 1139.5 earth surface, giving a total of 2008km of classified road surface within the county.

Mr. Kenneth Charo Kazungu the Chief Officer in charge of Public Works, Roads and Transport confirmed that Kilifi county is implementing transport functions including roads, street lighting, traffic and parking, public road transport.

Key Achievements and results

Since its establishment, the county government has surpassed its target of construction or upgrading of 500km of road network by constructing 540km using its own engineers and graders. Of these, 200km are new roads and 340km being upgraded. To fast track the construction process, the county government purchased 2 graders and 3 supervision vehicles. The county government plans to purchase 2 more graders and 4 supervision vehicles in the 2015/16FY.

To ensure these achievements, the county government has allocated about Kshs. 1.4billion into this sector for three years; 2013/14 (240million), 2014/15 (683million) and 2015/16 (492million).

Among the improved services are accessibility to health facilities, schools and markets. For example, Mr. Kazungu indicates that improvement of Malindi Road (B8) has opened up improved access to Basi Primary School to the community through construction of a link road to the highway. A bypass has been opened at Kibanda Hasara Road near the Mariakani Town weighbridge, which has eased traffic flow and decongested the weighbridge. Kilifi Road has been renovated with a new surface all the way to the Kilifi Hospital.

Challenges

Mr. Kazungu listed the following as key challenges:

- a) Inadequate funds allocated for the development of roads. KERA does not adequately fund the roads projects in the county despite the fact that it would take the national government years to work on the roads compared to what the county has done since inception of devolution.
- b) The county's staff comprises those from the defunct local authorities and the national government. Most of them are diploma holders lacking some critical engineering skills. There is no policy yet on human resource development, which is being worked on.

2.1.4.3 Analysis and Recommendation

Findings from the field seem to imply that the classification of roads is not clear. As per August 2010, the existing definition of national roads was clearly spelt out in the Kenya

Roads Act, 2007, meaning that these roads were already defined. It was only county roads that are not defined by law. There was need to clearly define county roads.

2.1.5 Trade Development and Regulation

This function includes markets; trade licenses (excluding regulation of professions); fair trading practices; local tourism and cooperative societies. The first transfer immediately after the General Election transferred the markets, trade licensing (excluding regulation of professionals) and local tourism. The second transfer included fair trading practices and cooperative societies thereby completing the transfers under this function

2.1.5.1 Frameworks for Service Delivery

Annex 5 provides a list of policies, legislation and regulations developed in various counties to facilitate the implementation of this function. The examples include: county trade bills, tourism bills, co-operative bills, and revolving fund bills. Some counties have adopted national laws as they work on their county specific legislations to facilitate the performance of this function.

2.1.5.2 Achievements

The following achievements in the performance of this function were reported by county governments:

- 1) Improved markets - Across the counties, construction and investment in market renovations has led to increased trading and enhanced incomes. It was reported for example that the Mandera county government has helped in reviving markets in Mandera and Rhamu towns and has refurbished several other markets, including those in Wargadud and Lafey. The market infrastructure has created shelter for both traders and market produce buyers from harsh weather conditions, improved hygiene conditions in agricultural produce marketing, enhanced revenue collection, moved products closer to the consumers and created some order in trading centres. Trans Nzoia county government has constructed five markets one per Sub County. Nakuru county government has renovated 5 *wakulima* markets, which are now operational.
- 2) Street lighting - Lighting of markets has enabled traders to continue trading at night and closed circuit television (CCTV) Cameras have improved on security in market places. Embu county government for example, has installed 25 floodlights in 25 market centres and 7 street lighting projects in major urban centres in the county. These facilities has promoted trade, especially for small traders and boosted safety for residents. The county government has also built a modern bus park, the Embu-Nairobi bus terminus which serves thousands of passengers daily
- 3) Revival of the Cooperative Movement - The information received from the counties shows that the number of functional cooperatives in the country has increased. New ones have been established while in some cases dormant ones have been revived. Makueni county government reported that it had revitalized 16 dormant cooperatives and registered about 30 new cooperatives. Capacity building is also

- on going with sensitization of members in 70 Cooperatives in aspects of good governance, value chain addition and sustainability of SACCO Societies.
- 4) The Mandera County government has also revived 22 cooperatives and registered 8 new ones while 60 more are awaiting registration certificates. The county government has also established one stop business license unit. Muranga County government has mobilised people into cooperatives such as Murata Sacco, which has increased the number of cooperatives in the county from 20 to 150.
 - 5) The partnership between Kakamega county government and the Kenya Commercial Bank (KCB) has enabled the county government set a side Kshs. 75 million to help small traders in the form of loans through the Mikopo Mashinani initiative.
 - 6) Improved fair trading practices - County governments reported to have established weighing scales for livestock and market produce to ensure that farmers, sellers and buyers get good value for what they sell and buy
 - 7) Promotion of tourism related activities in counties. A number of County governments reported to have rehabilitated tourist hotels and tourism sites, with Meru and Kakamega counties establishing wildlife conservancies and animal orphanages respectively.

2.1.5.3 Challenges

Some of the challenges reported by counties include:

- 1) Difficulties in accessing the funds;
- 2) Lack of cooperation within departments leading to distortion of plans;
- 3) Unrealistic expectations from members of the public who expect free donations from the trade funds as opposed to making repayments as required.

2.1.5.4 Analysis and Recommendations

The fact that the people have demanded that county governments revive cooperatives and address tourism sites that had never been attended fulfils some of the objects of devolution under Article 174 of the Constitution, and in particular to:

- 1) Recognize the right of communities to manage their own affairs and to further their development; and
- 2) Promote social and economic development and the provision of proximate, easily accessible services throughout Kenya;

There is need to sensitize county governments on the provisions of the Cooperatives Societies Act, Cap 490 and to provide civic education to residents.

2.1.6 Control of Air Pollution, Noise Pollution and Other Public Nuisances and Outdoor Advertising

This function includes; control of noise pollution and other public nuisances; licensing for persons exceeding the permissible noise levels; and noise mapping and action plan

development. Control of outdoor advertising component was devolved immediately after the first general elections of March 2013, while control of noise pollution, air pollution and other public nuisance was devolved upon application by counties and became effective on 1st July 2013.

Following the transfer of this function the issuance of pollution licenses became the responsibility of respective county governments. County governments are therefore in charge of inspections and undertaking enforcement actions. However, NEMA retains its supervisory and coordination roles over all matters relating to the environment. County governments reported that they are working closely with NEMA to ensure that recommended standards are adhered to and that the public is protected from any form of pollution.

2.1.6.1 Frameworks for Service Delivery

Counties reported that they were developing policies, laws and other systems to facilitate the implementation of this function.

2.1.6.2 Achievements

The achievements in the performance of this function reported by counties include reduced noise and public nuisance. The Mombasa county government reported that it had procured high accuracy decibel equipment, and that it was providing litter bins and refuse collection services among others. The Busia County government reported that it had provided, litter bins throughout the county and that garbage was collected daily and dumped at the recently built Alupe dumpsite.

Nairobi County reported that it had established a cell phone platform where citizens can send a text message to report on noise pollution, and that monitoring and evaluation team checked on non-compliance.

2.1.6.3 Challenges

Some of the challenges being experienced in the implementation of this function include; lack of awareness on the dangers associated with pollution among the public, corruption, political interference, inadequate sewerage systems and treatment plants for waste water, inadequate staffing, weak laws, failure to prepare bills for enactment into law and lack of proper disposal sites.

2.1.6.4 Analysis and Recommendations

A clean and healthy environment lays a strong foundation for a healthy and progressive society. In view of the lack of appreciation by various stakeholders of the linkage between pollution and development, it is recommended that citizens be sensitized on the importance of pollution control. Industries too need to understand the hidden costs/burden associated with pollution. This too can be achieved through sensitization of industry players. It is further recommend that existing pollution policies be reviewed.

2.1.7 County Planning And Development

The Fourth Schedule to the Constitution assigns county governments the function of county planning and development. The function includes statistics, land survey and mapping, boundaries and fencing, housing; and electricity and gas reticulation and energy regulation. Land survey and mapping were transferred immediately after the first general elections. The other components were transferred after counties applied for them.

Article 220 of CoK 2010 requires national legislation to prescribe the structure, form and timelines for development plans and budgeting by counties plus the form and manner of consultation between the national government and county governments in the process of preparing plans and budgets. Section 107 of the County Government Act outlines the development plans to include County Integrated Development Plans (CIDPs) and among others.

During the assessment, county governments pointed out that Gazette Notice No. 116 of 2013 does not adequately define this function. Most counties have interpreted the county planning function in two ways: (i) physical planning and (ii) economic planning. Counties are therefore implementing the function except some aspects such as gas and energy, boundary surveying and statistics. There are also areas of clear overlap, such as energy and electricity, where both national and county governments are given a role by the Constitution, which has not been clearly delineated.

2.1.7.1 Frameworks for Service Delivery

To ensure implementation of the county planning and development function, counties reported that they had developed the necessary policies, legislation and structures. Some of the frameworks reported include; Development Control Policy, Draft Energy Policy, County Settlement Policy, Physical Planning and Enforcement Bills, Housing Bills, Development Control Bills as well as legislation relating to rating, surveying, spatial and physical planning regulations.

2.1.7.2 Achievements

This assessment found that the development of the various plans varies significantly across counties as shown in Table 1

Table 1: County Plans and Development Status as at July 2015

County Plan	Development status (number of counties)				March 2014 Approval Status
	Not Started	Work in Progress	Approved	None Response	
Transition Implementation Plans (once – in year one)	1	6	32	0	10
County Integrated Development Plan (five years plan)	0	0	39	0	23
County Sectoral Plans (ten years plan)	3	18	17	1	8
County Spatial Plans (ten years)	8	25	5	1	3

County Plan	Not Started	Work in Progress	Approved	None Response	March 2014 Approval Status
Cities and Urban Areas Plans	19	11	3	6	1
County Development Plan (Annual)	2	6	31	0	6
Performance Management Plan	10	12	14	3	-
Workplans	-	1	-	-	-
Strategic Plan	-	-	1	-	-

2.1.7.3 Challenges

The main challenges reported under this function relate to the physical planning components. Counties quoted some historical challenges that have not been resolved and which have been passed over to counties. Some specific challenges mentioned are:

- 1) Growth of unplanned settlements and urban centers
- 2) Outdated data which is a hindrance in planning and controlling of development
- 3) Shortage of staff especially physical planners
- 4) Lack of knowledge and skills for managing high expectations of citizens. Some of the expectations are in relation to functions that do not fall under the jurisdiction of county governments. Many citizens do not quite know what functions belong to which level of government
- 5) Limited awareness on the need for proper physical planning.
- 6) Limited funding
- 7) Linking plans to budgets

2.1.7.4 Analysis and Recommendations

The findings of the survey show that despite the challenges there is noticeable improvement in the development of plans compared to the situation reported in the first assessment. The improvement in the development of the plans may be attributed to the improved technical capacity, establishment of county government structures and systems and enforcement of the law over the period. However, it is not clear whether any county government has developed administrative procedures to guide planning and the participation of the people in the processes as required by the Constitution. There is need for county governments to develop such administrative procedures.

2.1.8 Pre-Primary Education, Village Polytechnics, Homecraft Centres and Child Care Facilities

The management of pre-primary education, home craft centres and childcare facilities were transferred to county governments immediately after the first general election in March 2013. The management of village polytechnics was transferred upon application by the counties vide Gazette Notice No. 116 of 2013. With the exception of home-craft centres, the assessment established that the majority of the counties were implementing all the other components of this function.

2.1.8.1 Frameworks for Service Delivery

County governments have developed various policies, laws and other structures in the education sector. These include ECD Policies, Youth and Women Empowerment Policies, Vocational Training Policies and Recruitment Policies. County governments have also passed Education and Bursaries Acts, Vocational Training laws, among others.

2.1.8.2 Achievements

This function was found to be one of the most successfully implemented in most counties. Laying good foundations in education through ECD has been at the heart of most county governments. Most notable achievements reported are:

- 1) Equipping ECD facilities and polytechnics and recruitment of caregivers and instructors. The following are examples of progress made in this function:
 - a) Samburu County reported to have built three polytechnics,(one in each of the three Sub-counties, 90 new classrooms, and employed 300 new teachers;
 - b) Nakuru county reported to have constructed 147 ECD classes, and 17 polytechnics;
 - c) Nyandarua County reported to have engaged 400 preparatory assistants,. The county also reported that it has constructed and equipped 50 modern pre-primary classrooms;
 - d) Kirinyaga County has employed 400 ECD caregivers, constructed 112 village polytechnics and employed instructors for the polytechnics. The county also reported that it has constructed 6 new ECD classrooms. It has also provided teaching and learning resources of approximately Ksh. 6million in ECD centres. This has contributed to the increase in enrolment in public ECD centres from 10,000 to 14,000 pupils. Enrolment in polytechnics has increased from 350 to 1350 trainees.
 - e) Makueni County has employed 900 Early Childhood Education Teachers and spent Kshs. 4.2million on ECD textbooks. The county has also upgraded and constructed county youth polytechnics.
 - f) Kakamega and Bomet have each hired 800 ECD teachers.
- 2) Introduction of school feeding programmes,. This has been done in hardship areas of Nakuru county, Nandi county
- 3) Increased education bursaries through establishment of bursary funds leading to high enrollment figures.

Case Study 4: Bursary Fund in Kwale County

Kwale County, gives bursaries to all students that get admitted to National Schools. They also give full bursaries to students to pursue career courses focusing mainly on medical training, mining, and other technical fields in which

the county does not have manpower. Currently 67 students are studying in India under the bursary fund.

Counties are spending huge budgets in supporting even other functions of education beyond the devolved components. For example, in Kwale County, about Kshs. 220 million has been allocated into Bursary Fund since 2013/14 financial year. Every student from the county who is admitted to a national secondary school has his/her fees fully paid by the county government. This strategy is aimed at addressing the shortage of medical staff and taking strategic positions in upcoming mining industry.

Case Study 5: Improving Education in Lamu County

The County government of Lamu like all other counties recognizes ECD as a foundation for a child's education. As a result, the county has established ECD centres at Lumshi, Kibiboni, Mokowe, Mutangawanda, Faza Ward, Milimani, Mararani, Basuba, Mangai, Ishakani, Kiwayu and Ndaui.

2.1.8.3 Challenges

Most counties cited the pending court case filed by KNUT and TSC on recruitment of ECD teachers as an impediment to the implementation of this function. Some counties had commenced the process of teacher recruitment but had to stop pending the outcome of the case, which has dragged on for too long. Other challenges reported are:

- i) Limited number of teachers and tutors for polytechnics;
- ii) County governments and the TSC have different interpretation of certain provisions of the TSC Act and the Basic Education Act. For example:
 - (a) Contrary to Article 237 of the Constitution, county governments are employing ECD teachers calling them care-givers, a move that has led TSC to file a case in court challenge the county governments on the matter.
 - (b) There is conflict between head teachers and ECD teachers. ECD teachers feel that they are independent and are no longer under the supervision of primary head teachers;
- iii) Inadequate facilities for polytechnics;
- iv) Partial transfer of the polytechnic function, which means that county governments do not receive the subsidized tuition fees.
- v) Slow pace of enactment of legislation of the education function by the county governments.

2.1.8.4 Analysis and Recommendations

Counties that were historically marginalized are finding it difficult to attract staff, especially professionals in certain critical fields. It is for this reason that some of these counties found it mandatory to invest in education for future human resources for the counties.

Most of the laws on education enacted after the promulgation of the CoK 2010 have some unconstitutional provisions. These have created challenges in implementing this function. For example, the Basic Education Act 2013 places the county education under the control of the County Education Board, a unit of the national government. This clearly violates Article 6 and the Fourth schedule of the Constitution.

County governments may want to request Parliament to address the education policy and unconstitutional provisions in the Basic Education Act as this is where the issue of who should employ ECD teachers may be resolved. County governments are responsible for pre-primary education, which all counties have classified under ECD. This means that ECD teachers are employees of county governments (Article 235) but the National Education Policy and the Basic Education Act classify 4 year-olds as the age for pre-primary education and provide that teachers teach them. This is where the challenge lies. It is also not clear as to who is in charge of teachers in polytechnics and whether the national government has let go all village polytechnics. The issue was recently compounded when the Ministry of Education required that children be admitted into Form I in the polytechnics.

2.1.9 Implementation of Specific National Government Policies on Natural Resources and Environmental Conservation

This function includes soil, water conservation and forestry. The component on soil and water conservation, which includes protection of water, springs and protection of wells and dams was transferred immediately after the March 2013 general election. Gazette Notice No. 116 of August 2013 excluded forests managed by the Kenya Forest Service, as well as National Water Towers and private forests from the transfer of functions to the county governments. It is therefore not clear what happened to forestry.

2.1.9.1 Frameworks for Service Delivery

Counties reported to be implementing all the components of the function and have instituted necessary framework, structures and systems necessary for the implementation of this function. Some of the policies and legislations reported to be in the process of being developed are; County Environmental Policy, Natural Resources Board Bill, Environmental Regulation and Control Bill. In some instances, counties reported to be using national legislation including Wildlife Management and Conservation Act, Forest Act and other existing acts to facilitate the performance of these functions.

2.1.9.2 Achievements

The achievements in this function reported by various counties are: reclamation of degraded areas, tree planting and afforestation, garbage collection and relocation of dumpsites to suitable locations, construction of sewerage treatment systems, among others. These achievements were reported to have led to reduced disease outbreaks, employment opportunities in mining areas, and availability of clean water.

2.1.9.3 Analysis and Recommendation

The major issue concerning this function seems to be forestry and the management of the roads that serve the forests. It is recommended that counties initiate discussions with the national government on this issue with a view to finding a solution.

2.1.10 County Public Works and Services

This function includes storm water management systems in built-up areas and water and sanitation services. Gazette Notice No.16 of 2013 simply listed the functions as county public works and services specific to storm water management systems in built-up areas. The Gazette Notice attempted to unbundle the function. The unbundling provides that the function includes designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and water and sanitation services including rural water and sanitation services, provision of water and sanitation services in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies. The Gazette Notice excluded Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority. These are considered national regulatory institutions.

2.1.10.1 Framework for Service Delivery

This function was transferred to the counties after they applied for its transfer. All counties reported that they are implementing the function. Among the frameworks reported to be under development are: draft policies on rain water harvesting, a draft solar water heating and fire safety in buildings policy, Public Works Bills, Water and Sewerage Bills, Water Sources Infrastructure Development Bills, among others. Other counties reported that they had adopted national government laws to facilitate the performance of this function.

2.1.10.2 Achievements

Counties reported to have registered various achievements under the public works services function. The achievements mentioned include; the rehabilitation of storm water drains and sewerage plants, design of various irrigation projects, construction of water pans for runoff water harvesting, construction of boreholes, water well drilling rigs, provision of piped water as well as water kiosks, among others. Communities in many counties observed that they have gained greatly in terms of improved water and food sufficiency, sanitation and general cleanliness including unclogging of storm water drainages, especially in towns.

Below are examples of counties which demonstrate the gains made, as reported by the counties:

- a) Vihiga county government reported to have rehabilitated water supply structures in Maseno, Kaimosi, Mbale, Vihiga and Sosion; rehabilitated over 200 springs; sunk and equipped six bore holes and laid water pipes to supply various schools and

hospitals with clean water; erected 10 augmentation tanks with each serving about 5000 households.

- b) Murang'a county government reported to have connected 5,500 households to a water supply. The county government has also installed 6 modern public toilets and developed two irrigation projects for 2000 hectares for the cultivation of rice.
- c) Kitui county government has procured 2 drilling rigs, rehabilitated 44 boreholes and drilled 37 boreholes to serve 41,500 people and 7,700 animals by reducing walking distances to water sources from 10km to 5km. In addition, 38 water pipe extensions have been undertaken covering 103 km. The water will serve 144,500 people and 16,200 livestock.

The case study below on improvement of water supply in Taita Taveta shows one of the achievements reported by counties.

Case Study 6: Improvement of Water Supply in Taita Taveta County

A discussion with the water department in Taita Taveta indicated that before March 4th 2013, water activities targeted domestic water usage. The main supply of water came from: the Tavevo Water and Sewerage Company which gets water from Mzima pipeline, Njoro Springs, Streams (in Mwatate and Wundanyi) and about 50 Community Based Organizations that supply water directly to the people.

The main complaints reported from the people are: inadequate water which does not reach the majority of the public, caused by inadequate water infrastructure and systems, which is occasioned by limited funding. For example, it was indicated that in the year preceding March 2013 elections, the total amount of funds received by water departments in the three districts (now sub-counties) was about Kshs. 27m (Tavita – 6m, Mwatate 6m, Voi 9m, Taita 6m).

Since the devolution of government, it was indicated that the funds allocated increased to almost six times to 157m in the first 2013/14 FY, 192m in 2014/14 FY and 213m in 2015/16 FY. This has enabled the County Government to establish the following structures and systems to improve water service delivery to citizens.

- a) Improvement of the existing water systems – e.g.,
 - i) Mwasoko water project to serve about 500hh³
 - ii) Mbololo water project to serve about 1000hh
 - iii) TavetaLumi water supply to serve about 3000hh
 - iv) MaunguBugita water Supply to serve about 400hh
 - v) Mwatate water supply to serve about 2000hh.
- b) Development of new water projects

- i) Ikanga C water project, completed and serving about 200hh
 - ii) Shabaa Embakasi, completed and serving about 300hh
 - iii) Kimwa water project, about 80% completed, to serve about 600hhh
 - iv) Kaloleni water project, about 80% completed, to serve about 1000hh
 - v) Mama wajane water project, about 70% completed, to serve about 200hh
 - vi) Mbangangwale water project, about 90% completed, to serve about 1000hh
 - vii) Mwaroko-Iyombnyi water project, completed, serving about 350hh
- c) Planned Water projects
- Taveta Lumi 2 – 85m to be funded by Coast Serve Board. It will serve about 3,000hh.
- d) Water projects completed by Coast Water Service Board
- i) 500 cubic meters steel tank in Mwatate has been completed but awaiting testing and will serve 2,000hh
 - ii) Drought mitigation programme, i.e. upgrading of 5 boreholes serving about 600hh and livestock
 - iii) Rain water harvesting infrastructure in primary schools, dispensaries

In addition to the above accomplishments, Taita Taveta county lists the following as key results they have recorded

- a) Mwaroko-Iyombnyi water project was designed in 2004 and had not been rehabilitated since then. It is the county government that has rehabilitated it.
- b) Mwatate water project, which was under the county council, would run dry during the drought sessions. A borehole has been sunk to increase water supply.
- c) Mangu Bugiuta water project, which had been non-operational, is now operational.

Prior to the 4th March 2013 elections, about 30% of the households in the entire county (i.e., 18,000 households) were connected to piped water in the three Sub-counties. Within 2 years of establishment of the County Government, water supply in Taita Taveta is reported to have increased by about 40%

2.1.10.3 Challenges

Two major challenges affecting the effective implementation of this function that were reported by County government officers were inadequacy of the skills among the available staff, especially engineering and water systems designers. The second challenge was inadequate equipment and funding.

2.1.11 Analysis and Recommendations

It is not clear what has become of public works in urban areas of counties whose urban areas have not been classified. There is therefore need to fast track the process of classification of urban areas for effective service delivery in the units.

2.1.12 Fire Fighting Services and Disaster Management

Gazette Notice of No.16 and 116 of 2013 transferred fire fighting services and disaster management to the counties.

2.1.12.1 Frameworks for Service Delivery

During the interviews, some counties reported that they were in the process of developing bills on fire services and disaster management (Annex 5). Some of these legislations include; Fire Services and Disaster Management Bill, County Fire and Rescue Services Bill.

2.1.12.2 Achievements

Counties reported to have undertaken the following activities to improve fire-fighting services.

- 1) Construction and upgrading of fire stations based on population density
- 2) Establishment and equipping of disaster management units
- 3) Procurement of fire-fighting equipment. It was reported that fire engines and safety gear has improved response time during fire incidences in Kajiado, Wajir and Kilifi counties.
- 4) Increased enforcement of the installation of fire extinguishers in buildings
- 5) Increased staff through recruitment of personnel with expertise in fire fighting
- 6) Improved skills in the delivery of fire fighting services by conducting drills

2.1.12.3 Challenges

Among the challenges reported in the implementation of this functions are:

- 1) Lack of clarity on the responsibilities of the national and county governments in fire-fighting and disaster management. The counties reported that it is not clear what components of fire-fighting services and disaster management they should be handling. The functions have not been unbundled
- 2) Lack of proper firefighting equipment
- 3) Inadequate personnel and skilled staff
- 4) Negative attitude of the community towards fire fighters
- 5) Lack of a direct and toll free emergency lines

- 6) Poor accessibility/narrow and crowded streets
- 7) Inadequate information on causes of fire and disasters, location and magnitude of some disasters
- 8) Lack of basic firefighting skills amongst the community

2.1.12.4 Analysis and Recommendation

Generally fire-fighting services are a preserve of county governments unless and until a fire becomes a national disaster. Such understanding as to when a disaster becomes a responsibility of the national or a county government should be spelt out in law so as to avoid duplication of resources and conflicts and confusion while a disaster is occurring. County governments should invest in capacity building in fire fighting and disaster management

2.1.13 Control of Drugs and Pornography

The function of control of drugs and pornography was transferred via Gazette Notice No. 16 of February 2013. Though the function was not unbundled, counties reported to have commenced the implementation of this function. However, in some counties, e.g. Meru and Taita-Taveta, programs for the prohibition of pornography are not being fully implemented.

2.1.13.1 Frameworks for Service Delivery

Among the frameworks established under this function is the enactment of Drugs and Alcohol Acts, the development of Drugs Control Bills, The Anti-Pornography Bills, and Alcoholic drinks control Bills (see Annex 5).

2.1.13.2 Achievements

The assessment was informed about the following achievements.

- 1) Some counties have carried campaigns against drugs in collaboration with NACADA. It was reported for example that Kajiado County has conducted workshops supported by NACADA for 50 communities on alcohol and drug abuse. Taita Taveta has started an initiative called "Redeem our Men" where they hold discussions with alcohol addicts and brewers to help them get rehabilitation and alternative livelihoods. This, they reported to be yielding progress in changing lives of alcoholics.
- 2) Some county governments have established ICT platforms to share information on drugs and pornography.
- 3) A number of county governments have formed County Alcoholic Drinks Alcoholic Boards and forums for bar owners associations.

2.1.13.3 Challenges

The major challenges that were reported to be facing implementation of this function include:

- 1) Lack of awareness among the residents of counties on the hazards posed by drug and pornography
- 2) Collusion of enforcers with the culprits to defeat the course of justice. This undermines enforcement of the law.

2.1.13.4 Analysis and Recommendations

Due to reported funding challenges, county governments should enhance funding levels to key institutions involved in curbing drug and substance abuse to carry out more awareness campaigns both in urban and rural areas, It was further recommended that county government should develop and enforce policies and legislation that regulate the use of drugs. At the same time, County governments should establishment of departments to deal with alcohol and drug abuse at the county level should be prioritized.

There seems to be confusion in the roles of NACADA and county governments in the control of drugs and drug abuse, with counties reporting that NACADA was performing their functions. There is need to for clarify the role of NACADA vis a vis this function of county governments.

2.1.14 Participation in Governance at the Local Level

County governments have been given the responsibility of “ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level”. This function has been transferred and taken up by counties

The County Governments Act 2012 provides some frameworks on how participation at the local level may be facilitated. Article 184(1)(c) of the Constitution requires that national legislation provides “for participation by residents in the governance of urban areas and cities. Specifically, Articles 118(1)(b) and 196(1)(b) direct the national and county legislatures respectively to “facilitate public participation” in their work. It is being implemented through promoting and facilitating citizen participation in the development of policies and plans, including priority identification and budgeting, monitoring, involvement in management committees among others.

2.1.14.1 Frameworks for Service Delivery

Counties reported to be developing three key policies and legislation, which were still in draft form. The policies and bills under preparation are: Public Participation Policies and Bills: Civic Education Policy and Bills: Public Communication Polices and Bills.

2.1.14.2 Achievements

The main achievement under this function has been the establishment of platforms for public participation. These include Town Hall meetings, ICT platforms, budget preparation and validation forums and the use of notice boards to provide information to the public.

2.1.14.3 Challenges

The major challenges reported in most counties were:

- 1) Laws on public participation have not been put in place.
- 2) Inadequate public participation due to limited resources, illiteracy and apathy.

2.1.14.4 Analysis and Recommendation

This function is critical because it requires county governments to ensure and coordinate participation by communities and for the coordination.

Conclusion

This section of the report examined the findings on the status of the transfer of functions. In the succeeding chapters we focus on activities that were meant to facilitate the transfer of functions and the delivery of service. Therefore, the chapters take a slightly different format.





Farm tractors in Kilifi County.

Inventory of Government Assets and Liabilities

Section 7(e) of the Transition to Devolved Government Act 2012, requires TA to prepare and validate an inventory of all the existing assets and liabilities of government, other public entities and local authorities. Section 1 of the Fourth Schedule of the Act outlines the activities to be undertaken by TA during Phase One of the transition period, among them:

- (a) Audit assets and liabilities of the government, to establish the asset, debts and liabilities of the government;
- (b) Audit assets and liabilities of local authorities, to establish the asset, debts and liabilities of each Local Authority;
- (c) Audit local authority infrastructure in the counties, to establish the number and functionality of plant and equipment in Local Authorities;
- (d) Audit the government infrastructure in the counties, to establish the number and functionality of plant and equipment for the purpose of vesting them to either level of government;

In addition Section 7(g) and Section 1 of the Fourth Schedule of the Act provides that TA shall provide for mechanisms for the transfer of assets and liabilities to the national and county governments during the transition period which may include vetting the transfer of assets during the transition period.

Pursuant to the Act, the audit and transfer process of assets and liabilities should have been completed by 4th March 2013. In an effort to carry out this mandate the TA established a technical committee of the Authority to, among other things, facilitate the audit of assets and liabilities of public entities and advice the Authority accordingly.

The assessment found out that County Joint Inventory Committees, comprising TA, County Governments, and National Government, were formed. The committees prepared inventories of assets and liabilities of the defunct local authorities. The audit of assets

and liabilities covered land, buildings, vehicles, plant and machinery, health (biological) assets, office equipment and accessories, projects, loans and liabilities. In addition to audit spearheaded by TA, some counties carried out audits of their assets and liabilities on their own initiatives.

It was found that counties have made considerable progress towards finalizing the auditing of the assets and liabilities found in their counties. Eleven counties reported that they had prepared inventories of assets and liabilities in accordance with the TA guidelines and were awaiting validation of the same. About 13 counties reported that the audit was yet to be completed for some assets, and eight counties indicated they were yet to receive inventory audit reports from TA. Details of this information is found in Table 2 below

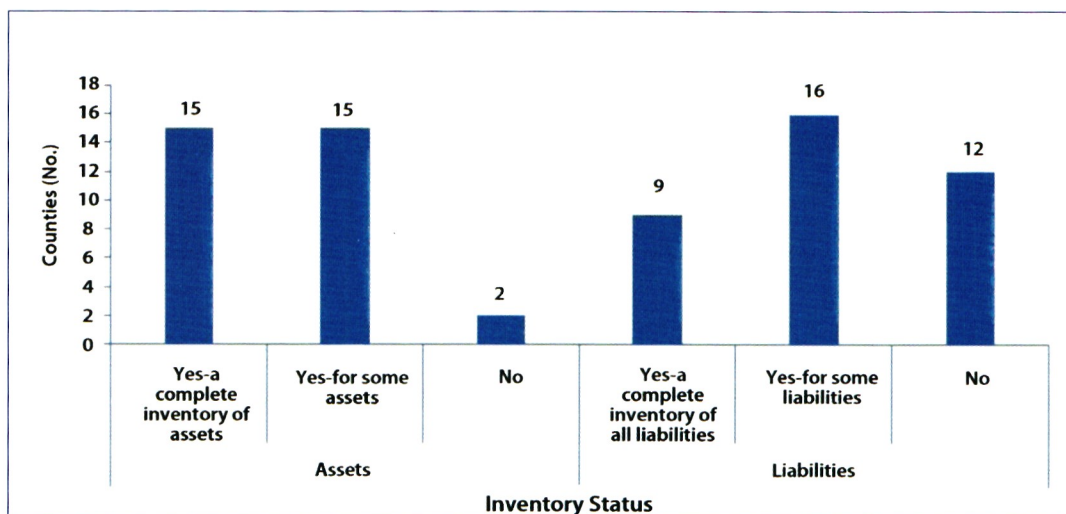


Figure 1: Status of Audit of Inventories

Nine county governments reported to have completed the audit of the inventory of all liabilities, while about 34% had undertaken audit of some liabilities as indicated in the table below (Table 3). It was reported that the delay in completing the audit and verification of assets and liabilities has caused considerable challenges to counties, especially with regard to liabilities with some counties receiving court summons and petitions over the debts.

It was reported that movable assets including machinery were shared among county governments in line with the guidelines issued by TA, movable assets including machinery were to be shared among the county governments. It was reported that other assets, such as computers, office furniture and equipment were shared between various departments of a county. Most of the assets were operational with the proportion of operational assets ranging from 30-100% with an average of 72%. Some county governments established committees to plan for disposal of non-operational assets.

Table 2: Handling of Liabilities from previous governments by Counties

Action taken on Liabilities	No of counties	Percent (%)
Awaiting validation and handing over of list by TA	19	59
Some sorted, discussions ongoing on others, others in court	2	6
National Government and Transition Authority to advice on the liabilities that are unverifiable, Verifiable ones sorted out	2	6
Included in debt management plan	2	6
Have settled salary arrears from former local authorities CBA	2	6
Established debt management committee, budgetary provision in the financial year	2	6
Negotiations ongoing with National Government to pay	3	9

Table 3: Measures taken on the handling of Assets by the Counties

Measures Taken	No. of Counties	Percent (%)
Sharing of movable assets including machinery in line with guidelines by TA	1	3
Ongoing validation by county government officials	21	66
Committee established to plan disposal of non-operational and operational assets allocated to departments	3	9
Marking, cataloguing and regular updating of the inventory	1	3
No action taken - Incomplete inventory	3	9
Validation by the members of the public in progress- consultations with public to collect views, former local authorities assets transferred and salary arrears settled, paying statutory charges	3	9

At the transfer of functions, 21 counties reported that a number of assets (resources) such as housing units, boats, public works and support staff, land and public utilities and offices and furniture had not followed the functions. A total of 7 counties indicated that transfers were effected on all assets while 4 counties were not aware of the status of the assets (Table 4).

The failure to transfer assets (resources) as the functions were being transferred resulted in a number of challenges to service delivery by the county governments. The challenges include those relating to in planning for maintenance and use of assets, raising funds for expenses incurred in the procurement of other assets to facilitate service delivery and delayed service delivery by staff (Table 5). For instance in Nyandarua County the inadequate acreage of land allocated to the county government means that there is a shortage of land for the development of facilities for the delivery of services. The county government has therefore to search for and purchase land for putting up certain facilities like hospitals, pre-primary schools, sewage disposal, markets, playgrounds, social halls, etc.

Table 4: Assets and liabilities not yet transferred to county governments

Assets and Liabilities	Counties (No)
Housing (Estates, buildings)	8
Speed boats	2
Public works and public works support staff	2
Machinery and equipment	6
Schools	1
Land and public utilities	8
Vehicles	4
Water companies	2
Irrigation schemes	1
Offices, furniture and structures	3
Markets	1

Table 5: Effects of non-transfer of assets on functions

Effects	No. of Counties
Difficulties in planning for maintenance and use of assets	7
Immobility and delayed service delivery	6
No major effects	2
Inadequate housing for health department staff	1
General lack of control of assets	2
Expenses incurred in procurement of alternative assets	5
Loss of revenue as the National government is still collecting revenue	3
Inadequate land for the development of public facilities.	4

Analysis and Recommendations

The results indicate that a lack of a complete inventory of the assets and liabilities and their delayed transfer has affected service delivery by county governments. There is need to fast track the transfer of assets and liabilities.

Legal, Policy and Institutional Frameworks

The Constitution establishes a national government and 47 county governments. Each county government comprises the legislative arm known as county assembly and the executive arm referred to as county executive committee. The Fourth Schedule to the Constitution documents the functions assigned to each level of government. Each level of government is obligated to perform its functions in accordance with the Constitution {Article 1 (3)}. For this to be achieved, each level of government has to develop the requisite policies, laws and administrative procedures to facilitate the discharge of their functions. For county governments, the two arms of government have specific roles in the development and approval of policies, laws and administrative procedures as spelt out in CoK 2010 and in various laws.

Article 183 of the Constitution, requires a county executive committee to, among other functions:

1. Implement county legislation
2. Implement, within the county, national legislation to the extent that the legislation so requires and
3. Where necessary, to propose legislation for consideration by the county assembly.

A county assembly is vested with legislative, representation and oversight authority. Article 185 of the Constitution requires county assemblies to make laws that are necessary for or incidental to the effective performance and exercise of the powers of the County Government under the Fourth Schedule to the Constitution; receive and approve plans and policies for the management and exploitation of the county's resources and the development and management of its infrastructure and institutions.

In its Circular No. 1 of June 2013, CIC outlined guidelines to county executives and county state organs on the implementation of the Constitution. Among other things, county governments were required to identify, review and develop county government legislation necessary for the effective discharge of the county government functions taking into account the following:

- a) Constitutional provisions relating to the subject matter;
- b) National legislation and policy concerning the sector;
- c) The existence of any international and regional treaty or convention ratified by Kenya and general rules of international law (Article 2(5) and 2(6) of the Constitution) relating to the subject matter;
- d) The provisions relating to the fundamental rights and freedoms together with the national values and principles of governance in the Constitution and the need to incorporate the requirement for adopting a human rights based approach to planning and programming;
- e) The need to achieve progressive implementation of the socio-economic rights under Article 43 of the Constitution in appropriate legislation;
- f) The objects and principles of devolution stipulated in Article 174 and Article 175 of the Constitution including:
 - i. Promotion of social and economic development and the provision of proximate, easily accessible services;
 - ii. Democratic exercise of power;
 - iii. Participation of the people in the exercise of state power and in decision making;
 - iv. Separation of powers;
 - v. Reliable sources of revenue for effective service delivery; and
 - vi. Gender equity and equality.

The following sections summarize laws, policies and administrative procedures developed by county governments, their application in delivery of services and challenges experienced in the development of policies.

4.1 Development of Policies

The findings of the assessment of the status of implementing the system of devolved government by county governments carried out by CIC in 2014 and the information in the Transition Implementation Plans indicate that most county governments have identified policies for development. The current assessment found out that most of these policies are still work in progress by the county executive. Some of the constraints cited for the slow pace of development of policies were inadequate technical personnel, limited time for policy development, financial constraints and differing priorities of the many activities being undertaken by county governments. Annex 5 lists some of the policies developed by county governments.

4.2 Development of Legislation, Regulations and Administrative procedures

County governments have enacted legislation for diverse areas such as finance and appropriations to guide expenditure and revenue collection, bursaries and other funds

relating to the education sector, alcohol control, laws regulating county assembly functioning among other laws. Twenty one county governments indicated they had developed the necessary administrative procedures. The specific details are found in Table 6 below.

Table 6 – County legislation enacted per sector

Sector	No. of Legislation Enacted	Percent (%)
Finance and planning	66	40
Education	18	11
County assembly laws	15	9
Social services e.g. liquor control	16	10
Trade	10	6
County symbols and names protection	8	5
Environment (Mining, forestry, water, etc.)	8	5
Agriculture	6	4
Public participation	5	3
Health	4	2
Gender, culture, sports and social services	4	2
Decentralized units	2	1
Work bursaries	1	1
Transport	1	1

The county governments reported that the laws developed have been useful in facilitating the delivery of services in the counties.

Annex 5 lists laws and administrative procedures developed by county governments as reported by the public officers who were interviewed.

4.3 Challenges in Developing Policies, Laws and Regulations

The Table below shows some of the challenges and recommendations reported in the development of policies and laws

Challenges	Recommendations
Inadequate technical capacity i.e. legislative drafters and other technical experts, to effectively formulate county government legislation.	i) Recruit and train personnel with appropriate skills. ii) AG, KLRC and CIC should provide technical support to county governments.
Most of the MCAs do not have the requisite capacity to effectively legislate.	Train MCAs on the legislative development process
Inadequate physical infrastructure e.g. offices and resource centres.	i) County governments should provide staff with adequate offices to enhance performance. The county governments should invest in libraries and resource centres for research. ii) County Assemblies to establish research unit

Challenges	Recommendations
Delays in publication of laws in the Gazette by the Government Press.	i) Enhance the capacity of the government press; ii) The Government press needs to decentralize its services to county level iii) Counties should set up a county printer to serve all the counties.
Inadequate funds and time for preparation and consultation during the legislative development process.	Prioritize policy and legislative activities and provide adequate budgets for their development
Incitement of members of the public by MCAs not to accept the policies and legislation developed and in some cases to withhold payment of taxes and other county revenues	Consultations and coordination between different departments and political leaders and public launch of laws and policies, and distribution of copies to all stakeholders and departments. Civic education on the importance of respecting the rule of law
Delays in the development of standards and policies in some sectors e.g. cooperative and tourism.	The National government needs to fast-track development of policies

Analysis and Recommendations

- 1) The legislative development process by county governments is largely still in its infancy. County governments may want to come up with a schedule of laws in order of priority. County governments should also bear in mind that a law provides a general legislative framework for a particular matter, and therefore most laws require administrative procedures for their effective implementation. Finally the County Governments Act requires that all laws should be published in the County Gazette.
- 2) Section 24 of the County Governments Act needs to be amended to take into account cases where the Governor does not assent to a Bill and refers it back to the county assembly with a memorandum and the Bill is not supported by two-thirds of the members assembly. The issue was raised in Bomet and Kiambu counties.

Human Resource Management

Articles 232 and 235 of the Constitution provide for the norms and standards plus values and principles of the public service that county public officers should respect and observe. Sections 73 and 138 of the CGA and section 57 of the Urban Areas and Cities Act, 2012 provide for how public officers are to be transitioned from the national government into the hands of county governments.

5.1 Human Capacity Development

Section 7(2)(i) and the Fourth Schedule of the Transition to Devolved Government Act, 2012 stipulates that the Transition Authority shall audit government staff and local authority staff in counties to establish the number of staff in each county by cadre, grade, gender, age and qualification⁴. This would facilitate deployment and capacity building, the latter of which is a function assigned to the national government. Further, Section 15(2)(ii) of the Sixth Schedule requires the national government to assist county governments in building their capacity to govern effectively and provide the services for which they are responsible.

During the first assessment of June 2014, most counties were in the process of establishing their County Public Service Boards (CPSB). Therefore, this assessment sought to document the status of County Public Service Boards and their achievements. The assessment also looked at County Assembly Public Boards (CAPBs), their capacities, needs and challenges.

5.2 County Public Service Boards

The County Government Act, 2012, provides in various sections, for the development of county human resources, including establishment and functioning of County Public Services Boards (Sections 57 & 58). The CPSBs are in charge of human resources management of county governments. Section 58(1) provides for the composition of the CPSB as follows;

- i) a chairperson nominated and appointed by the county governor with the approval of the county assembly;
- ii) not less than three but not more than five other members nominated and appointed by the county governor, with the approval of the county assembly; and

⁴ The Transition Authority carried out the audit, reported in “Transition Authority Resource Audit Report for Staff of Former Local Authorities and Devolved Functions, 2013”

- iii) a certified public secretary of good professional standing nominated and appointed by the governor, with the approval of the county assembly, who shall be the secretary to the board.

This means, a county may have a minimum of five and a maximum of seven members of CPSB, making a total number of members of the CPSB across the 47 counties between 235 (lower limit) and 329 (upper limit).

Review of reports from the counties indicate that all 47 counties have established County Public Services Boards, with a total membership of 330 (men 207, women 123), with youth being 19% and Persons with Disabilities (PWDs) 4%. Indeed, all counties visited have functional CPSBs, whose membership is within these provisions.

5.3 Performance of the County Public Service Boards

All CPSBs assessed reported remarkable achievements including:

- a) Establishment of fully functioning secretariats.
- b) Establishment of key offices necessary to execute devolved functions.
- c) Development of codes of conduct for the staff and members of the Boards.
- d) Recruitment of qualified officers for key positions (Chief Officers, Departmental Heads, Directors, etc.)
- e) Absorbed officers to the counties from those employed under the Economic Stimulus Programme, defunct Local Authorities and those seconded from the national government.
- f) Facilitation of capacity building and sensitization for officers on various areas, including National Values (Article 10) and Principles of the Public Service (Article 232)
- g) Development of relevant manuals and policies (promotion, disciplinary procedure, human resource, marginalized communities)
- h) Induction of newly recruited officers by the boards. In some cases, the newly recruited officers are inducted at the various branches of the Kenya School of Government (Embu, Baringo and Matuga)
- i) Some Boards have developed and launched their five-year strategic plan.

5.4 Capacity Needs Assessment

Section 24 of the Transition to Devolved Government Act requires, as one of the criteria for the transfer of functions, that county governments must undertake capacity needs assessment in relation to the functions to be transferred. In essence all counties should have undertaken capacity needs assessments immediately after they were established.

The first assessment found that neither the National Government nor the Transition Authority had undertaken any comprehensive capacity needs assessment or capacity

building at the county level. On the other hand, twenty-eight (28) counties had carried out a capacity needs assessment. In the current assessment, most counties reported that they have undertaken a capacity needs assessment. Some counties have undertaken their own assessment, others indicated that the Transition Authority had undertaken the assessment, while most counties indicated that the assessment was done by virtue of their participation in the Capacity Assessment and Rationalization of the Public Service (CARPS) Programme by the Ministry of Devolution and Planning.

The findings of the current assessment show that most counties have shortages of professionals in specialized fields (surveyors, physical planners, engineers, health workers); huge disparity in the salaries and allowances for the three categories of officers in the county, i.e., officers seconded from the national government, officers from the defunct local authorities and officers employed directly by the county government.

Table 7 below gives challenges and recommendations on capacity needs.

Table 7: Staff Capacity Challenges and Recommendations

Challenges identified by counties	Proposed solutions
Mismatch of skills, qualifications and jobs. Some of the former local authority staff absorbed by county governments do not have the required qualifications and skills for the jobs they currently hold.	<ul style="list-style-type: none"> (i) Training has been prioritized and budgeted for in most counties. (ii) Some counties have planned to undertake training needs analysis each year to inform the training programmes. (iii) Some counties have established training committees to ensure that officers continuously update their skills. (iv) Some counties have identified short courses which officers are able to attend depending on the capacity needs. (v) Some counties have partnered with learning and training institutions such as universities and the Kenya School of Government.
Difficulties in attracting and retaining technical personnel e.g. doctors, engineers, accountants, procurement officers and lawyers to fill vacancies in the county governments, due to low remuneration package	<ul style="list-style-type: none"> (i) Some counties have resorted to head hunting especially for skilled professionals. (ii) Some counties have reviewed the qualifications for certain jobs to provide more job opportunities for the youth in line with Article 55(c) of the Constitution
Failure to comply with 5% threshold of employment of persons with disabilities in public offices	In some counties, the CPSBs are carrying out baseline on PWDs, their academic qualifications, where they are, etc. These initiatives will enable the Boards to ascertain as at the time of short listing, information that can capture PWDs.
Loss of records and lack of up to date records leading to delay in promotions: In some cases, the Public Service Commission has written to the counties requiring them to effect promotions for officers who were due for promotion back in 2013 and have now been seconded to the counties. However, since the Boards do not have the personnel files, they are unable to review the individual cases, concerning promotion and even discipline. Secondly, some medical officers were interns in various health facilities in the country, prior to March 4 th , 2015. However, they completed their internship and were absorbed by the counties, but their promotions have not been effected and this affects their remuneration status	<ul style="list-style-type: none"> (i) The Public Service Commission, National Government and County Public Service Boards should facilitate the transfer of personnel files. (ii) Some counties have already been given files of staff seconded to them. (iii) Update, clean and integrate the medical officers into county payroll system

Challenges identified by counties	Proposed solutions
Disparities in the salaries and allowances for the three categories of officers in the counties, i.e., officers seconded from the national government, officers from the defunct local authorities and officers employed directly by the county government.	The Salaries and Remuneration Commission to expedite the harmonization of salaries and allowances for all employees in the county and national governments.
Gender imbalance making it difficult to meet the not more than two thirds of the same gender constitutional requirement in appointments. Technical professions such as accounts, engineering and driving which attract fewer female applicants than male applicants.	Gender balance will be attained gradually and the Boards in their advertisements should encourage female applicants.
According to Section 65(1) (e) of the County Governments Act, 2012, at least 30% of those employed should be candidates who are not from the dominant ethnic communities in the county. However, certain vacancies do not attract applicants from outside the dominant ethnic group and as a result, some counties have not been able to meet this requirement.	
Political interference in the recruitment and selection exercise	The Boards strive to remain non-political while at the same time encourage consultations and consensus building in the discharge of their duties and delivering on its mandate.
Inadequate physical and ICT infrastructure	(i) County governments are putting up offices to facilitate decentralization of services. (ii) A number of counties are moving to automation and paperless systems (ICT).

During the assessment, some counties indicated that the National Government had conducted an assessment through the Capacity Assessment and Rationalization Programme of the Public Service (CARPS). On 2nd May, 2014, an institutional framework for a Joint CARPS was gazetted vide Gazette Notice No. 56 of 2014. This was a decision of the Summit on the need to implement a joint capacity assessment and rationalization programme for the public service at the National and County levels of government. The framework includes an Inter-governmental Steering Committee, an Inter-Agency Technical Committee, Inter-Agency Secretariat, Ministerial/ Departmental Rationalization Technical Committee and County Rationalization Technical Teams. The report on this programme is not yet out.

5.5 County Assembly Service Boards

Section 12 of the County Governments Act, 2012 provides the composition, roles and conduct of the County Public Service Boards. During the first devolution assessment, it was found that County Assemblies were at various stages of operationalizing their County Assembly Service Boards. During the current assessment, all counties visited were found to have operational County Public Service Boards with membership as prescribed in Section 12(3) of the Act; i.e., speaker, leader of majority, leader of minority and one person who is a resident in the county, appointed by the CPSB. The Clerk is the Secretary to the board. The results from 29 counties indicate a total membership of 139 (men 115, women 24), with youths being 9% and Persons with Disabilities (PWDs) 2%.

5.6 Capacity Needs Assessment for County Assemblies

In most cases, the capacity needs assessment for County Assembly staff has not been done. In the initial stages, the CASBs received instructions from TA on the type of staff they

needed to start off and TA actually deployed staff to County Assemblies . Later, County Assemblies did their own assessments in which most of them advertised/recruited for the committee clerks, legal counsels, human resource management officers, research officers, fiscal analysts, Hansard reporters, technicians, sign language interpreters, etc.

5.7 Performance of the County Assembly Service Boards

The County Assembly Service Boards have made various achievements to facilitate county assemblies perform their roles of representation, legislature and oversight. Some of the achievements recorded in most CASBs include;

- a) Establishment of offices and recruitment of the key staff that has made the assemblies functional. Note however that although Article 260 of the Constitution provides the interpretation of marginalized groups, this has not been domesticated in the county assemblies as they recruit their staff.
- b) Construction and/or rehabilitation of the chambers to facilitate MCAs to conduct business. This has led to modern chambers with improved systems as compared with defunct local authority councils.
- c) Carried out capacity building/training of the MCAs on the Constitution and standing orders.
- d) Developed policy, guidelines and job description for human resources.



Kilifi Assembly Chambers under construction.

5.8 Challenges faced by CASBs and proposed solutions

Challenges	Recommendations
Political interference in recruitment of staff.	Established recruitment criteria and ensuring that candidates hired meet job requirements.
Inadequate technical capacity e.g., Lawyers, HRM, Legislature, Hansard and Finance, Difficulties in attracting and retaining staff due to SRC ceilings on salaries	(i) Define and implement capacity building programme (ii) Partner with the Parliamentary Service Commission for staff exchange programme to develop skills of CASB staff. (iii) Many CAs are working with the Parliamentary Training Institute to develop skills of their staff. (iv) Counties exchange programme for staff to visit different assemblies.
In Mombasa, all MCAs are from one coalition, CORD. The law is not clear under such circumstances who becomes leader of minority.	There needs to be clarity if CA is constituted with members of the same political party
Failure by some MCAs to participate in the development of policies and Bills	Capacity building of the policy makers
Gender imbalance in the compositions of the CASBs making it difficult to meet the two-thirds constitutional requirement in appointments. The speaker, leader of majority, leader of minority and clerk were men, which was found to in most counties, the only way to bring in women gender through appointment. Other counties, e.g, Tana River does not have a woman in CASB.	

5.9 Analysis and Recommendations

- 1) CASBs should be abolished for the following reasons: the Board only has a few staff some of whom are sitting MCAs. The Board's role is also duplicative of the CPSB, which can sufficiently or adequately provide human resource services to the County Assembly staff.
- 2) The County Governments Act should be amended to give functional independence to CPSBs. Therefore the members of the boards should be given security of tenure to enable them to perform their functions without interference or control from any person or body.

Financial Systems and Structures

The Constitution and Public Finance Management Act establish a number of structures for the management of public finances by the County Governments. These structures include County Treasury, Intergovernmental Budget and Economic Council (IBEC) and County Budget and Economic Forum (CBEF). This section analyses the experiences in the management and implementation of these structures

6.1 Integrated Financial Management Information Systems

All the counties reported that they have established county treasuries and installed the IFMIS to comply with any requirements prescribed by national legislation. Seven counties (15%) had decentralized the financial management systems to the Sub-county level. Benefits reported from decentralized financial management systems included prompt payment for goods and services procured by the county governments, enhanced accountability and efficiency in service delivery, easier decision making processes because decentralized units do not need to refer to county headquarter for approvals, better management, effective monitoring of project progress and reporting from system generated reports.

Though a majority (40) of the counties (85%) had not decentralized their financial systems, revenue collection was done at the sub-county level. Facilitation of the decentralized units (i.e. sub-counties, Wards and Village) was in terms of floats and the vouchers, which were then posted in the IFMIS at the county level.

Table 8: Challenges experienced by counties in the implementation of IFMIS

Challenge	Number of counties	Recommendation
<ol style="list-style-type: none"> 1. IFMIS accessibility and network issues 2. Delay by National Treasury to give authority to access the IFMIS system leading to slow processing. 3. Centralization of the IFMIS at the County level and specifically at the department responsible for finance 	17	<ol style="list-style-type: none"> 1. There is need for structured management of the system. 2. There is need for regular consultations between Counties and National Treasury to resolve outstanding issues on the system 3. Access of the system by accounting units in counties should be from their respective departments and not necessarily from the Finance Department. 4. Increased connectivity with the National government to ensure that IFMIS is easy to access. 5. Operate IFMIS on a more stable and reliable connection platform
<ol style="list-style-type: none"> 1. Centralization of IFMIS Administration in Nairobi 2. Centralized system control by the National Treasury which switches the system on and off at will 3. National Treasury has not activated all IFMIS modules 4. Support for the IFMIS is centralized in Nairobi 5. There is limitation of rights in the system. 6. Reference is made to the head office in Nairobi. 7. Training of staff on the use of IFMIS is costly as it can only be done in Nairobi 8. The centralization of IFMIS has made it difficult to decentralize financial systems to the Sub county, Wards and Villages 	14	<ol style="list-style-type: none"> 1. Establishment of an offline system in which transactions can be undertaken even when the system is down and automatically synchronized when connectivity is restored. 2. Decentralization of training facilities to the counties and development and sharing of training manuals 3. Activation of all modules, including the revenue module 4. Improved
<ol style="list-style-type: none"> 1. Connectivity issues with regard to service providers. 2. Stalling of IFMIS whenever there is a network upgrade 3. Frequent down-times of the network 4. Limited staff capacity 5. Complexity of the system means that some Finance departments cannot use IFMIS to prepare reports for the various offices or update the system with information of newly recruited staff 6. Staff are unable to use all the IFMIS modules 	15	<ol style="list-style-type: none"> 1. Use of more reliable service providers with stable network connectivity. 2. Recruitment and regular training of staff on IFMIS; 3. Recruitment of a dedicated system administrator in each county to manage the system 4. Sharing of data on uniformity of procedure
<ol style="list-style-type: none"> 1. Delayed disbursements from the National Treasury 2. Ineffective IFMIS design which leads to communication challenges between IFMIS and the Central Bank of Kenya and consequently to the county government 	23	<ol style="list-style-type: none"> 1. Improvement of internet connections, 2. Timely release of funds by the national government
<ol style="list-style-type: none"> 1. Difficulty in operation and activation of E-procurement due to limited capacity 2. Bureaucratic procedures leading to delays in processing procurement payments 3. Lack of clarity of the reporting structure of the procurement officials, who are not clear on whether to report to the County Secretary or the CEC responsible for finance 	8	<ol style="list-style-type: none"> 1. Improvement of networks and avoid deliberate shut-offs by the National Government. 2. Availing of clear manuals as current manuals are not clear 3. Development of a clear reporting structure

Challenge	Number of counties	Recommendation
1. Inadequate supporting ICT infrastructure at county level 2. Inadequate IT infrastructure and frequent power fluctuation	11	1. Enhancement of infrastructure including acquisition of standby generators 2. Use of more reliable internet service providers 3. Improved ICT infrastructure and acquire modern supporting equipment
1. Incompatibility of IFMIS with other revenue management systems used by the counties including GPAY. This leads to delayed reconciliation and overall processing of payments. The manual process of reconciliation also increases the risk of loss of funds	3	1. Update IFMIS to be compatible with third party applications
2. Resistance to change by some officers - Slow uptake and response from departments of the new technologies	4	2. Regular training, sensitization and motivation of staff

6.2 County Budget and Economic Forum

Section 137 of Public Finance Management (PFM) Act, 2012 establishes the County Budget and Economic Forum in each county comprising;

- The Governor of the county who shall be the chairperson;
- Other members of the county executive committee;
- A number of representatives, not being county public officers, equal to the number of executive committee members appointed by the Governor from persons nominated by organizations representing professionals, business, labour issues, women, persons with disabilities, the elderly and faith based groups at the county level.

The purpose of the Forum is to provide a means for consultation by the county government on (i) preparation of county plans, the County Fiscal Strategy Paper and the Budget Review and Outlook Paper for the county; and (ii) matters relating to budgeting, the economy and financial management at the county level.

A total of 37 counties had established the CBEF. The figure below indicates the breakdown of representation of various interest groups from 27 counties⁶.

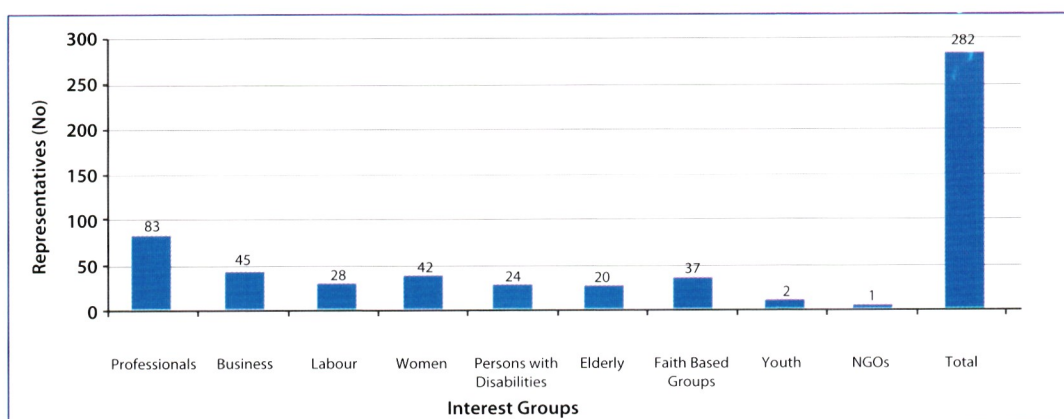


Figure 2: Representation of various interest groups in the CBEF

⁶ Nyamira, Kisii, Homa Bay, Kisumu, Siaya, Mombasa, Marsabit, Meru, Tharaka-Nithi, Embu, Kitui, Nyandarua, Kiambu, Samburu, Trans Nzoia, Uasin Gishu, Nakuru, Narok, Kericho, Bomet, Kakamega, Bungoma, Busia, Makeni, Machakos, Garissa, Turkana.

Most of the counties, (26 out of 37), reported that the CBEFs had been fairly effective with the main effects being the quick and timely response to issues, active involvement in the preparation of budgets and plans for the county, which in turn provided for positive feedback on plans and the handling of economic problems experienced through liaising with CBEF, mobilization of the public to participate in discussion forums.

The forums were reported to have not been effective in 11 counties mainly due to limited experience and the fact that the forums had been recently established and had not been in office for long.

6.3 Establishment of County Funds

The PFM Act authorizes County Executive Committees to establish various county public funds. The funds established by the counties are outlined in Table 9. A total of 147 funds were established, with 14 being work in progress and 133 approved. The funds approved were mostly effective with Bursary Funds having led to increased access to schools by needy students. For instance, Lamu County started with an amount of KSh. 20 million in the fund, but has since increased to 50 million benefiting over 3600 students mainly attending secondary schools.

Table 9: Some of the Funds established by Counties and their status

Funds	Status of establishment (Number of counties)		Implementation	Challenges
	W.I.P	Approved		
County Emergency Fund	7	28	Funded emergency related activities e.g. floods related emergencies in Siaya County	1. Inadequate funds due to other competing demands 2. Lack of clarity in the definition of an emergency
County Revenue Fund	-	37	Facilitated the funding of all the county government operation	1. Delay in release of funds 2. Lack of personnel 3. Political interference
Education Funds e.g. Scholarship and Bursary Fund, Bursary fund, Enterprise Fund bursary, County Education Fund and Scholarship Fund	-	27	1. Increased access to secondary and higher education among the very poor in counties. 2. Enhanced targeting with more needy persons assisted to complete their education	1. Infiltration in selection by MCAs 2. Political interference in awarding the funds 3. Lack of a clear mechanism to identify beneficiaries
Development funds e.g. Trade and revolving Fund, Community Empowerment Fund, Enterprise Development Fund, Agriculture Development Fund, Joint Loans Board Fund	2	6	Being implemented	

Funds	Status of establishment (Number of counties)		Implementation	Challenges
	W.I.P	Approved		
Youth, Women and PWDs Funds e.g. Youth, Women and PWDs Fund. Youth and Women Fund, Youth Fund, Women Fund, Social Protection Fund, Nawiri Fund	3	12		
Health Sector funds e.g. Facility Improvement Fund, Health Fund, Hospitals cost sharing Fund, Compassionate Fund	-	4	Enhanced health service delivery by cushioning facilities from the effects of delay in disbursement of funds	Inadequate amount of funds--.
Mortgage and Loan Funds e.g. Car & Mortgage Fund, Mortgage and loan Fund, Car and loan Fund, Executive Mortgage Fund, Loans Fund, County Executive Fund	-	7	Facilitated MCAs to purchase cars and houses	1. Limited funds 2. Access to funds limited to mainly MCAs and senior members of executive
Ward Development Fund	2	6	Partial implementation of the fund	1. Inadequate funds to cater for needs of all wards 2. Political interference, with MCAs interfering in establishment of committees and award of tenders
Alcohol and Liquor Control Funds eg Liquor Licensing Board Fund, Alcoholic Drinks Control Fund	-	6	Being implemented	
Total	14	133		

6.4 Appropriation and Finance Bills

Article 224 of the Constitution and the PFM Act, 2012 require counties to enact Appropriation and Finance laws to facilitate allocation and utilization of funds. Over the 2014/2015 financial year, 68% of the appropriation laws were approved by June 2014, 45% of the finance laws were approved by September and 96% of the supplementary appropriation laws were enacted after September 2014 as required by law. This is a significant improvement from the 2013/2014 financial year where 58% of appropriation laws, 38% of finance laws were enacted by June and September 2013 respectively and 69% supplementary appropriation laws were enacted after September as required by the law.

Table 10: Approval of Appropriation and Finance Laws by the Counties over the 2014/2015 Financial Year

Month when the laws were enacted	Appropriation Acts		Implementation		Supplementary Appropriation Acts	
	Number of Counties	Percent	Number of Counties		Number of Counties	Percent
June 2014	23	68	-	-	-	-
July 2014	3	9	-	-	-	-

Month when the laws were enacted	Appropriation Acts		Implementation		Supplementary Appropriation Acts	
	Number of Counties	Percent	Number of Counties		Number of Counties	Percent
August 2014	1	3	1	4	-	-
September 2014	1	3	11	41	1	4
October 2014	-	-	2	7	-	-
November 2014	-	-	3	11	-	-
December 2014	-	-	2	7	3	11
January 2015	3	9	3	11	3	11
February 2015	1	3	2	7	6	21
March 2015	1	3	2	7	2	7
April 2015	1	3	1	4	5	18
May 2015	-	-	-	-	4	14
June 2015	-	-	-	-	4	14
Total	34	100	27	100	28	100
Normal Approval Months	July		September		Any time after September	

6.5 County Budget Papers

During the financial year 2014/2015, 40 counties prepared County Fiscal Strategy Paper, 35 counties prepared County Budget Review and Outlook Paper, 25 counties prepared the County Government Debt management strategy and 35 counties prepared the Cash Flow Projections (Table 11).

Table 11: County Budget Papers Approval for the Financial Year 2014/2015 by Month

Month Various Papers have been Approved	Approved Budget Papers (2014/2015 Financial Year) -Number of Counties			
	County Fiscal Strategy Paper	County Budget Review and Outlook Paper	County Government Debt management strategy	Cash Flow Projections
Normal Approval Months	By February 28 th	By September 30 th	By February 28 th	By June 15 th
September 2013	-	2	1	1
October 2013	-	1	-	-
April 2014	1	-	1	2
February 2014	27	-	6	-
May 2014	-	-	-	1
June 2014	1	-	-	18
July 2014	-	-	-	3
March 2014	5	-	2	-
September 2014	-	20	4	-
October 2014	-	4	1	-

Month Various Papers have been Approved	Approved Budget Papers (2014/2015 Financial Year) -Number of Counties			
	County Fiscal Strategy Paper	County Budget Review and Outlook Paper	County Government Debt management strategy	Cash Flow Projections
Normal Approval Months	By February 28 th	By September 30 th	By February 28 th	By June 15 th
November 2014	-	2	-	-
December 2014	-	1	-	-
February 2015	-	-	2	-
April 2015	-	-	1	-
May 2015	-	1	-	-
June 2015	-	-	-	2
Not specified	4	4	5	6
None	-	4	12	1

Twenty eight (28) counties had met the timelines set for approval of County Fiscal Strategy Paper, 23 counties met the timelines for County Budget Review and Outlook Paper, 8 County Budget Review Paper and 22 counties met the timelines for the Cash flow Projections as required by the Public Finance Management Act, 2012. This represents a significant improvement from the achievements in the Financial Year 2013/2014 where none of the counties met the fiscal strategy paper and County Government Debt Management Strategy Paper,

Table 12: 2015/2016 Financial Year Budget Papers Development status by May 2015

Budget Paper (FYR 2015/2016)	Development status				
	Non Response	Not started	Work in Progress	Completed	Approved
County Fiscal strategy paper	5	2	3	8	23
County Budget Review and Outlook Paper	9	11	9	4	10
County Government Debt Management Strategy	9	8	10	11	4
Cash Flow Projections	10	3	7	14	9

The main challenges experienced in the preparation of the County budget papers, as reported by counties, include:

- 1) Inadequate human capacity in terms of limited staff, inadequate skills & experience to prepare quality budget papers
- 2) Delay by the National Treasury in issuance of budget policy statement to guide budgeting by county governments
- 3) Limited participation by the county Departments other than the county treasuries in the preparation of the budget papers
- 4) Delays in provision of the necessary information from the various departments including submission of departmental proposals, necessary account statements and information to facilitate the review and development of the papers

- 5) Inadequate public participation due to limited resources, illiteracy and apathy
- 6) Political interests
- 7) Unavailability of updated and accurate data or statistics on progress indicators
- 8) Delays in the preparation of development of annual development plans
- 9) Uncertainties in revenue collections and inaccurate statistics making it difficult to make projections
- 10) Delayed auditing and verification of debts inherited by county governments inhibit making of accurate projections in the preparation of budget papers.

6.6 County Budgets for the 2014/15 Financial Year

Article 220 of the Constitution together with PFM Act 2012 requires that both the national and county governments budget be based on an annual plan. Although county governments reported that their budgets were aligned to the CIDP there were instances where there were un-procedural budgeting. Counties affected argued that such allocations were guided by a strong demand from the public.

County revenue comprised of nationally raised revenue as divided to counties and collections from various county specific revenue streams and grants. During the period under assessment, no county reported to have secured a loan. The main revenue sources for some 297 counties over the financial year 2014/2015 are summarized in Figure 3.

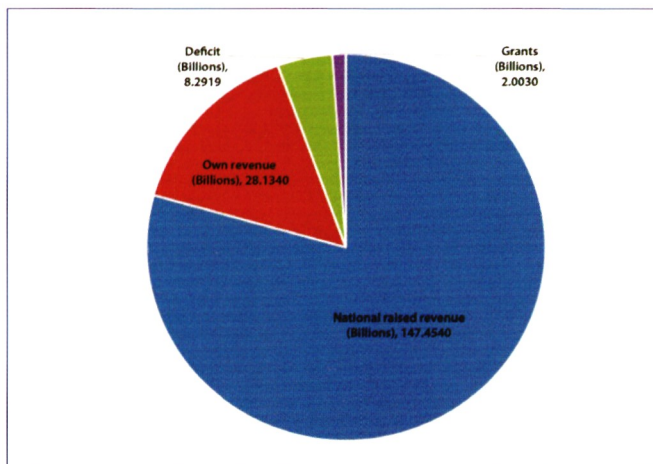


Figure 3: Sources of County Revenue

There has been a general increase in the revenue collected by county governments, as indicated in Fig 4 for the first nine months of FY 2013/2014 and FY 2014/2015 respectively.⁸

⁷ Mombasa, Kilifi, Garissa, Marsabit, Isiolo, Meru, Tharaka-Nithi, Embu, Kitui, Machakos, Nyandarua, Kirinyaga, Kiambu, Turkana, Samburu, Trans Nzoia, Uasin Gishu, Nandi, Laikipia, Nakuru, Narok, Kericho, Bomet, Vihiga, Kisumu, Homa Bay, Migori, Kisii, Nyamira

⁸ Revenue collection by trends counties as obtained from the Office of the Controller of Budget's County Governments Budget Implementation Review Reports for the Third Quarters of FY 2014/2015

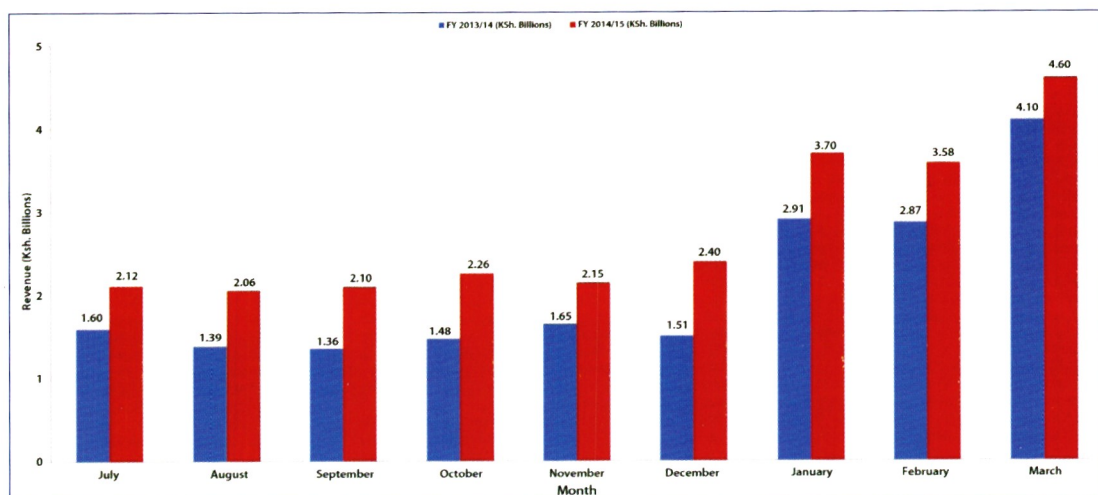


Figure. 4 Monthly collection of revenue by county governments for the first nine months of FY 2013/2014 and FY 2014/2015 respectively (Ksh. Billions)

During the assessment, the counties reported that projections from own revenue collection by counties was based on the collections from the previous year and the identified potential revenue streams. However, there was a disparity between the projected and collected revenues as presented in figure 5⁹. The reasons for the disparities include among others:

1. Loopholes and leakages in the revenue collection systems arising from (i) lack of automation and (ii) corruption
2. Lack of clear guidelines, legislation and weak institutional frameworks for revenue collection
3. Political interests during the process of revenue collection, with some elected leaders inciting the public against payment of certain rates
4. Non-collection of land rates due to unresolved land disputes and, difficulty in enforcement of the mechanisms
5. Limited capacity of staff both in terms of skills and numbers to collect revenues
6. Non-payment of rates by National Government departments;
7. Failures in agricultural produce leading to loss of revenue from levies on agricultural produce;
8. Challenges in the tourism sector arising from increased insecurity, terrorism and travel advisories leading to low revenue
9. Over ambitious projection and high targets set on revenue collection based on all devolved functions, some of which have not been realized.

⁹ Annual local revenue target (projected revenue) compared with the actual local revenue collected by counties as obtained from the Controller of Budget's annual budget implementation review report for FY 2013/2014

6.7 Allocation of Funds

The results show that all the counties allocated funds towards the implementation of all devolved functions relevant to each County. The average allocation for development and recurrent expenditure was 43% and 57% respectively. Figure 6¹⁰ presents a summary of the allocations by some counties for recurrent and development expenditure for the financial year 2014/15

¹⁰ FY 2013/2014 Recurrent and development expenditure gross estimates as obtained from the Office of the Controller of Budget's County Governments Budget Implementation Review Reports for the First, Second and Third Quarters.

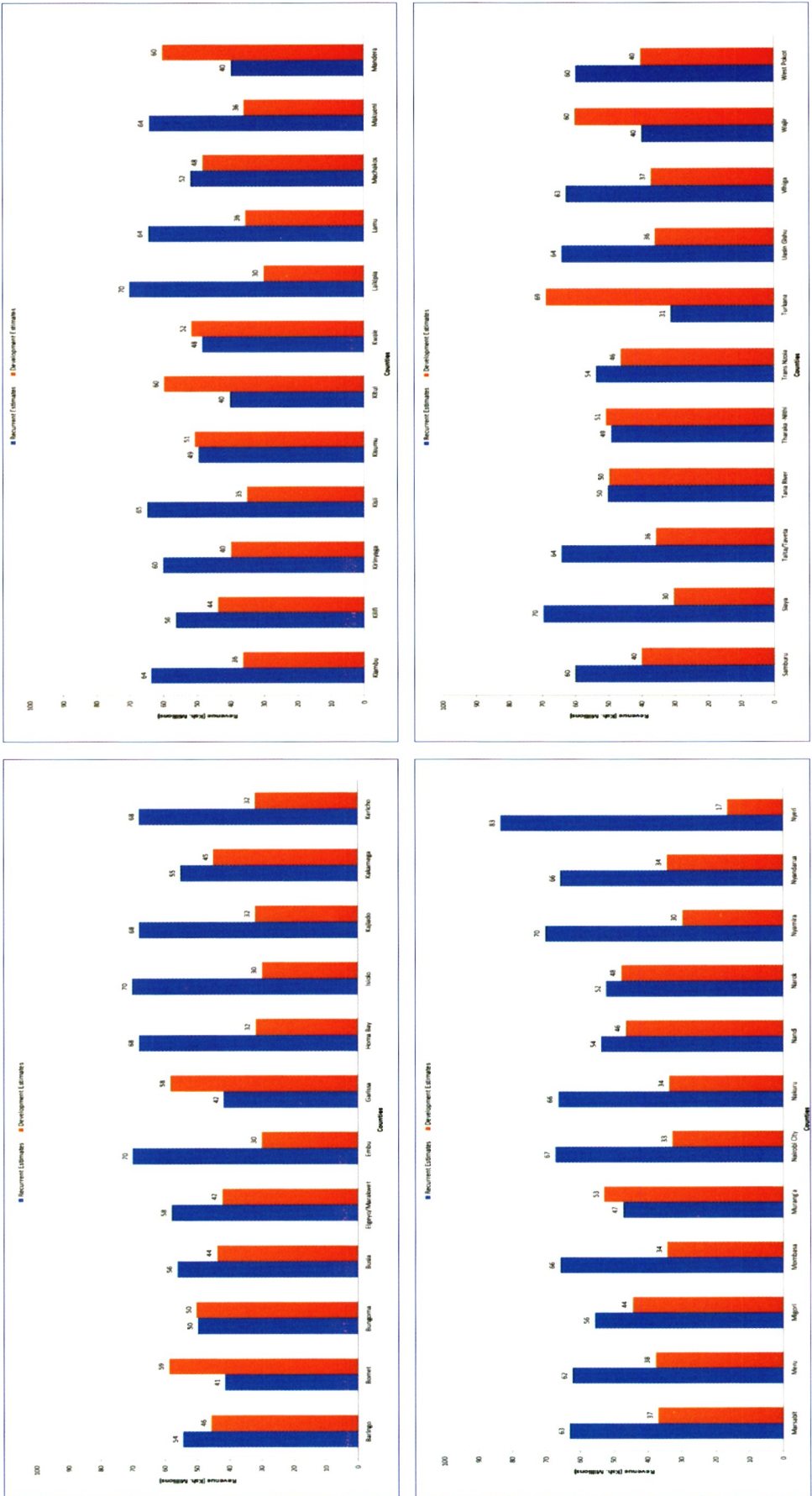


Figure 6: Budget allocations for recurrent and development expenditures for FY 2013/2014 by County

6.8 Plans for Funding of the 2015/2016 Financial Year Budget by Counties

Five Counties (Homabay, Siaya, Kiambu, Nandi and Nyamira) indicated that they had plans to borrow funds in the 2015/2016 financial year. The plans they have put in place to facilitate the borrowing included: making special arrangements with contractors to construct roads and have costs recovered from toll stations.

There is need for the development of a framework to ensure controlled borrowing by counties as required by law.

Eighteen counties¹¹ reported to have signed agreements with development partners in respect of funding and grants for devolved functions. The main partners in agreements included: the World Bank, to facilitate capacity building with voluntary attaches for Mombasa; the Danish Government to facilitate the engagement of economists on voluntary basis in Mombasa, WWF on Spatial plans with Lamu County, GIZ on Agriculture and DANIDA on Health in Marsabit County. Other agreements included those with USAID to assist in the agricultural sector in Isiolo, PLAN International, USAID, FAO, CABK in Tharaka Nithi County, DANIDA in Kitui, Kitui County agreement on Rural Electrification and Health with Danida, Korean Government with Homa Bay County, Pipeline Company in Migori, and France-Urban upgrade programme in Kisumu.

Twenty three counties reported having been aware of existing agreement between the National Government and development partners with respect to funding and grants of devolved functions, mainly agriculture, health, slum upgrading programme, road construction and water among others. The main partners include those signed with the African Development Bank, DANIDA, KMP, KISIP, KENSUP, World Bank, JICA and Korean Government.

Case Study 7: Improving Revenue Collection in Kakamega County

Background

The total number of local authority units that existed before March 4, 2013 were two i.e., Kakamega and Mumias Municipal Councils. Though reports of the annual revenue collected before March 4, 2013 were unavailable, in 2013/2014 FY, 329 million was collected. The revenue collected for the current year 2014/2015 as at May 2015 stood at 465 million, representing a 41% increase even before the end of the financial year.

The main sources of revenue of the then local authorities were fees on business permits, parking fees, housing rents, rates and bus parks. The collection of revenues was an entirely manual system that created loopholes, leading to wastage of resources and therefore could not be monitored or even verified. Whereas the County government has not developed any new avenues for revenue collection, it is working on sealing those loopholes.

¹¹ Bomet, Busia, Embu, Homa Bay, Isiolo, Kiambu, Kirinyaga, Kisii, Kisumu, Kitui, Lamu, Marsabit, Migori, Mombasa, Narok, Samburu, Tharaka-Nithi, Vihiga

Mechanisms to Increase Revenue Collection

To increase revenue collection, the county has entered into partnership with the Kenya Commercial Bank (KCB) to initiate an Enterprise Resource Planning (ERP) system that is currently being piloted. There is a Board of Revenue Agency known as Kakamega Revenue Agency. This system is a similar outfit of the Kenya Revenue Authority, with a hired consultant spearheading it for a period of six months starting May 2015.

The ERP system was reported to have improved daily collections. It indicates when the machine was switched on, the zone where it is being operated from, how many receipts are generated in a day, duration between transactions, the identity of the user, etc. This also tracks employees' performance. As the trend shows, there was an improvement of 41% in revenue collection and the County is optimistic that by next financial year, they may hit a target of one billion. A five floor level-5 hospital has been mooted and drawings are complete. When Completed, this project is expected to improve service as well as contribute towards increased revenue for the county.

The leading source of revenue was hospital charges, followed by business permits, cess, bus parks, markets and rates. The rest was from miscellaneous sources such as rent, stalls, kiosks, slaughterhouses, machinery hire, licenses, parking and license applications and grants. As an example, conditional grants from DANIDA of 21 million (50% of this was granted on 13/11/2014 and the other 50% on 18th March 2015).

Community Complaints on County Revenues

Most complaints were about the high charges being levied by the County Government on businesses. Some members of the public also complained about inaccessibility to the county offices and also that service delivery was not very equitable.

The County has complaints handling mechanisms, which entails citizens reporting their complaints to town officers who forward them to the regional officers. If unresolved, the regional officers then forward the complaints to the chief officers in charge of revenue. If still unresolved, the matter is then submitted to the CECM in charge of the revenue docket.

Evidence of increase in revenue collections leading to improvement in service delivery

Through the interactive session with the county government and review of reports provided, it was evident that revenue collection had improved. It was reported that ten farmers in the county had been selected to use their farms as demonstration centers for other people in the community to learn from and improve their livestock maintaining skills, using ten dairy cows purchased from the county revenue. . However, the full impact of the improvement can only be established if there is sufficient time to visit many projects.

Case Study 8: Revenue Collection in Kitui County

In 2013/14 FY, Kitui County had a projected revenue collection of Kshs. 448million, of which about half (Kshs. 278m) was realised. The sources of revenue prior to the March 4th general elections included: land rates, plot rates, single business permits, charcoal and sand cess and parking fees. New sources under the Kitui County Government include: liqueur licensing, market fees, deliveries (goods brought from other areas), communication masts, advertisements, fishing and sports at Kiambere, boat riding in Kiambere, mining and mineral cess fees and penalties.

Challenges reported as affecting implementation of revenue collection measures include:

1. Complaints from citizens about a high increase in the rates, use of fake receipt books and demand for bribes by county officials; Political resistance to the implementation of the Finance Act, which, according to the executive had included provisions on effective revenue collection. The matter was referred to court.
2. The County government has not hired new officers in the revenue collection section but is using those from the defunct local authorities, some of whom are not adequately trained.
3. The county government has not put in place effective financial systems, including revenue collection, thus allowing corrupt officers to perpetrate the vice, therefore causing the county to miss its targets.
4. Inadequate number of vehicles to cover the entire county has led to low collection of revenue.



Tana River Offices - The county innovations to accommodate county government operations.

Intergovernmental Relations

Article 6(2) of the Constitution provides that the National and County governments, though distinct, are interdependent and must conduct their mutual relations on the basis of consultation and cooperation. Article 189, which sets out the principles of inter governmental cooperation, requires legislation to make further provision for such cooperation and consultation. The County Governments Act, 2012, the Intergovernmental Relations Act, 2012, the Urban Areas and Cities Act of 2011, Public Financial Management Act of 2012 all establish frameworks for consultation and co-operation between the national and county governments and amongst county governments.

7.1 Establishment of Intergovernmental Forums

All 47 Counties reported that their Governors are members of and do participate in the National and County Governments Coordinating Summit. A total of nineteen (19) reported that they had established County Intergovernmental Forums in accordance with Section 54 of the County Governments Act.

The following forums facilitate planning and budgeting in the counties and national government.

1. Intergovernmental Budget and Economic Council (PFM Act, Sec 187), provides a forum for consultation and cooperation between the national government and county governments on budgeting and fiscal matters. The Chairperson of the Council of Governors and the CECs in charge of finance represent the counties.
2. Joint Intergovernmental Technical Committee (PFM Act, Sec 100). The Joint Committee is required to meet at least once every three months and responsible for offering technical advise, interventions to county governments that are facing financial problems and propose a recovery plan. This Committee had not yet been set up since circumstances demanding its establishment have not arisen.
3. Sectoral Intergovernmental Consultative Forum (IGR Act, Sec 13(1)(2)).

The various forums were able to develop policy statements that addressed financial and other concerns of county governments. It is therefore critical that county governments participate in these meetings.

It was reported that during the 2014/15 financial year, the Intergovernmental Budget and Economic Council meetings were well attended by County Executive Committee members responsible for finance, with at least 36 counties having been represented in the meetings. Most Governors though not members of the IBEC attended IBEC meetings thus facilitating resolution of many critical financial issues.

7.2 Intergovernmental Disputes

Section 32 of the Intergovernmental Relations Act states that;

1. Any agreement between the National government and a county government or amongst county governments shall;
 - a) Include a dispute resolution mechanism that is appropriate to the nature of the agreement; and
 - b) Provide for an alternative dispute resolution mechanism with judicial proceedings as the last resort.
2. Where an agreement does not provide for a dispute resolution mechanism or provides for one that does not accord with subsection (1), any dispute arising shall be dealt with within the framework provided under this Part.

Since the County governments were established, 22 of them reported that they had experienced some form of dispute, with fourteen (14) experiencing boundary disputes, five (5) experiencing disputes over resources located at boundaries and three (3) on general issues such as asset sharing, posting staff to counties and withholding of funds by the national government.

Twenty-eight (28) counties reported potential areas of disputes as indicated in table 13.

Table 13: Potential areas of dispute

Potential areas of dispute	Number of counties
Boundary disputes between county border towns and claims to ownership of market areas	5
Sharing of revenue and resources along county border markets, towns	4
Access to and use of resources, e.g. oil, water, pasture, agriculture and forest and encroachment of agriculture areas by pastoralists, livestock theft, cattle rustling, management of natural resources,	7
Undefined functions following the transfer of functions e.g. classification of roads, KERRA and KURA and health functions	2
Costs of management of the health facilities at border towns, payment of staff working in one county and being paid from another county, absorption of seconded staff, costs of management of agricultural training centers shared by counties;	3
Land disputes	2
Cross border raids e.g. grazing cattle/livestock crisis crossing county boundaries, cattle rustling	1

Table 14 below outlines the possible solutions proposed by Counties to resolve existing disputes while table 15 outlines recommendations to prevent potential disputes.

Table 14: Possible solutions to disputes

Nature of disputes	Solution
Boundary disputes between neighboring counties e.g Kwale with Taita Taveta (Bachumaget – Mokimon Road)	<ul style="list-style-type: none"> (i) Carry out boundary surveys to clearly define county boundaries. (ii) Use of ADR e.g. establishment of border peace committees, arbitration by IEBC or the national government, negotiations, petition to senate etc. (iii) Formal dispute resolution by the courts (iv) Formation of Inter county Management committee to manage joint facility, resources
Disputes on sharing of resources in cross-border towns and urban centres, including markets, national parks and natural resources	<ul style="list-style-type: none"> (i) Establish joint committees to collect revenue in the border town that falls in two counties. (ii) Hold regular consultations
Cross border raids e.g., between Pokot and Marakwet, Pokot and Turkana and along the borders	<ul style="list-style-type: none"> (i) Promote joint economic activities (ii) Sensitize communities on peace (iii) Make adequate security arrangements
Alienation of county government in security meetings convened by the national government within the county	<ul style="list-style-type: none"> (i) Invite Governor or his designate to attend some national government security committee meetings within the county. (ii) Operationalize the County Policing Authorities.
Provision of water and Sanitation Services and water resource management disputes e.g., between Nairobi and Nyandarua counties (Sasumuwa dam)	<ul style="list-style-type: none"> (i) Continue engagement with WARMA to agree on the revenue sharing. (ii) Establish mutually agreeable management teams
Salary refunds in respect of Murang'a health centre staff paid by Kiambu county	Hold inter-county consultations to resolve the issues.
Management of health facility e.g at the Laikipia border with Nyeri. Solio dispensary is in Laikipia but the staff are under Nyeri county.	Hold inter- county consultations to resolve the issues.

Table 15: Recommendations made to address potential areas of disputes

Potential areas of dispute	Recommendation
General intergovernmental disputes, e.g. sharing of offices, posting of staff to counties, withholding of donor funds held by the national government, conflict over roles of county governments and county commissioners	<ul style="list-style-type: none"> (i) Internal consultations and collaboration between the office of the County Commissioner and the County Executive. (ii) Enhance engagements at the County Intergovernmental Forum and require TA to complete an inventory on assets of the defunct local authorities, national government and their transfer status.
Conflict over access to and sharing of resource such as grazing of livestock across county boundaries. Problems of livestock theft and cattle rustling	<ul style="list-style-type: none"> (i) Enforcement of the law (ii) Protection of grazing corridors (iii) Sensitization on available options for income diversification.

Potential areas of dispute	Recommendation
Boundary disputes between county border towns and claims to ownership of market areas	<ul style="list-style-type: none"> (i) Formation of joint administrative units (ii) Use of surveyors to ascertain county boundaries and doing the mapping. (iii) Regular intergovernmental consultations and negotiations so that issues can be identified and dealt with before they escalate into disputes. (iv) Sensitization and formation of peace committees.
Access and use of resources, e.g. oil, water, pasture, sharing of revenue accrued from mining, agriculture and forest and encroachment of agricultural areas by pastoralists	<ul style="list-style-type: none"> (i) Continuous sensitization and joint peace meetings to agree on sharing of border resources. (ii) Meetings between county government officials and communities to resolve issues (iii) Negotiations and setting up of mutually agreeable management teams (iv) Signing of binding intergovernmental agreements on means of sharing resources; (v) Advocate for sharing of resources (e.g. water, pasture) and adherence to agreed boundaries
Undefined functions following the transfer of functions e.g. classification of roads, KERRA and KURA and health functions	<ul style="list-style-type: none"> (i) Clear definition of functions through consultations between the national government, county governments, TA, and other partners; (ii) Develop agreements on how the concurrent functions are to be implemented.
Disputes over the management of public land	<ul style="list-style-type: none"> (i) Improved cooperation and coordination between the National and the county governments in the management of public land; (ii) Clear definition of the ownership of land by the National Land Commission.
Revenue Collection and taxation along border markets, towns as each county charge cess on entry	<ul style="list-style-type: none"> (i) Intergovernmental agreements between county governments on the means of revenue collection to ensure traders only pay once and not at every border point. (ii) Create uniformity on charges within a region through binding agreements, especially over resources and taxation (iii) Hold inter-county negotiations so that issues can be identified and dealt with before they escalate into disputes.

7.3 Inter-governmental Projects and Agreements

In this section, the assessment sought to establish the participation of county governments in inter-county projects. Twenty eight (28) counties reported that they had signed inter-governmental agreements; fifteen with the national government and thirteen with other county governments, as summarized below.

Table 16: Intergovernmental agreements¹²

Areas County Governments have signed Agreements	Signed with	
	National	County
Base Titanium Project	1	
Food security project	-	1
Arid and Semi-arid lands (ASAL) Project	1	-
Jumuia ya Kaunti za Pwani	-	3
The Leaders Forum on devolution and development	-	1
Bulk water supply agreement	-	1
Lake Basin Economic Blue Print	-	1
Regional assets, Conservation of forest	-	1
Memorandum of Understanding (MOU)- on leasing of medical equipment	4	-
Agreement on preparation of the Nyamira county spatial plan	1	-
Exchange of ideas, information between Isiolo county and national government agencies	1	-
Peace agreement in Samburu county	1	-
Memorandum of understanding between counties with national government on youth fund, housing, sewerage development, windmill water	3	4
Agreement on Kenya Police Service Deployment	2	1
Total	15	13

7.4 Cooperation Between County Government and National Government Structures in Counties

Collaboration between the national and county governments has gradually improved with county governments reporting that there has been an increase in consultation and reduction of conflicts. The net effect of this is improved service delivery and harmonious working relations. The resultant benefits reported are tabulated in table 17. The challenges the county experienced in interrelating, consulting and cooperating with these National Government structures include lack of funds to support and facilitate joint activities, resistance to change and lack of cooperation between the officers at both levels of Government (Table 18)

Table 17: Records gains reported to have been realized from collaboration and cooperation between the National and County Government structures in service delivery.

Summary	No. of counties	Percent
Improved service delivery through policy guidelines and fast-tracking of bills and policies	16	48%
Increased capacity of staff through joint trainings	12	36%
Reduction of alcohol and drug abuse	2	6%
Cost sharing for joint activities, office structures, infrastructure	13	39%

¹² Table 16 above was generated from information reported by specific counties and does not necessarily indicate the total number of counties who have signed the intergovernmental agreements.

Summary	No. of counties	Percent
Effective and efficient use of resources and avoidance of duplication of activities	6	18%
Enhanced security and peace within the counties	18	55%
Enhance citizen participation in decision making	5	15%
Increased access and sharing of information	6	18%

Table 18 outlines the challenges that County Governments reported to have faced in the process of consultation and collaboration with National Government structures

Challenge	No. of counties	Percent
Resistance to change by former local authority staff and feelings of distrust towards the new county government employees	2	6%
Continued implementation of some of the devolved functions leading to duplication and confusion	4	12%
Prolonged decision making processes	5	15%
Inadequate funds and delay in disbursement of funds	10	30%
Lack of coordination mechanism or intergovernmental mechanism to facilitate engagements at the initiation and implementation of projects belonging to NG and CG. Too many activities conducted concurrently and targeting same people	8	24%
Misunderstanding of the roles of the respective governments resulting in unrealistic demands and high expectations from the public	7	21%
Conflict between parallel structures and programmes, e.g. chiefs and Wards administrators, Sub-county Coordinator and County Commissioner – in jurisdictions owed to distrust and duplication of roles	12	36%
Insecurity in Samburu, Isiolo and Marsabit counties	3	9%
Political interference	1	3%

Decentralized Units

Article 176 (2) of the Constitution requires every county government to decentralize its functions and the provision of its services to the extent that it is efficient and practicable to do so. The basic decentralized units are outlined in Section 48(1) of the County Government Act and include Sub-counties, Wards and Villages. Section 48 allows Counties to establish further units of decentralization.

8.1 Decentralized Units

It was reported that a total of 247 Sub-counties had been established, of which 237 or (96%) were said to be functional. The total number of Wards established were 1235, with 900 or (88%) reported to be functional. A total of 554 Villages and Zones had been established in 6 counties, with none being functional. The information is summarized in the table below:

Table 19: Number of Decentralized Units Identified as at March 2014

Type of decentralized unit identified	Decentralized units identified by counties		Decentralized units functional by counties	
	Units	No. of counties	Units	No. of counties
Sub-counties	247	39	237	39
Wards	1235	38	1090	38
Villages and zones	554	6	0	6
Areas	219	1	0	1

In summary most counties are operating at Sub-county and Ward levels. Only four have established Villages, which are not yet operational. The county governments that have decentralized to the Village level are few in number and this is mainly due to lack of political agreements in enacting legislation to define a Villages. Some Counties also expressed concerns that establishing villages would lead to an unsustainable demand on their financial resources.

8.2 Infrastructures, Structures and Systems of Decentralized Units

Most county governments have put in place infrastructures, structures and systems at the Sub-county and Ward levels as indicated in the table below

Establishment/Level	Types	Counties (No.)
Sub-county		
Infrastructure	Office space	32
	Installation of telephone lines	1
	Water connections	1
	Internet installation	1
Structures	Departments	30
	Staff (Administration and support staff)	23
	Vehicles	2
	Furniture and equipment	14
Systems	Financial Management systems	19
	Human Resource Management System	6
	Revenue collection	6
	Information Management System	1
	Monitoring and Evaluation Systems	0
Ward		
Infrastructure	Office space (Rented, inherited or owned)	19
	Installation of telephone lines	1
	Internet installation	1
Structures	Offices and staff	17
	Furniture and equipment	7
	Vehicles and motorbikes	1

8.3 Status of Decentralization of Functions

Functions are decentralized to Ward level in only five (5) counties (Nyamira, Taita Taveta, Kitui, Kiambu and Kisumu). Most of the functions are decentralized to Sub county level (Figure 7, Table 20)

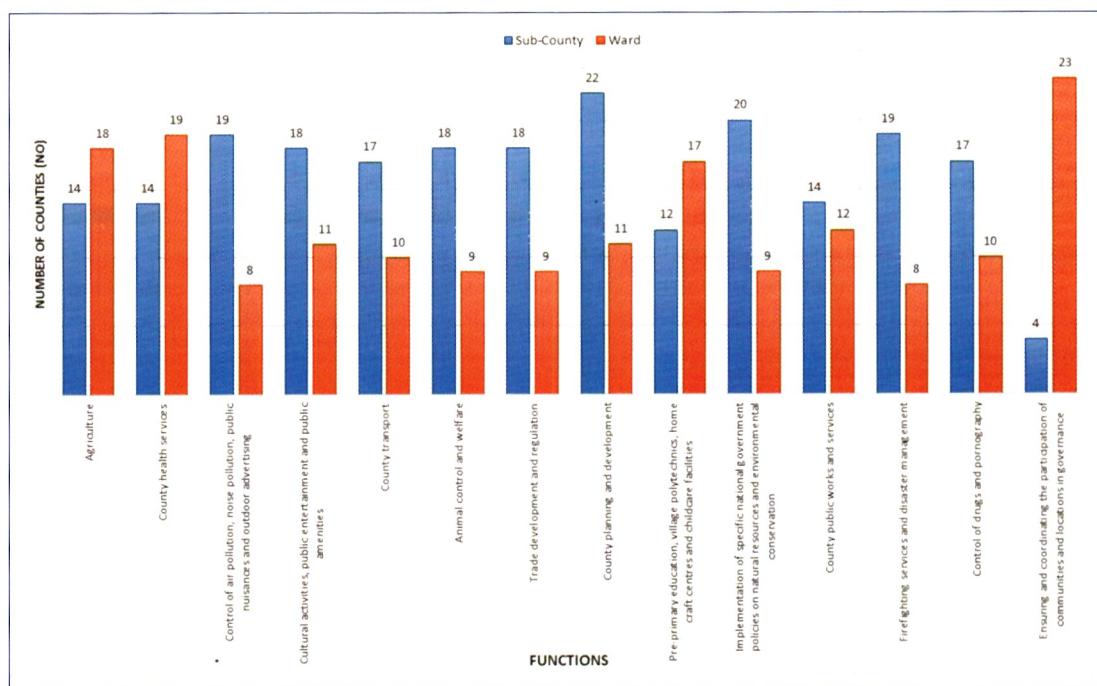


Figure 7: Status of Decentralization of the Functions in the Counties

Table 20: Status of decentralization of the functions in the Counties

Function	Sub-County	Ward
i) Agriculture	14	18
ii) County health services	14	19
iii) Control of air pollution, noise pollution, other public nuisances and outdoor advertising	19	8
iv) Cultural activities, public entertainment and public amenities	18	11
v) County transport	17	10
vi) Animal control and welfare	18	9
vii) Trade development and regulation	18	9
viii) County planning and development	22	11
ix) Pre-primary education, village polytechnics, home craft centres and childcare facilities.	12	17
x) Implementation of specific national government policies on natural resources and environmental conservation	20	9
xi) County public works and services	14	12
xii) Firefighting services and disaster management	19	8
xiii) Control of drugs and pornography	17	10
xiv) Ensuring and coordinating the participation of communities and locations in governance	4	23

8.4 Challenges Facing Decentralized Units

Table 21 below outlines the number of county governments, which reported specific challenges faced in the administration of Sub-counties and Wards.

Table 21: Challenges faced in the Administration of Sub-Counties and Ward units

Nature of Challenges	Sub-county challenges		Ward Challenges	
	No of reporting Counties	Per cent (%)	No of reporting Counties	Per cent (%)
Inadequate funding and irregular release of funds	19	40	14	30
Centralization at the county level, i.e. lack of decentralization of functions and financial systems.	8	17	4	9
Inadequate capacity of staff in terms of numbers and relevant skill set. In the specific case of Wards, there is unclear schemes of service forward administrators	15	32	11	23
Inadequate infrastructure and structures for example limited transport facilities affecting the mobility of the officers	22	47	11	23
Insecurity	5	11	3	6
Limited civic education and knowledge about the functions e.g. in the cases of Wards there is limited understanding on functions of the Ward administrators and the chiefs	5	11	6	13
Distrust of national government structures, i.e. chiefs and County Commissioners	6	13	5	11
Misunderstanding of the management functions and roles of various structures in the county (Sub-counties and, towns, ministries and administrators)	5	11	N/A	
Lack of policies and other relevant frameworks to facilitate service delivery in Sub-counties,	1	2	N/A	
Limited access to information especially between the Ward administrators and the departmental officers in the wards	1	2	2	4
Political wrangles between MCAs and County Executive Ward administrators.	N/A		6	13
Delay in decentralization of functions in the counties	N/A		4	9
Interference with Ward plans by MCAs	N/A		2	4

Cities, Towns and Municipalities

Article 184 of the Constitution provides for a national legislation for the governance and management of urban areas and cities. In particular the legislation is intended to:-

- a) Establish criteria for classifying areas as urban areas and cities,
- b) Establish the principles of governance and management of urban areas and cities,
- c) provide for participation by residents in the governance of urban areas and cities.

The Urban Areas and Cities Act, 2012 (Sections 4 & 5) sets out the mechanisms for identifying different categories of urban areas and cities, and for their governance. This section presents findings on establishment of the cities, towns and municipalities by the county governments.

9.1 Assessment of Existing Cities, Towns and Municipalities

Fourteen counties¹³ reported having carried out the classification of cities, municipalities and towns with the total number of cities, municipalities and towns established being 1, 5 and 51 respectively. Most of the counties (23¹⁴) had not carried out the classifications. The main reasons given were high threshold set in the Urban Areas and Cities Act 2012, the expected cost of running the structures, lack of resources and capacity to carry out the assessment

Some counties also reported they had various plans to undertake the reclassifications. For example, Mombasa, Lamu, Taita Taveta, Homa Bay, Nyamira and Narok counties are waiting the completion of the amendment to the Urban Areas and Cities Act, Lamu County is waiting the completion of the Spatial Plan, and Marsabit, Isiolo, Trans Nzoia, Uasin Gishu, West Pokot and Bomet had budgeted for the exercise and planned to engage private sector players.

¹³ Kilifi, Kirinyaga, Kisii, Kisumu, Kitui, Laikipia, Meru, Migori, Nakuru, Nandi, Samburu, Siaya, Tharaka-Nithi, Turkana

¹⁴ Vihiga, Uasin Gishu, Trans Nzoia, Tana River, Taita/Taveta, Nyandarua, Nyamira, Narok, Murang'a, Marsabit, Lamu, Kwale, Kiambu, Kericho, Isiolo, Homa Bay, Embu, Busia, Bungoma, Bomet, West Pokot, Kajiado, Makeni, Machakos

9.2 Management and Governance Structures

Sections 12, 13, 14 and 31 of the Urban Areas and Cities Act, provide for management and governance structures for cities, municipalities and towns respectively. The structures include boards of cities (Sec 13), boards of municipalities (Sec 14), and an administrator for every town (Sec 31). Section 28 requires establishment of general or special purpose committees of the boards.

From the results, Kisumu County government had appointed a city manager and an administrator for the city, and two counties (Kisumu and Siaya) had established administrators to facilitate service delivery in the municipalities. For town management, Meru, Samburu, Taita Taveta and West Pokot had established town boards, while Bomet, Embu, West Pokot and Tharaka Nithi had established special committees. Bomet, Busia, West Pokot and Kilifi had town managers. Six counties (Isiolo, Kitui, Samburu, Siaya, Turkana and Taita Taveta) had established town administrators while Busia, Kilifi, Kitui had recruited staff to facilitate service delivery in the towns.

Section 20(1)(l) of Urban Areas and Cities Act, 2012 requires the boards to prepare budgets, for approval by County executives and administer the budget as approved. The results indicate that, five (5) counties (Kisumu, Bomet, Kitui, Turkana and Samburu) had specific budgetary allocations for their respective city and towns in the Financial Year 2014/15. Kisumu City budget for the financial year 2014/15 accounted for 11% of the total county government budget, Bomet town (25%), Kitui (3.38%), Lodwar town (1%) and Samburu (0.24%). Many of the identified towns and municipalities were funded under the consolidated budget of the county governments, pending establishment of requisite structures.

9.3 Services Offered by Cities, Municipalities and Towns

The main services offered by the decentralized units established varied by county. For example, services offered in Kisumu City included collection of revenue, parking, waste management and garbage collection, education, fire fighting and emergency response. Though revenue collection had improved owing to improvement in supervision, they also reported inefficiencies resulting from corruption and use of manual systems. Other services like pollution control and waste management had not been effective owing to limited capacity for enforcement. Services offered by the municipalities include maintenance and general administration.

The main functions performed by the towns are summarized in Table 22. The services are mainly revenue collection, waste management, control of development in the urban areas and management of public amenities including markets, parks and public toilets. It was reported that these services were generally not as effective as they should be owing to the fact that most units are still not fully established, officers are engaged on acting capacity, and, in most instances, coordinated by the sub-county administrators. There is need to fast track the establishment of these units to ensure effective service delivery.

Table 22: Services offered by the established Towns

Services delivered	Number of Counties
Revenue collection, management of parking and loading bays	14
Waste management: cleaning, garbage collection, drainage system management	11
Town inspectorate-security and enforcement of law and order	3
General administration of towns	4
Water supply, sanitation and sewerage system	5
Transport management/traffic control	4
Management of public amenities: markets and public places	5
Development control: maintenance, housing, validation of building plans, street lighting	8
Beautification and management of tourist sites	3
Fire-fighting and emergency response	1
Control of outdoor advertising	1

9.4 Establishment of Service Delivery Mechanisms

Sections 32, 33 and 34 of the Urban Areas and Cities Act, 2011, require counties to establish service delivery mechanisms to facilitate service in the decentralized units. Overall there have been limited initiatives towards legislation to guide the service delivery units and development of joint service delivery systems across municipalities and cities.

The status of establishment of service delivery mechanisms is given in Table 23.

Table 23: Establishment of the service delivery mechanisms by counties

Mechanisms	Number of counties	Name of counties
Legislation by County Assembly on setup and establishment of service delivery units	2	Kisii, Narok
Operational sectors and service delivery units	8	Bomet, Busia, Homa Bay, Kisii, Kisumu, Kitui, Narok, Tharaka Nithi
Partnership with utility company (in/out of county boundary)	10	Bomet, Bungoma, Embu, Kisii, Kitui, Meru, Narok, Samburu, Siaya, Uasin Gishu
Joint Delivery system of cross city and cross municipality services	3	Bomet, Samburu, Siaya
Contract private entities (in accordance with the Public Procurement and Dispersal Act, 2012)	6	Embu, Kisii, Kisumu, Kitui, Meru, Siaya

The effectiveness of the service delivery mechanisms varies from county to county. For instance operational sectors and service delivery units were reported to be very effective in Kitui, Tharaka and Busia, averagely effective in Bomet and ineffective in Kisii, Kisumu, Narok and Homabay counties.

9.5 County Urban Area Integrated Development Plans

Section 36(1)(2) of the Urban Areas and Cities Act, 2012 requires every city and municipality to operate within the framework of integrated development planning. An integrated plan for urban/city/ municipality/town binds, guides and informs all planning development and decisions, ensuring comprehensive inclusions of all functions. Further, a city/urban/ municipality integrated plans is required to be aligned to the development plans and strategies of county governments.

The assessment shows that the majority of counties have not developed integrated plans. Among those that have are Kisumu County which reported an approved plan for the city. Six counties (Embu, Isiolo, Meru, Kajiado and Siaya) had approved town plans while Siaya county had an approved plan for its municipalities (Table 24). Majority of the towns and municipalities are said to be operating without plans or clear frameworks that would ensure comprehensive inclusion of all functions as required under Section 36 (2) of the Urban Areas and Cities Act, 2012. There is need to fast track the process of development of the plans to direct development.

Table 24: County Urban Area Integrated Development Plans

Counties	Cities Plans		Town Plans		Municipalities' Plans	
	Developed	Approved	Developed	Approved	Developed	Approved
Kisumu	1	1	-	-	-	-
Embu	-	-	1	1	-	-
Isiolo	-	-	1	1	-	-
Meru	-	-	1	1	-	-
Siaya	-	-	2	2	2	2
Kitui	-	-	2	-	-	-
Kajiado	-	-	3	3	-	-
Total	1	1	10	8	2	2

9.6 Challenges Experienced in the Establishment of Urban Areas and Cities

The main challenge mentioned was the limited understanding and varied interpretation of sections of the Act. This could lead to confusion and conflicts on the roles of the structures established by the Act to manage the urban areas and those of Ward and Sub-county administrators. Other challenges include inadequate resources to meet the expenditure needs of the proposed units.

Public Participation

Article 10(2)(a) of the Constitution recognizes participation of the people as one of the national values and principles of governance. Article 27(3) of the Constitution provides that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres. The County Government Act 2012 (CGA), Public Finance Management Act, 2012, and Urban Areas and Cities Act (2011) all include measures through which county governments can facilitate and ensure inclusive public participation.

Key statutory provisions relating to public participation include:

- a) The principles of citizen participation (CGA S.87).
- b) The conduct of business of County Assemblies should be done in an open and transparent manner (Constitution Article 196).
- c) County Assemblies should develop laws and regulations supporting effective citizen participation in development planning and performance management. (CGA S.47 and 115).
- d) County Governors are responsible for promoting and facilitating citizen participation in the development of plans and policies, delivering services and submitting an annual report to the county assembly on citizen participation in county affairs. (CGA S.30 and 92); and
- e) County governments should create structures, mechanisms, and guidelines for citizen participation. The structures and guidelines should ensure participation is open to all without discrimination and have safeguards against the domination of consultations by one group. (PFMA S.207 and CGA 91).

10.1 Achievements

The analysis on the level of public participation and its effectiveness in the counties was based on compliance with Section 91 of the County Governments Act, 2012 that requires establishment of modalities and platforms for citizen participation.

The following section summarizes the findings relating to public participation reported by various counties visited.

10.2 Establishment of Platforms for Public Participation:

Most County governments have established platforms for citizen participation, especially town hall meetings, ICT platforms, budget preparation and validation forums and the use of notice boards for announcing job vacancies, appointments, and other announcements to enhance public participation.

Town hall meetings play a major role in enhancing the participation of citizens. In Laikipia County for example, town hall meetings were carried out to address specific issues such as health, traders in the county and most recently, controlling “boda boda”. In Taita Taveta, town hall meetings are organized monthly in very Ward to engage the public. These meetings were reported as being effective in enabling the public to engage with critical issues within the County.

ICT platforms have proved quite effective in passing information and receiving views from the public. Social media sites such as Twitter, Facebook and WhatsApp have become effective tools in citizen participation, in virtually all counties.

County assemblies facilitated public participation through receipt and consideration of complaints and memoranda by citizens. Meru County for example, had a petition committee that consisted of members of the assembly. They sift through the complaints and memoranda presented to them. These are then debated on the floor of the assembly. Complaints and suggestions that needed action by the executive are forwarded to the office of the County Secretary. This is a common practice in Muranga, Kiambu and Narok counties.

Community meetings were other common platforms for public participation, which are mostly favoured by county assemblies. Meru county assembly members held meetings every Friday and Embu county assembly members held meetings every Thursday in their Ward offices.

The public is still learning about new roles and responsibilities under the system of devolved government. However in comparison to 2013 and 2014, members of the public interviewed stated that they understood devolution more than before.

10.3 Public Participation Process in the Budget Making Process

The findings of the Assessment indicate that citizens participate more in budget preparation than in any other issue to which they are invited by county governments.. This was the case in all counties visited. Asked why they participate in budget making processes more than in any other issue, interviewees reported that they wanted to ensure that the areas that affected them directly were made a priority by their county governments.

Section 125(2) of the PFM Act, 2012 requires for the County Executive Committee member for Finance to ensure that there is public participation in the budget process. In most counties, the public participation process in budget making takes the following steps.

- 1) County Treasury issues a circular to departments;
- 2) The departments prepare their project proposals;
- 3) The County Treasury leads the preparation of the County Fiscal Strategy Paper which is forwarded to the County Assembly for approval;
- 4) The Fiscal Strategy Paper is then taken to the public to collect their views and proposals;
- 5) The Fiscal Strategy Paper is returned to the Executive for any amendments and preparation of the draft budget;
- 6) The Fiscal Strategy Paper is then submitted to the County Assembly for scrutiny;
- 7) The County Assembly then takes the Fiscal Strategy Paper back to the public for input and confirmation on proposed projects;
- 8) Finally, it is returned to the County Assembly for approval.

10.4 Challenges and Recommendations

The following were highlighted as some of the challenges that hinder effective public participation and the recommendations.

Challenges	Recommendations
Lack of legal and administrative framework to carry out public participation was often cited as a key challenge by most counties. Most counties had not yet developed legislation or administrative procedures that would guide public participation and therefore public participation was less structured and more events focused as opposed to specific citizen engagement on various issues.	Policies and legislation: There is need for counties to develop legislation and administrative procedures that would guide the public participation process. A number of counties have draft policies, legislation and guidelines on public participation, (Annex 5): Meru, Taita Taveta, Kwale, Kisii all indicated they had developed Public Participation Bills that had been passed by the County Assemblies for debate and assent.
Unrealistic public expectations: More often than not, the public expected financial benefits when invited for public participation. A number of counties such as Kitui, Laikipia, Mombasa, Migori and Nyamira reported that citizens often boycotted meetings when they realized that there would be no financial benefits	Citizens need to be sensitized on the fact that they have responsibilities to participate and contribute to county governance, but not for financial gains. It is a civic duty.
Political interests: Politicians often hold parallel meetings to impede Town Hall meetings held by the County Governments. This leads to most citizens failing to attend meetings that were organized and resulted to low participation.	Emphasize political tolerance
Inadequate funding to engage the public effectively: Most counties had not included public participation in their budgets due to limited funding. They therefore more often than not relied on collaborating with community based organizations or Civil Society Organizations to finance public participation	Counties need to develop public participation processes that are manageable within the resources allocated. More resources need to be allocated to ensure an effective public participation process. A number of counties such as Migori, Nyamira, Narok and Kitui had indicated that they had included public participation costs in their budgets.

Challenges	Recommendations
Regular participants in public participation: A number of counties reported that the same people often turned up for Town Hall meetings or functions organized by the County government. More often, critical stakeholders like businessmen, professionals, etc., do not attend these meetings and instead send their junior staff. They cite engagements elsewhere,. At times, they raise objections to certain decisions when they should have presented their views in the forums. This kind of participation defeats the intention of public participation	Civic education on public participation: There is need for extensive civic education on the need and purpose of public participation. The civic education should specifically target business people and professionals in their county for their contribution in county governance.
Failure by the organizers of public meetings to give feed back to the people who attend these meetings causes communities and other stakeholders to lose interest in participating in future meetings. This is especially when they believe that their views were not taken into account in the final decision made.	Counties should develop feedback mechanisms that would give people confidence that they were listened to
Non-involvement of some sectors of the population including women, persons living with disability and minorities.	Counties to set up affirmative action programmes to ensure that the youth, women and marginalized communities have opportunities to associate, be represented and participate in political, social, economic and other spheres of life

Other Recommendations

Other recommendations proposed for the enhancement of public participation include:

1. **Development of sustainable government-citizen partnerships:** Such partnerships, which will include joint committees and technical teams would encourage direct dialogue and actions on a sustainable basis in the counties. Such engagements would provide for real opportunities for public input to be considered in decision making and would avoid dominance by a section of the public. Mechanisms must be put in place to ensure that such partnerships reach out to representatives of the full range of relevant stakeholder interests.
2. **Stakeholder mapping:** For a comprehensive public participation to be meaningful, sector based stakeholders should be involved in the process. Essentially these are individuals or groups of people that would be directly affected by a proposed policy, law or development plan. County Governments should set up a stakeholders' register based on the various sectors in the county. The register would be used as a reference point to invite stakeholders relevant to a specific proposed policy, legislation or development plan engagements.
3. **Involvement of minorities and historically marginalized groups:** In all public participation processes, there should be a conscious effort to ensure that minorities and historically marginalized groups are involved. The ideal approach county governments could adopt is to integrate minorities and marginalized individuals and groups in the mainstream public participation process. However where this is not be possible, the county government ought to hold focus group meetings specifically targeting the attendance of mapped out minorities and historically marginalized individuals.
4. **E-participation platforms:** Counties should explore the development of e-participation platforms to cater for those who are unable to physically take part in

public participation forums, but have access to internet.

5. **Data collection, collation and analysis:** For effective public participation and civic education to take place, county governments should collect, collate and analyze data to inform these processes. Data may be from the public, county initiatives or external sources.



CIC Chairperson, Governor Nakuru County and the Governor of Bomet County.

Civic Education

Article 10 of the Constitution recognizes public participation as one of the county's national values. A well-informed public is a cardinal component of effective public participation. Consequently Section 98 of the County Governments Act, 2012 sets out the principles of civic education. These principles are intended to promote:

- a) Empowerment and enlightenment of citizens and government;
- b) Continual and systemic engagement of citizens and government; and
- c) Values and principles of devolution in the Constitution.

Sections 99 to 101 of the County Governments Act, 2012 spells out the purpose and objectives of civic education, the design and implementation of civic education programmes, and the institutional framework for civic education. Civic education is aimed at having an informed citizenry that actively participates in governance affairs of the society on the basis of enhanced knowledge, understanding and ownership of the Constitution.

To support civic education programme in the counties, the national government is required to design a framework of civic education, to determine the contents of the curriculum for civic education in consultation with County governments, the public and institutional stakeholders.

Finally, county governments are required to develop county legislation to provide the requisite institutional framework for purposes of facilitating and implementing civic education programmes.

11.1 Achievements

Establishment of Civic Education Units:

In the first assessment, only six counties¹⁵ indicated that they had established civic education units. Although in the current assessment, most counties have not established units specific to civic education, Ward offices and Sub county offices operate as civic education units. The county executives use these offices to cascade information to citizens at the various levels especially in relation to budget preparation and project implementation.

¹⁵ Kirinyaga, Meru, Makueni, West Pokot, Trans Nzoia, and Vihiga

A few county governments reported during the assessment that they had established civic education units. The counties include Kiambu, Tana River, Kirinyaga Muranga, Kisii and Homa Bay. In most cases, these units are under communication departments under the Governor's office.

Legislation and Requisite Institutional Framework for Civic Education:

Generally, in all the counties visited, respondents indicated that there was some form of civic education activities by county departments. These are sometimes carried out in collaboration with civil society organizations. However, few county governments have passed any legislation or administrative procedures to guide systematic civic education process. Some counties reported to have prepared some civic education frameworks. Kirinyaga County, reported that it has developed a County Assembly Outreach Manual while Kisii County, reported that it has developed a Civic Education Policy Framework. Bomet County has prepared a Civic Education Bill. The county government of Vihiga indicated that CPSB had developed a civic education curriculum for the county but this curriculum had not been implemented. Tana River county government reported that it had established an office and fully staffed up to the Ward levels that is in charge of civic education (see case study 7).

Civic education Forums:

The form in which civic education is carried out is common across all counties and includes workshops, Town Hall meetings, organized forums from village to county level, and public/community *barazas*. Many County governments also use county websites, social media, and brochures and also allow access to public galleries. Isiolo County indicated that it was working with civil society organizations to provide this service. Kirinyaga county government partnered with Uraia, and also established a system where students from local schools undertake education tours at the county assembly as one way of sensitizing students on the work of the assembly.

From the analysis, achievements in civic education across the counties are very fluid. They need to be solidified especially when civic education legislation and administrative procedures are defined and implemented.

All counties visited reported that the county assemblies and the executive independently manage their own civic education processes. Most of county assembly members used their Ward offices to disseminate information to citizens.

Case Study 8: Civic Education in Tana River County

The County Government of Tana River was one county found to be carrying out structured civic education activities. The county government has established the unit under the department of Public Service and Civic Education. The unit has a coordinator at the county level and 17 civic education educators at Ward level.

The county has carried out a baseline survey to establish its citizen's participation in county governance, including citizen's public participation, communication and access to information. The objective of the survey was to establish the current level of the citizens in the county with regards to;

- a) The general information on county's administrative/political decentralized units.
- b) The county information on elective positions in the county, including their respective holders by names, and
- c) Their level of participation/involvement in the county governance affairs/issues, including public communication and access to information, their knowledge and understanding of their roles and responsibilities as contained in the Constitution of Kenya 2010.

The baseline survey, which used the Wards as sampling units covered all the 15 Ward units in the three Sub-counties (i.e. Tana North, Tana River and Tana Delta). The sample size comprised 378 respondents.

<i>Indicators</i>	<i>Per cent</i>
<i>Proportion of people with postal addresses</i>	31%
<i>Proportion of people with telephone communication</i>	66%
<i>Proportion of people with email addresses</i>	21%

The results showed about 70% of the population do not know the names of their sub-counties, constituencies and wards. Accessibility to postal address, telephone communication and email addresses were used to gauge the level of accessibility to communication and the current communication technology facilities. The results are summarized in table below.

Further, the results show that majority of people in Tana River are still tied to former provisional administrative units than county administrative units. To quote the baseline report, "The county communities still remain in the past environment of the old Constitution in terms of knowledge of their political/administrative boundaries of the Tana River region". Table below is a summary of results.

<i>Indicators</i>	<i>Per cent</i>
<i>Proportion of people who know the number of elective seats in the county</i>	63%
<i>Proportion of people who know, by name their elected leaders</i>	
<i>Senator</i>	72%
<i>Governor</i>	94%
<i>MCA's</i>	85%
<i>MP's</i>	67%
<i>County Assembly Speaker</i>	69%

<i>Indicators</i>	<i>Per cent</i>
<i>Proportion of people who understand what was a county Government</i>	22%
<i>Proportion of people who have participated in county government project implementations activities</i>	14%
<i>Proportion of people who participated in county functions (i.e. CIDP, budget preparation and service delivery, etc)</i>	25%
<i>Proportion of people ever participated in deliberations of Bills</i>	5%
<i>Proportion of people who have ever attended civic education forums.</i>	2%

The report concludes that a good number of Tana River County diverse communities lack active participation in both the political and administrative governance. Based on this, the county government has embarked on civic education as one of the tools to enhance county development.

Members of the public interviewed cited the following as areas in which they needed civic education most.

- a) Functions of county governments;
- b) Law making processes;
- c) Public finance management processes;
- d) Development planning processes;
- e) Monitoring and evaluating county budget implementation;
- f) Evaluating periodic county reports; and
- g) Evaluating county service delivery.

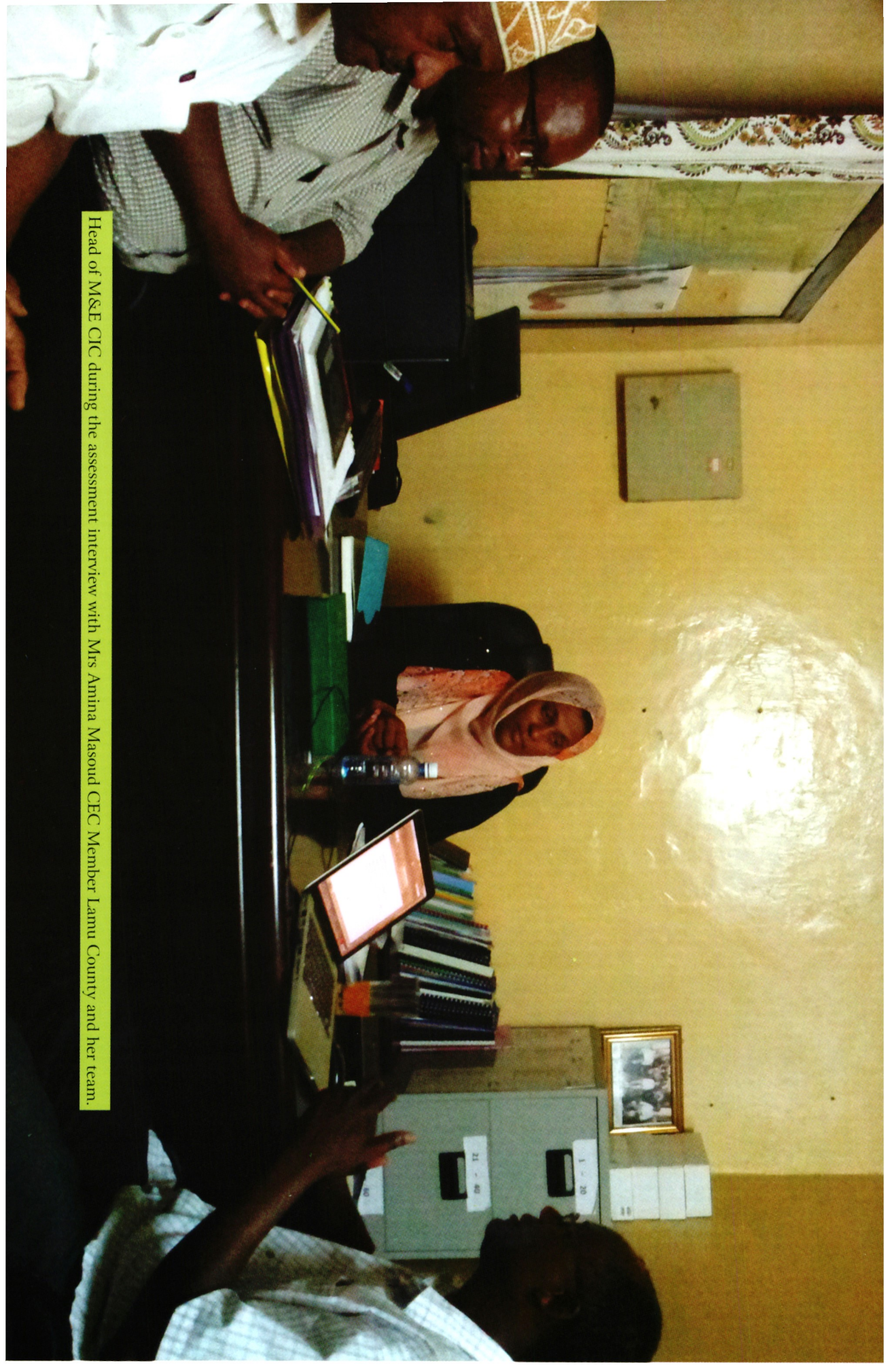
Below are some of the challenges and possible solutions listed by counties as facing implementation of civic education.

Table 25: Challenges and Recommendations in the Implementation of Civic Education

Challenges	Possible Solutions
There is no structured way of carrying out civic education, largely due to lack of legislative framework that would guide the process. Most counties have not established civic education units that would facilitate coordination. This has led to low levels of effectiveness.	(i) The National Government should work with county governments to develop a civic education framework and programme. (ii) County governments should set up civic education units and allocate resources to facilitate their operations.
Lack of structures and capacities in the county to implement civic education	(i) County governments should establish a framework for civic education and structures as required. (ii) County governments should source experts from the National government (iii) County governments should build on what already exists. There are already programmes carried out by civil society that could form a basis for civic education in the counties. County governments should partner with these organizations to strengthen existing civic education programmes (iv) County governments should map out potential civic education providers and develop guidelines and a code of ethics on how civic education should be carried out within the county.
Civic education is being confused with public participation	A civic education framework and implementation programme should provide clear difference from public participation.
Civic education is expensive, especially if the target is to cover all citizens in the county. It involves: design of program, printing and distribution of materials; travelling to different parts of the county. County governments have not allocated sufficient funds to carry out civic education due to other functions that demand more attention and funding.	(i) County governments should engage civil society organizations and media to reach more people. (ii) County governments should allocate sufficient civic education funds in the county budget. (iii) National government should provide adequate funding through conditional grants for county governments to carry civic education (iv) Regularly, the sub-county administrators, Ward administrators and Village administrators and the county assembly should conduct civic education sessions to inform county residents on issues that may come up for public participation
Most of the civic education materials such as the Devolution handbook are published in English only.	County governments should translate the materials into Kiswahili, and where possible into local languages.

Other recommendations include:

1. Capacity to engage. County governments train their staff on how to develop and disseminate civic education programmes. Capacity building should extend to key stakeholders that work with the county governments and civic education providers. Capacity building for county government officers is best done through county departments, sectoral units or through specific technical expertise of the county officers.
2. Volunteer programmes that enhance civic education. County Governments can partner with young people in the counties who are knowledgeable on governance issues who could coordinate civic education at the Sub County and Ward levels. These forms of volunteer programmes have been effective in countries that have decentralized systems of governance.
3. Civic education forums should be designed in such a way that county residents fully comprehend county policy making, legislative and development planning processes and are empowered to meaningfully participate in county processes.



Head of MSE CJC during the assessment interview with Mrs Amina Masoud CEC Member Lamu County and her team.

Citizen Service Centres

Article 232(1)(c) of the Constitution lists the responsive, prompt, effective, impartial and equitable provision of services as one of the values and principles of public service. Section 119 of the County Governments Act, 2012 provides that county executive committees shall establish citizen Service Centres. These centres would serve as the central office for the provision of services by the county executive committee in conjunction with the national government of public services to the county citizens.

12.1 Achievements

During the first assessment no county government had established a citizen service centre. In the second assessment, the findings were not very different. Most counties have not established the centres. In most cases, structures reported as service centres were in the form of customer care desks and units in the communication offices. However, an elaborate arrangement was found in Taita Taveta County where the County government had established an office in each of the four Sub-counties.

Case Study 9– Citizen Service Centres in Taita Taveta

Taita Taveta County Government has established an office in each of the four Sub-counties. The centres are managed under the Administration and Devolution department, in the Deputy Governor's office. There are three key services offered in these units/offices:

- a) Serving as compliment, complaint and information service centres.
- b) Any kind of information concerning the functions of county government, departments, etc.
- c) Communication of projects and programmes in the county.

Taita Taveta County has designed a tool (sample below) in which they record complaints/ complements and forward them to respective departments. Responses are collected and dispatched to complainants.

Quarterly Report From Complaints, Compliments & Information Centre Wundanyi Sub County

February-May 2015

Date	Name	Mode	Complaint/ Compliment	Action/ Officer Responsible	Remarks
2/2/2015	Rehema ### Tel. 0726 923###	Town hall Wundanyi.	Delayed payment of dues after death of her husband.	Complainant referred to the Dept Governor's office but she preferred to deal with CCIC.	The complainant was advised to follow the proper channels through the administrative offices
2/2/2015	Maimuna ### Tel. 0714 ### 658	Town hall Wundanyi.	Residential water disconnection	Email done to the CECM and CCO Ministry of Water and Natural resources.	Linked to Mr. ### to call complainant on number. 0735 ### 060.

12.2 Status of Services offered in the Citizen Service Centres

Counties such as Meru, Embu, Nakuru and Taita Taveta, that have service centres reported that the existence of the centres enhanced service delivery especially in streamlining the channelling of complaints to different offices. Secondly, providing services under one roof reduces the problems that citizens normally experience when they use offices that are scattered.

In those counties that have decentralized such services to Sub-counties, it was reported that residents were happy because they do not have to travel all the way to the county headquarters to see the CECs or governors for information.

In most cases county governments have partnered with the National Government to make use of the Huduma Centres, a service provision initiative of the National government. Under one roof, citizens are able to get services such as single business permits, title deed search, seasonal parking tickets and payment of amenity bills. Other services include registration of welfare groups, search and registration of business names, student loan applications and loan repayment services.

Among the challenges and recommendations mentioned by county governments in establishing and managing of the citizen service centers are listed below.

Table 26: Challenges and recommendations on citizen service centres

Challenges	Recommendations
Most counties have not considered setting up citizen service centres.	It is a violation of the CGA for counties not to establish citizen service centres. They should develop procedures and establish them as required by the law.
Most county governments reported that due to limited resources, the establishment of the centres was not a priority compared to other functions that the County needed to perform.	Counties need to include establishment of the citizen service centers in their in their annual plans and allocate resources for their establishment and management.
Those counties that share space with National Government reported that there was congestion as counties were allocated smaller sections. In addition some counties like Migori County reported that the restrictions by National Government in the Huduma centres hindered effective service delivery by the County Governments.	There is need to establish mechanisms for sharing Huduma Centres by the two levels of government.
Due to limited resources, the centres were often located at the county headquarters, which raised challenges for those living far from the County headquarters. The distance between various points of settlement and the centres was a challenge.	Counties must ensure that the centres are decentralized in order to enable equal access to services at the County to those unable to travel to the headquarters.



Tana River County assembly in session.

Role of County Assemblies

Article 185 of the Constitution and Section 8(1) of the County Governments Act give county assemblies the roles of oversight over the implementation of projects by the county executive, representation of the people, the enactment of legislation of laws necessary for the effective performance of the county government functions and approval of county budgets.

The assessment sought to establish the progress made by county assemblies to deliver on their mandates, the results achieved and challenges encountered.

Table 27 outlines the measures and activities undertaken, and the structures that county governments reported to have been put in place by various county assemblies to facilitate delivery of their mandates, and the resultant effects on service delivery.

Table 27: Summary of Reported Measures by CAs to Execute their Mandates

Role	Measures, Structures and Activities	Results/Effects on service delivery
Oversight over county executive	<ul style="list-style-type: none"> (i) Training and sensitization of MCAs on their oversight role including interrogation and analysis of reports; (ii) Establishment of departmental and sectoral committees to oversee the various sectors under the executive, with the following key responsibilities: <ul style="list-style-type: none"> (a) Review of quarterly implementation progress reports from the executive; (b) Summoning of CECMs to account on implementation of projects and programs and to respond to questions under their respective sectors and departments. (iii) Monitoring of implementation of projects on sites; (iv) Recruitment of staff to provide technical support to the committees. (v) Establishment of Public Accounts & Investigations committees; (vi) Prepared and adopted standing orders to guide the CA operations. 	<ul style="list-style-type: none"> (i) Increased capacity of MCAs especially in development of legislation and approving budgetary allocations for implementation of the various functions. (ii) Completion of some projects in line with budgetary and time specification (iii) Improved understanding and communication between the assembly and the executive. (iv) Enhanced accountability and professionalism among the executive. (v) Reduced corruption. (vi) Enhanced performance of committees

Role	Measures, Structures and Activities	Results/Effects on service delivery
Representation	<ul style="list-style-type: none"> (i) Establishment of MCA Ward offices (ii) Establishment of public participation mechanisms, e.g. MCAs conduct Ward visits to collect views on issues affecting the people, holding of forums with target groups of the community, e.g. farmers; holding of county assembly open days, e.g. once a year in every Ward or a group of wards, availability of a public gallery in some counties, (iii) Enactment of laws to provide mechanisms for the people to petition the county assemblies on any matter (iv) Establishment of communication mechanisms including distribution of the annual county assembly reports to the public. This has been done in Laikipia County. Operation of websites to facilitate information sharing with the public; (v) Refurbishment of chambers to facilitate debate. (vi) Presentation of House motions and debates to allow MCAs present issues affecting their electorate to the house. 	<ul style="list-style-type: none"> (i) Improved understanding on the role of CAs by the public; (ii) More robust debates in the house. (iii) The public can raise issues on projects under implementation through their MCAs and do not have to travel to the county headquarters to present their views. (iv) Enhanced citizen participation in the planning, budgeting and legislation making process.
Legislative	<ul style="list-style-type: none"> (i) Training of MCAs & staff on legislation drafting & the legislative development process; (ii) Refurbishment of chambers to facilitate debate; (iii) Development of legal framework for CA operations e.g. CA Service Bills and Standing Orders; (iv) Establishment of legal counsel offices to provide for legislative drafting and advisory services to the CA on the content of Bills; (v) Establishment of sectoral committees to review Bills relating to particular sectors; (vi) Establishment of Hansard departments to record proceedings. 	<ul style="list-style-type: none"> (i) Enhanced capacity of the CA to process bills; (ii) Improved service delivery in areas such as. Health and revenue collection.

Challenges faced by county assemblies in exercising their oversight, representation and legislation role as well as proposed solutions

Role	Challenges	Possible solutions
Oversight role	Poor quality of reports from the executive.	<ul style="list-style-type: none"> (i) Training of the executive on report writing; (ii) The county assemblies and CECs should jointly agree on minimum requirements and structure of reports to be submitted by the executive to the CA.
	Inadequate funding allocation for the planned oversight activities e.g. Ward visits, training of members	Increased budget allocation
	Low education level limits the capacity of some MCAs to execute their functions.	Capacity building to increase technical support to assembly committees.
	Abuse of power by MCAs resulting in frequent impeachments of CECMs arising from abuse or misunderstanding of the oversight role by both the assembly & executive	Sensitization of both CECMs and MCAs to understand and respect the separation of powers.
	Lack of financial autonomy	Creation of financial independence for county assemblies
	Wrangles within the CA due to party political differences.	Sensitization of MCAs to understand and play their role using a nonpartisan approach.

Role	Challenges	Possible solutions
Representation role	Inadequate funding to implement the representation role activities	(i) Increase in funding by reviewing of CA budget ceilings as recommended by CRA; (ii)The County Assemblies Forum should be represented in IBEC to speak on behalf of CA's on budget allocation.
	Wrangles between the Governors and MCAs	Consultations between the executive and MCAs.
	Prejudicial personal and party political interests among the MCAs.	Sensitization of MCAs to understand and play their representation role and to be accountable to the electorate.
	Lack of a framework and mechanism for handling public petitions in majority of the counties.	Develop a mechanism for handling public petitions.
	Lack of a framework for public participation in some counties.	Public participation in the budgetary process and other relevant operations of the County Government.
	Misunderstanding of the roles of MCAs by the public resulting in unrealistic demands and high expectations from the public.	Civic education on roles of senate, MCA, county executive.
Legislative role	Limited capacity in legislative drafting leading to delays in submission of legislative proposals by the executive and submission of poor quality of bills	(i) Training of the executive staff on legislation development (ii) Establishment of offices of Attorneys in the county governments
	Inadequate funds to facilitate the legislative development process	Increased funding to undertake all activities
	Low literacy level among some MCAs	Employment of qualified legislative drafters.
	Citizen apathy	(i) Effective feedback mechanisms (ii)Holding of civic education forums. (iii) Establishment of mechanisms for public participation.
	Delays in printing Bills by the Government Press	(i) Decentralization of the Government Press to counties; (ii)Establishment of printing facilities at regional level to serve the counties. (iii) Creation of county printing presses (iv) Establishment of a county desk at government printers to handle work from county governments (v)Establishment of a joint printing facility by the Council of Governors
	Prejudicial political interference in enactment of legislation in the CA.	Sensitization of MCAs to understand and play their role using a nonpartisan approach.

Section 3(f) of the County Government Act, 2012, provides for public participation in the conduct of the activities of the county assembly as required under Article 196 of the Constitution. County Assemblies reported that they had provided various means to facilitate public participation in their sittings and those of their committees, as summarized in Table 28.

Table 28: Summary of Measures by CAs to Facilitate Public Participation in their Sittings

Measures put in place	Counties Using the Mechanism (Yes)		Counties Not Using the Mechanism (No)		Non Response	
	No. of counties	Percentage	No. of counties	Percentage	No. of counties	Percentage
Access to the public gallery	37	79	2	4	8	17
Petitions to the County Assemblies	38	81	0	0	9	19
Memorandum	33	70	2	4	12	26
Press adverts	38	81	1	2	8	17
Holding stakeholder consultations	36	77	1	2	10	21
Any other, specify Website, Local Radio stations, churches, ward offices	9	19	-	-	38	81

General Issues, Conclusions and Recommendations

Generally, the results of the assessment show that county governments have made significant progress in the implementation of the functions that have been transferred to them, despite the challenges they reported to be experiencing. However, CIC has observed a number of issues, which are common to all counties. Some of the issues were raised by counties and some were obtained from existing reports issued by various institutions including County governments, the Controller of Budget, the Commission on Revenue Allocation, and the Transition Authority.

This chapter discusses the issues and proposes some avenues for addressing the challenges.

1) Intergovernmental Relations

CIC is gratified to note that many of the apex inter governmental relations institutions are now operational. These include the Summit and the Council of Governors. We are, however, concerned that other than the Intergovernmental Budget and Economic Council none of the sectoral intergovernmental forums contemplated by Section 13 of the Intergovernmental Relations Act are fully operational. We believe that these forums are critical in resolving sector specific concerns that arose between the two levels of government and require urgent and effective operationalization.

2) Management of Agricultural Training Centres and Mechanization Stations

Gazette Notice No. 33 of 2014 provides that where an Agricultural Training Centre or Agricultural Mechanization Station is shared between two or more county governments, the respective county governments shall establish joint committees, which shall enter into an agreement providing for the manner in which the Agricultural Training Centre or Agricultural Mechanization Station shall be managed; and jointly develop an annual budget to cater for the operational costs of the Agricultural Training Centre or Agricultural Mechanization Station.

Despite the above, some counties have not entered into such agreements e.g. Mtwapa Agricultural Training Centre and Mariakani Agricultural Mechanization Station, which is being shared, by Mombasa and Kilifi. Whereas we noted that the issue is being resolved

in most counties, we urge that the resolution be fast tracked so that these institutions are optimally utilized.

3) Transfer of County Government Staff

One of the challenges reported by many staff in the Counties is the inability under the existing mechanisms for the transfer of county government staff from one county government to another. This challenge arises out of a misunderstanding from staff previously working for national government of the status of each County government as a distinct government from other county governments.

Arising from this Constitutional status of County governments, it is critical to continually sensitize all staff of county governments that once one County government employs a member of staff, there is no right in law for them to transfer to another County. The only avenue available for such transfer is if a county government enters into agreement with one or more county governments to facilitate inter county staff transfers.

4) Inadequate Capacity of County Assemblies to Perform their Roles

Article 193 sets out the qualifications for election as an MCA, and requires that Parliament should enact legislation that sets out the educational and ethical criteria that must be met for one to qualify for such election. Consequently, Section 22 (1)(b) of the Elections Act provides that a person may be nominated as a candidate for an election under this Act only if that person—

Holds a certificate, diploma or other post secondary school qualification acquired after a period of at least three months study, recognized by the relevant Ministry and in such manner as may be prescribed by the Commission under this Act.

However this requirement was suspended for the March 2013 general elections, meaning that there were no educational requirements for MPs and MCAs in that election.

It was noted that in most counties the poor quality of legislation enacted by the assemblies is attributed to the low levels or lack of literacy of some MCAs. Though the provision on educational requirements will be active in the next general elections, CIC recommends that there is need to amend the subsection (b) of Section 22 to extend the period needed to acquire the post secondary school qualification from three (3) months to at least one (1) year.

It has also been noted that there is a shortage of technical drafters in most Counties thereby prejudicing the quality of legislative proposals emanating from the executive and the legislation eventually enacted by the County Assemblies.

We recommend that the KLRC enhance the support it is giving to the county assemblies in legislative development. This will naturally require additional funding to enhance the capacity of the Commission.

5) Delays in Publication of Laws in the Gazette by the Government Press

Article 199 (1) of the Constitution provides that county legislation does not take effect unless published in the Kenya Gazette. Counties complained that it takes too long to have their laws published by the Government Press. It was alleged that the queues for documents seeking publication are usually too long and that documents relating to the National Government are given automatic priority.

In order to ensure that the Government Press serves both levels of government and does so fairly, CIC recommends the Government Press be restructured through a legal framework to give it operational autonomy that its services be decentralized.

6) Challenges in the Budgeting Process

The PFM Act gives extensive powers to County Assemblies to adjust budget estimates proposed by the County Executives. Even though the Act requires County Assemblies to consider the views of the Executive Committee Member for Finance before making such changes, most County Executives complained that County Assemblies routinely adjusted budgets fundamentally without consulting the Executive. This has converted the Assemblies into budget making as opposed to budget approving entities, leading to fundamental shifting of implementation priorities by County Assemblies without involving the Executive. Even more worrying, some of the changes are based on the specific interests of individual MCAs and not on the general interests of the County.

We recommend amendments in the PFM Act to balance the powers of the two entities so that respective powers of the Assemblies and Executives are exercised in a manner that does not prejudice the mandates of the other. Most critically budget adjustments by CAs must not lead to a fundamental shift in the executives planning without their input.

7) Gaps in Law

County governments are required to implement both the national laws to the extent that the legislation so requires and county legislation too. A good number of both sets of laws were found to have challenges.

The national laws are silent on various issues for example,

- (d) Section 10 of the County Governments Act states that each county assembly shall have a majority and minority leader. It is however not clear how to select the leader of minority in cases where all the MCAs are from one political party.
- (e) Section 58 of the County Governments Act outlines the composition of a county public service board but it is not clear if the county secretary, as the secretary to the board, is an ex-officio member.
- (f) The County Government Act has no provisions for the removal of a deputy governor from office

8) Alignment of Laws with the Constitution

Some national laws have provisions that are not aligned with the Constitution. Examples are laws for agriculture, water, irrigation, roads, sports, health and drugs. The Kenya Roads Act, 2007 has not been reviewed to align it with the Constitution. Respondents reported that there has been no collaboration between KENHA, KURA and County Transport Departments in the discharge of their respective mandates leading to duplication of roles and wastage of resources.

We recommend that all laws that impede full implementation of functions already transferred to county governments be aligned to the Constitution immediately and any that relate to functions yet to be transferred be reviewed to align them with the Constitution before the end of the transition period provided in the Constitution.

9) Unconstitutional County Laws

On the other hand, a review of some county laws resulted in the identification of unconstitutional provisions. The following are some of the unconstitutional provisions found in some county governments' laws:

- 5) Ward Development Fund laws that involved MCAs and Clerks of the Assemblies in the administration of the funds, formation of committees, vetting of committee members and determination of projects to be funded. The High Court in the CDF case has already decreed such practices unconstitutional.
- 6) Article 230 (4)(b) requires national and county governments to seek the advise of SRC on the remuneration and benefits of all public officers yet salaries and allowances of many officers in counties are paid without consulting SRC
- 7) There are laws that create entities as corporate bodies with powers to borrow money without subjecting the same to Article 212 of the Constitution and the provisions of the PFM Act relating to guarantees by the National Government
- 8) County laws create a multiplicity of institutions to perform county functions in breach of Article 201 on the Constitution on prudent use of resources.

Article 3 of the Constitution requires every person to respect, observe, uphold and defend the Constitution, and county governments are no exception. Each county government should make sure that the laws they enacted are compliant with CoK 2010. County residents too have a role in ensuring that their governments do not enact unconstitutional laws.

10) Decentralization by Counties

Article 176(2) of the Constitution states that "every county government shall decentralize its functions and the provisions of its services to the extent that it is efficient and practicable to do so". The process of decentralizing functions to lower levels has been slow. In some cases lower levels (sub-counties, wards) have complained of delivery of services and decision making being centralized at the county headquarters. The tendency to recentralize is unconstitutional and goes against the objects of devolution under Article 174 of the Constitution.

11) Public Participation

Section 14 of Part II of the 4th Schedule to the Constitution requires the counties to ensure and coordinate the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level. The assessment found out that most public participation relate to planning and budgeting. There were also many complaints that public participation is largely tokenistic and lacks feedback mechanisms. This has led to increasing apathy by citizens.

To ensure county governments implement this function, we recommend that the county governments develop public participation guidelines with clear feedback mechanisms.

12) Disparities in Remuneration

There were complaints that staff employed directly by county governments, those seconded from the national governments and those absorbed from the defunct local authorities are earning different salaries even when they perform similar duties. Secondly, there have been complaints that persons working for the NG for jobs similar to those of counties are earning salaries that are significantly different. Whereas there is no obligation in law for officers at both levels of government to earn exact salaries, significant unjustifiable discrepancies for similar jobs would be unjust for the public service.

CIC calls upon both levels of Government to respect the advise of SRC on salaries and requests SRC to ensure that their advices on salaries to staff respect the principle of equal pay for equal work implied in Article 230 (5).

13) Equalization Fund

We are concerned that three years after the County governments were established and the equalization fund granted budgetary allocations, the regulations for utilization of the Fund are yet to be finalized so that critical developmental needs in the identified Counties can be addressed.

We recommend the fast tracking of the regulatory and institutional framework for utilization of the Fund.

14) Transfer of Functions

Section 15(1) of the 6th schedule to the Constitution required for the phased transfer of functions from the national government to county governments over a period of not more than three years after the March 4th General Elections. The Transition to Devolved Government Act, 2012 established TA and mandated it under Section 7 to among others functions facilitate the analysis and phased transfer of functions provided under the Fourth Schedule to the Constitution. Sections 23 and 24 of the Act respectively outline the procedures and criteria for the transfer of functions.

Although TA through three Gazette Notices has transferred functions to county governments, the main challenge has been that the some functions have not been unbundled leading to lack of clarity in assignment of components of functions to either level of government in some instances. This has meant that some elements of some functions, which are meant for the county governments, are still being implemented by the national government and/ or some functions meant for one level of government are performed by both governments because of the lack of clarities. Although already transferred, some components of certain functions are not being implemented by county governments because of lack of clarity; for example, the betting control and licensing component of cultural activities, public entertainment and amenities. In some instances, an overlap of functions has been reported, which have led to confusion and conflict between the two levels of governments, in addition to the duplication being imprudent use of funds.

It is necessary for the Transition Authority to deliver whatever is remaining of its mandate, if any, in accordance to the law so that the transition period runs smoothly.

Annexes

Annex 1: I Nital Functions Transferred to County Governments – Gazette Notice No. 16 of 6th February 2013

Functions for Transfer - by Transition Authority, 06 February 2013

Functions for Transfer - by Transition Authority, 06 February 2013	
1. Agriculture a) Livestock sales yards b) County Abattoirs/slaughter house services	6. Animal Control and Welfare a) Livestock sale yards b) Licensing of dogs
2. County Health Services a) County health facilities and pharmacies (specific to Nairobi County, Mombasa County, Nakuru County and Uasin Gishu County) b) Ambulance services (specific to Nairobi, Kisumu, Mombasa, Nakuru, Uasin Gishu Counties) c) Cemeteries, Funeral Parlours/ Mortuary services and Crematoria Services Refuse removal, refuse dumps and solid waste disposal	7. Facilities for the accommodation, care and burial of animals
3. Control of outdoor advertising	8. Trade development and regulations: a) Markets b) Trade licensing (excluding regulation of professionals) c) Local tourism
4. Cultural services, public entertainment and public amenities but limited to: a) Betting services, b) Liquor licensing, c) Video shows and hiring d) Sports and cultural activities and facilities e) County parks, beaches and recreation facilities	9. County planning and development: a) Land survey and mapping; and b) Housing
5. County Transport: a) Access roads b) Street lighting c) Traffic and parking	10. Pre-primary education, home-craft centre and childcare facilities
	11. Implementation of specific National Government policies on natural resources and environment conservation a) Protection of water springs b) Protection of wells and dams
	12. County public works and services specific to storm water management systems in built-up areas
	13. Fire fighting services and disaster management
	14. Control of drugs and pornography

ANNEX 2: FUNCTIONS TRANSFERRED AFTER MARCH 4TH 2013 – KENYA GAZETTE SUPPLEMENT NO. 116 OF 9TH AUGUST 2013

PURSUANT TO section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Legal Notice No.16 of 2013, the Transition Authority approves the transfer of the functions specified in the Schedule to the county government of (county), with effect from the 9th August, 2013:

Provided that the responsibility for the personnel emoluments related to the discharge of the devolved functions shall be managed by the national government for a period not exceeding six months or as shall be agreed upon between the two levels of government, whichever comes first.

1. Agriculture:

- a) crop husbandry including—
 - i) Provision of agricultural extension services or farmer advisory services;
 - ii) Development and implementation of programmes in the agricultural sector to address food security in the county;
 - iii) Construction of grain storage structures;
 - iv) Enforcement of regulations and standards on quality control of inputs, produce and products from the agricultural sector;
 - v) Availing farm inputs such as certified seeds, fertilizer and other planting materials, such as cassava cutting or potato vines, to farmers;
 - vi) Development of programmes to intervene on soil and water management and conservation of the natural resource base for agriculture;
 - vii) Promotion of market access for agricultural products;
 - viii) Provision of infrastructure to promote agricultural production and marketing as well as agro-processing and value chains;
 - ix) Enhancing accessibility to affordable credit and insurance packages for farmers;
 - x) Management of agricultural training centers and agricultural mechanization stations:

Provided that the management of agricultural training centers and agricultural mechanization station shall be transferred after six months, to enable the requisite structures and mechanisms to be put in place by the Transition Authority;

- xii) Land development services such as construction of water pans for horticultural production for food security;
- xiii) Formulation and review of county specific policies;

- xiii) Developing and enacting legislation and regulatory frameworks for county specific policies; and
 - xiv) Implementation of national and county specific policies and legislation;
- b) Animal husbandry including livestock extension services to deliver husbandry technologies to livestock farmers and pastoralists, through farm demonstrations, farmer field days, farmer field schools, agricultural shows, individual farm visits, farmer training courses (residential and non-residential), barazas, farmer tours, posters, brochures or leaf lets ;
- c) Plant and animal disease control including carrying out, coordinating and overseeing—
- i) communal dipping and spraying operations and vaccination campaigns; and
 - ii) control of plant pests, diseases and noxious weeds that are specific to counties; and
- d) Fisheries including—
- i) Fisheries extension services;
 - ii) Up scaling sea weed, fin fish and crustacean culture;
 - iii) County fish seed bulking units;
 - iv) On-farm trials;
 - v) Fish health certification;
 - vi) Development and maintenance of fish landing stations and jetties, fish auction centers and fish landing fees;
 - vii) Demarcation of all fish breeding areas and fencing of fish landing stations;
 - viii) Fish trade licensing and fish movement permits;
 - ix) Collection of fish production statistics;
 - x) Enforcement of fisheries regulations and compliance with management measures;
 - xi) Implementation of fisheries policy, fisheries management measures and regulation and limiting access to fishing,
 - xii) Fisheries monitoring, control and surveillance; and
 - xiii) Zonation for aquaculture-county specific disease control.

2. County health services:

- a) county health facilities and pharmacies including—
 - i) County health facilities including county and sub- county hospitals, rural health centres, dispensaries, rural health training and demonstration centres. Rehabilitation and maintenance of county health facilities including

maintenance of vehicles, medical equipment and machinery. Inspection and licensing of medical premises including reporting;

- ii) County health pharmacies including specifications, quantification, storage, distribution, dispensing and rational use of medical commodities:

Provided that until alternative intergovernmental arrangements are made, all counties shall procure medical commodities from the Kenya Medical Supplies Authority except where a particular commodity required by a county government is not available at the Kenya Medical Supplies Authority;

- b) Promotion of primary health care including health education, health promotion, community health services, reproductive health, child health, tuberculosis, HIV, malaria, school health program, environmental health, maternal health care, immunization, disease surveillance, outreach services, referral, nutrition, occupational safety, food and water quality and safety, disease screening, hygiene and sanitation, disease prevention and control, ophthalmic services, clinical services, rehabilitation, mental health, laboratory services, oral health, disaster preparedness and disease outbreak services. Planning and monitoring, health information system (data collection, collation, analysis and reporting), supportive supervision, patient and health facility records and inventories;
- c) Licensing and control of undertakings that sell food to the public including food safety and control;
- d) Veterinary services to carry out, coordinate and oversee veterinary services including clinical services, artificial insemination, and reproductive health management; but excluding regulation of the profession; and
- e) Enforcement of waste management policies, standards and regulations; in particular
 - i) refuse removal (Garbage) including, provision of waste collection bins, segregation of waste at source, licensing of waste transportation;
 - ii) refuse dumps including zoning waste operational areas, conducting environmental impact assessment for the siting of dumps, fencing of dumps, controlling fires, monitoring waste characteristics and monitoring of waste water from the dump site (leachate); and
 - iii) Solid waste disposal including enforcement of national waste management policies, standards and laws with respect to land filling, incineration with energy recovery, compositing, recycling and operation of transfer stations.

3. Control of air pollution, noise pollution and other public nuisance including:

- a) Control of noise pollution and other public nuisances;
- b) licensing for persons exceeding the permissible noise levels; and
- c) Noise mapping and action plan development,

Exclude in this is the implementation of nationally set ambient air quality standards.

4. Cultural services, public entertainment and public amenities:

- a) County betting, casinos and other forms of gambling;
- b) Racing;
- c) Cinemas;
- d) Libraries excluding Kenya National Library Services; and museums.

5. County transport including:

- a) County roads including primary roads linking all sub- county head quarters and minor roads linking markets and administrative centers excluding roads being managed by Kenya Urban Roads Authority, Kenya Rural Roads Authority, Kenya Wildlife Service and Kenya Forest Service;
- b) Mechanical and transport equipment shall be retained by the national government for a period of six months and the Transition Authority shall during that period develop modalities of sharing the mechanical and transport equipment; and
- c) Public road transport on licensing of public service vehicles operations.

6. Trade development and regulation:

- a) Fair trading practices including—
 - i) Verification of weighing and measuring instruments;
 - ii) Inspection of weighing and measuring instruments and pre-packed goods;
 - iii) Investigation of complaints relating to unfair trade practices; and
 - iv) Prosecution of offences arising from unfair trade practices.
- b) co-operative societies—
 - i) Promotion of co-operative societies;
 - ii) Processing of application for registration;
 - iii) Inspections and investigations;
 - iv) Training needs assessment for co-operative movement;
 - v) Market information dissemination & advisory services;
 - vi) Banking inspections local Savings and Credit Cooperative Societies;
 - vii) Risk assessment in Savings and Credit Cooperative Societies;
 - viii) Investment advisory services;
 - ix) Co-ordination and monitoring of co-operative indemnity by co-operative leaders;
 - x) Promotion of co-operative ventures and innovations for local co-operatives;
 - xi) Carrying out certification audits;
 - xii) Carrying out continuous and compliance audits;
 - xiii) Co-operative advisory services;

- xiv) Pre-cooperative education;
- xv) Settlement of disputes (arbitration); and
- xvi) Registration of co-operative societies audited accounts.

7. County planning and development:

- a) Statistical services including—
 - i) Custodian of official statistics in the county;
 - ii) Maintenance of a comprehensive and reliable county socio-economic database;
 - iii) Quality assurance of statistical information;
 - iv) Collection and compilation of statistical information;
 - v) Analysis of statistical information;
 - vi) Publication and dissemination of statistical information for public use; and
 - vii) Coordination, monitoring and supervision of the county statistical system;
- b) Boundaries and fencing including—
 - i) Determination of property boundaries;
 - ii) Solving of property boundary disputes;
 - iii) Showing of property boundaries;
 - iv) Ensuring fencing and development of properties; and
 - v) Finalization of surveying of administrative boundaries within the counties; and
- c) Identification of the renewable energy sites for development—excluding identification and implementation of the rural electrification projects, management of the Rural Electrification Fund and development of isolated diesel stations, which shall be transferred within the transition period as per the Rural Electrification Authority schedules.

8. Village polytechnics.

9. Implementation of specific national government policies on natural resources and environmental conservation:

- a) Soil and water conservation—
 - i) Implementation of county specific water conservation and forestry policies through water resource users;
 - ii) Water pollution control; and
 - iii) Borehole site identification and drilling; and

- b) Forestry including farm forest extension services, forests and game reserves formerly managed by local authorities excluding forests managed by Kenya Forest Service, National Water Towers and private forests.

10. County public works and services:

- a) Public works including designing, documentation, post contracting, project management of construction and maintenance of public buildings and other infrastructural services. Construction of footbridges; and
- b) Water and sanitation services including rural water and sanitation services, provision of water and sanitation service in small and medium towns without formal service providers, water harvesting (specific to counties), urban water and sanitation services with formal service provision including water, sanitation and sewerage companies, excluding Water Service Boards, Water Services Regulatory Board and Water Resources Management Authority.

11. Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

Dated the 9th August, 2013.

KINUTHIA WAMWANGI,
Chairman, Transition Authority.

ANNEX 3: TRANSFER OF AGRICULTURAL TRAINING CENTRE AND AGRICULTURAL MECHANIZATION STATION – LEGAL NOTICE NO. 33 OF 2014

PURSUANT to section 15 of the Sixth Schedule to the Constitution as read with sections 23 and 24 of the Transition to Devolved Governments Act, 2012 and further to the Kenya Gazette Supplement No. 116 of 2013, the Transition Authority approves the transfer of—

- a) The Agricultural Training Centre specified in the First Column of Part A of the Schedule to the respective county government specified in the Fourth Column of Part A of the Schedule; and
- b) The Agricultural Mechanization Station specified in the First Column of Part B of the Schedule to the respective county government specified in the Third Column of Part B of the Schedule, with effect from the 28th February, 2014:

Provided that where an Agricultural Training Centre or Agricultural Mechanization Station is shared between two or more county governments, the respective county governments shall establish joint committees, which shall—

- a) Enter into an agreement providing for the manner in which the Agricultural Training Centre or Agricultural Mechanization Station shall be managed;
- b) Jointly develop an annual budget to cater for the operational costs of the Agricultural Training Centre or Agricultural Mechanization Station:

Provided that—

- a) The budget for the Agricultural Training Centre or Agricultural Mechanization Station shall be approved by the host county government in order to avoid double budgeting ; and
- b) The host county government shall be the recipient of the budgetary allocation from County Revenue Fund of the host county government, which allocation shall be utilized for the performance of the functions of the Agricultural Training Centre or Agricultural Mechanization Station; and
- c) Undertake any other activity incidental to the realization of the objects of the Agricultural Training Centre or Agricultural Mechanization Station by the respective county government.

A. Agricultural Training Centres

Name of Agricultural Training Centres	Status	County Hosting Agricultural Training Centres	Agricultural Training Centres transferred to the county government specified herein
Busia Agricultural Training Centre	Established	Busia	Busia
Bukura Agricultural Training Centre	Established	Kakamega	Kakamega and Vihiga
Mabanga Agricultural Training Centre	Established	Bungoma	Bungoma
Kamwetii Agricultural Training Centre	Established	Kirinyaga	Kirinyaga

ASSESSMENT OF IMPLEMENTATION OF THE TRANSFERRED FUNCTIONS TO THE COUNTY GOVERNMENTS

Name of Agricultural Training Centres	Status	County Hosting Agricultural Training Centres	Agricultural Training Centres transferred to the county government specified herein
Waruhiu Agricultural Training Centre	Established	Kiambu	Kiambu and Nairobi
Kenyatta Agricultural Training Centre	Established	Muranga	Muranga
Olojoroorok			
Agricultural Training Centre	Established	Nyandarua	Nyandarua and Laikipia
Njabini Agricultural Training Centre	Established	Nyandarua	Nyandarua
Wambugu			
Agricultural Training Centre	Established	Nyeri	Nyeri and Laikipia
Kaimosi Agricultural Training Centre	Established	Nandi	Nandi and Vihiga
Ngong' Agricultural Training Centre	Established	Kajiado	Kajiado and Nairobi
Koibatek Agricultural Training Centre	Established	Baringo	Baringo
Chebororwa			
Agricultural Training Centre	Established	Uasin Gishu	Uasin-Gishu, West Pokot, Trans Nzoia and Turkana
Bomet Agricultural Training Centre	Established	Bomet	Bomet and Narok
Soin Agricultural Training Centre	Incomplete	Kericho	Kericho
Chebara Agricultural Training Centre	Incomplete	Elgeyo Marakwet	Elgeyo/Marakwet
Nakuru Agricultural Training Centre	Incomplete	Nakuru	Nakuru
Taita-Tav eta			
Agricultural Training Centre	Established	Taita/Taveta	Taita-Tav eta
Mtwapa Agricultural Training Centre	Established	Kilifi	Kilifi and Mombasa
Lake Kenyatta Agricultural Training Centre	Established	Lamu	Lamu and Tana River
Matuga Agricultural Training Centre	Incomplete	Kwale	Kwale
Garissa Agricultural Training Centre	Established	Garissa	Garissa, Wajir and Mandera
Embu Agricultural Training Centre	Established	Embu	Embu
Kaguru Agricultural Training Centre	Established	Meru	Meru and TharakaNithi
Isiolo Agricultural Training Centre	Established	Isiolo	Isiolo
Machakos			
Agricultural Training Centre	Established	Machakos	Machakos
Kitui Agricultural Training Centre	Established	Kitui	Kitui
Makueni Agricultural Training Centre	Incomplete	Makueni	Makueni
Moyale Agricultural Training Centre	Incomplete	Marsabit	Marsabit
Maseno Agricultural Training Centre	Established	Kisumu	Kisumu
Kisii Agricultural Training Centre	Established	Kisii	Kisii and Nyamira
Homa Bay			
Agricultural Training Centre	Established	Homa Bay	Homa Bay
Siaya Agricultural Training Centre	Established	Siaya	Siaya
Miyare Agricultural Training Centre	Incomplete	Migori	Migori

B. Agricultural Mechanization Stations

Agricultural Mechanization Stations	County Hosting Agricultural Mechanization Stations	Transferred to the county government specified herein
Kajiado Agricultural Mechanization Station	Kajiado	Kajiado
Ruiru Agricultural Mechanization Station	Kiambu	Kiambu, Muranga and Nairobi City
Mariakani Agricultural Mechanization Station	Kilifi	Mombasa, Kilifi and Taita Taveta
Samburu Agricultural Mechanization Station	Samburu	Samburu,
Kitale Agricultural Mechanization Station	Trans Nzoia	Trans Nzoia, Turkana and West Pokot
Machanga Agricultural Mechanization Station	Embu	Embu, Tharaka-Nithi and Kirinyaga
Marigat Agricultural Mechanization Station	Baringo	Baringo
Nakuru Agricultural Mechanization Station	Nakuru	Nakuru
Narok Agricultural Mechanization Station	Narok	Narok
Kepkelion Agricultural Mechanization Station	Kericho	Kericho
Migori Agricultural Mechanization Station	Migori	Kisii, Migori, Homa Bay and Nyamira
Siaya Agricultural	Mechanization Station Siaya	Siaya
Kisumu Agricultural Mechanization Station	Kisumu	Kisumu
Mandera Agricultural Mechanization Station	Mandera	Mandera
Garissa Agricultural Mechanization Station	Garissa	Garissa and Wajir
Mitinguu Agricultural Mechanization Station	Meru	Meru, Isiolo, Marsabit and Moyale
Garsen Agricultural Mechanization Station	Tana River	Tana River and Larou
Narumoru Agricultural Mechanization Station	Nyeri	Nyeri and Laikipia
Nyahururu Agricultural Mechanization Station	Nyandarua	Nyandarua
Eldoret Agricultural Mechanization Station	Uasin Gishu	Uasin Gishu and Elgeyo/ Marakwet
Mswambweni Agricultural Mechanization Station	Kwale	Kwale
Bumala Agricultural Mechanization Station	Busia	Busia, Kakamega and Vihiga
Kitui Agricultural Mechanization Station	Kitui	Kitui
Makueni Agricultural Mechanization Station	Makueni	Makueni and Machakos

ANNEX 4: CASE STUDY OF THE AGRICULTURE, LIVESTOCK AND FISHERIES DEPARTMENT OF KERICHO COUNTY

Introduction

The economy of Kericho County is largely dependent on agriculture owing to its favourable climatic conditions. The county has all along relied on tea as the main cash crop but the County Government now seeks to promote diversification into large-scale commercial livestock and fisheries. It encourages value addition to crops that are produced within the county, including fruit processing industries like avocados, pineapples, potato packaging, and branding commodities from the county and establishing linkages with research institutions to develop better crops.

The county is also suitable for livestock farming. It is self-sustaining in the production of both milk and meat while the surplus is exported to neighboring counties. However, there is more potential that remains to be tapped. Farmers also rear poultry, goats and sheep. In view of the significant socio-economic value of the livestock industry, the county is keen on revamping the sector. At the same time crops and fisheries programs taken over from the National Government have been continued and elevated to a pedestal necessary for the county's industrialization take off.

The Agriculture, Livestock and Fisheries Department comprises of four sub-sectors

<p>Agriculture</p> <ul style="list-style-type: none"> a. Crop development and management b. Agricultural engineering services c. Agribusiness and market information d. Agricultural extension services <p>Livestock production</p> <ul style="list-style-type: none"> a. Livestock development b. Livestock extension services and research liaison c. Livestock value addition and marketing 	<p>Veterinary services</p> <ul style="list-style-type: none"> a. Disease and pest management b. Meat hygiene c. Value addition, hides and skins d. Breeding services <p>Fisheries development</p> <ul style="list-style-type: none"> a. Aquaculture and capture fisheries b. Fisheries extension services
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Summary of agricultural services prior to devolution

The table below summarizes the situation that existed before 4th March 2013 in terms of funds received by the sub counties (the then districts)

	Program areas	Average annual allocation per district	Number of districts	Total annual allocation for all districts
1	Agricultural extension services	1.5 million	5	7.5 million
2	Njaa Marufuku Programme (coordination)	0.1 million	5	0.5 million
3	Njaa Marufuku Kenya Program (grant to groups)	0.5 million	5	3.0 million
4	Special projects			
	i. Agricultural Mechanization Services (Kipkelion)	6.0 million	1	6.0 million
	ii. Horticulture Marketing (SHoMaP)	2.0 million	1	2.0 million

	Program areas	Average annual allocation per district	Number of districts	Total annual allocation for all districts
	iii. SHoMaP grants to groups + Market infrastructure development.	9.6 million	1	9.6 million
	iv. Lake Victoria Environment Management Project (LVEMP)	10.0 million	2	20.0 million
	v. Agricultural Inputs Project (NAAIAP)	1.2 million	4	4.8 million
	vi. Traditional Crops Revival	0.9 million	4	3.6 million
	vii. Water Harvesting Project	2.5 million	3	7.5 million
	viii. Office Improvement (Work Environment)	4.0 million	5	20.0 million
	ix. National Agriculture and Livestock Extension Project (NALEP)	6.0 million	2	12.0 million

The funds exclude those that were allocated to livestock, veterinary and fisheries because these were then in separate ministries.

Prior to the March 4th general elections, the agricultural functions were under two ministries; Ministry of Agriculture and Ministry of Livestock and Fisheries Development. Under the ministries the following services were offered to the people of Kericho County:

- a) Agricultural extension and advisory services (farm visits, farmer exchange visits/tours, on farm technology demonstrations, farmers' field days, participatory supervision and evaluation.
- b) Farmers training (on farm training, residual training, specialized training by partners e.g. KEBS certification process etc.)
- c) Provision of subsidized agricultural inputs especially fertilizers, seed maize, pest control chemicals etc.
- d) Farm planning services e.g. farm surveys and physical farms plans
- e) Farm business plans e.g. economic analysis of farm enterprises and development of farm business plans
- f) Agricultural commodity price surveys and dissemination to farmers
- g) Surveillance and control of destructive pests e.g. army worm outbreaks, grain borers, migratory birds etc.
- h) Crop performance assessments and estimation of total harvest through "crop cuts" for national planning purposes
- i) Assessment of food situation and preparing food security advisory reports
- j) Promotion of household nutritional security (through food budgets, balanced diets, weaning rations, kitchen gardening etc.)
- k) Promotion of home hygiene and energy conservation (soak pits, dish racks, and energy saving devices e.g. stoves
- l) Promotion of cross cutting issues that affect people in agricultural industry e.g. HIV/AIDS awareness campaigns, drug abuse, legal and human rights especially the disadvantaged groups.

- m) Laying of soil conservation structures to control soil erosion on farmlands and development of soil conservation plans
- n) Design of on farm water harvesting structures
- o) Agroforestry promotion and advisory services (on farm nurseries, tree/crop interactions etc.)
- p) Promotion of agricultural mechanization and development of labour productive farm equipment
- q) Agricultural machinery calibration to ensure efficiency and cost effectiveness
- r) Promotion of agro-processing at farm level to ensure better market prices.

The list above shows an array of services offered. However, people in the county complained that it was difficult for all the services to be effected fully. The following is a list of problems that were listed by the people.

- a) High costs of agricultural inputs especially fertilizers, certified crop seeds, pesticides etc.
- b) Poor or low producer prices of agricultural produce (aggravated by cartels who distort free market forces)
- c) Un-streamlined marketing of agricultural produce (lack of segregation between retailers and wholesalers)
- d) Unhygienic or poor conditions of agricultural commodity markets (lack of water, toilets, waste disposal etc.)
- e) High levies and rates charged on agricultural produce by local authorities
- f) Poor rural access roads to agricultural rich hinterlands leading to high costs of transportation and low farm gate produce prices
- g) Uncertain and untimely availability of inputs (particularly seeds at planting)
- h) Farm inputs adulteration (seeds, fertilizers, pesticides etc.) by unscrupulous traders
- i) Inadequate agricultural extension workers leading to low farmer coverage
- j) High interest on agricultural credit/loans from banks and micro financing institutions (MFIs)
- k) Prohibitive collaterals demanded by banks and MFIs for securing agricultural loans
- l) Poor access to agro-processing equipment at local level (limiting product competitiveness and access to more sophisticated market outlets)
- m) High incidents of pests and diseases leading to heavy crop losses

A Brief Picture of the Agricultural Sector Following Devolution

At the establishment of the county government and the onset of devolution, the department of agriculture, livestock and fisheries in the county assessed the overall delivery of services. It was found that:

- a) Generally, the delivery of agricultural services was estimated to have averaged at approximately 70% per year on most of the services planned by the Ministry of Agriculture (MoA) before March 2013.

It should however be noted that the level and extent of services planned for delivery by the MoA was limited to the staff numbers and requisite resources availed for these activities. The targets planned could therefore satisfy only a fraction of the entire farming population in each given plan year.

Extension services was able to cover about 20% of the population every plan year (caused by low staff: farmer ratio due to freeze on employment; poor staff mobility occasioned by inadequate transport and limited budgetary allocations to extension services)

- b) Below average (less than 50% rating) service delivery was perceived in the following areas:
- i) **Agricultural mechanization services (AMS):** the AMS station located at Kipkelion has few and aging agricultural equipment and machineries. Coupled with inadequate funding, few staff numbers and expansive operational catchment, the aging machineries could not enable the station to operate at optimal level.
 - ii) **Soil conservation services:** this type of services requires specialized team of extension personnel (preferably agricultural engineers or technicians) and the requisite equipment for laying out the structures in order to achieve the desired quality. This cadre of staff is dire shortage in the country, with less than 5 found in the county's field extension department. More so, soil conservation planning equipment has long been nonexistent since the termination of the defunct National Soil and Water Conservation Program (NSWCP) in 1999.
 - iii) **Farm business plans/physical plans:** this service targeted farmers who are ready for commercial farming. Not many farmers have embraced commercialization as a concept of agricultural production and, therefore, attainment of this target depends on the number of farmers who demand the service. Only a small number is requesting for this service.
 - iv) **Subsidized fertilizers:** budgetary constraints limited the capacity of the MoA to procure adequate quantities for all farmers. These fertilizers were expected to bring down the open market prices so that farmers could increase their reliance on supplies from the free market. The prices came down but not to an appreciable level.

County Government Initiatives to Enhance Agriculture Services

To address some of the challenges that were being experienced in the provision of agricultural services, the county government, through "project approach method, has taken initiatives and has allocated funds to the following programmes.

	Program areas	Average annual allocation per district	Number of districts (sub counties)	Total annual allocation for all districts(sub counties)
1	Promotion of passion fruit production	0.3 million	6	1.8 million
2	Promotion of sweet potato export marketing	3.8 million	1	3.8 million
3	Agricultural information dissemination	0.1 million	6	0.6 million
4	Support to establishment of agro processing cottage industry (Roret pineapple plant)	11.0 million	1	11.0 million
Total				17.2 million

To meet the objectives in the department, the County Government has put in place the following systems and policies.

- a) Developed 2014 – 2017 Agricultural Sector Strategic Plan
- b) 10 projects documents developed to guide implementation of activities in prioritized areas during the 2015/2016 up to 2017/2018 financial years, allocated resources as follows

	Planned Projects	Allocations in 2015/16
1	Food Security Enhancement Project	10m
2	Horticulture Development Support Project	10.2m
3	Industrial Crops Development Project	10m
4	Smallholder Irrigation Development Project	12.8m
5	Agricultural Mechanization and Technology Development Project	215m
6	Soin Agricultural Training Centre Modernization Project	20m
7	Kipkelion Maize Milling Plant – A Business Plan/Proposal	A Shopping Document For PPP
8	Coffee Milling Plant - A Business Plan/Proposal	A Shopping Document For PPP
9	Roret Pineapple Processing Plant - A Business Plan/Proposal	A Shopping Document For PPP

These projects that have been initiated have led to several deliverables, which include:

- a) 30,000 high quality passion fruit seedlings supplied to 3,000 farmers in the 30 wards to start commercial fruit production.
- b) 10 tonnes of sweet potatoes and 0.5 tonnes of sorghum exported to United Kingdom earning farmers total revenue of Ksh. 0.5 million.
- c) 10 on farm nurseries already started in the various wards
- d) SACCOMA, an investor from UK has been identified to help in expanding the export window.
- e) A potato pack house constructed for congregating produce for export market. People now have a facility to facilitate attainment of high quality.

Though the county government is trying to solve some of the challenges before devolution, still implementing some of the projects has not been easy. Some of these challenges include:

- i) Low absorption of modern technology by farmers
- ii) High cost and adulteration of key inputs
- iii) Limited capital and access to affordable credit
- iv) Pre and post-harvest crop losses
- v) Heavy livestock losses to diseases and pests
- vi) Low and declining soil fertility
- vii) Inadequate disaster preparedness and response, e.g., poor coping mechanisms in the event of disasters such as diseases and pests
- viii) Inadequate markets and marketing infrastructures
- ix) Inadequate infrastructure, e.g. rural access roads, electricity networks to facilitate market access and value addition of agro-products
- x) Insufficient water storage infrastructure such as water harvesting and storage infrastructure for livestock watering points, fish farming and irrigated agriculture especially under greenhouse production system.
- xi) Inadequate storage and processing facilities

The County Department of Agriculture, Livestock and Fisheries has initiated the following projects to address some of these challenges and propel the county to a commercially and sustainable hub of agriculture.

Project 1: Agricultural Information Dissemination Project

The main objective is to improve access to agricultural information by farmers to increase agricultural productivity.

Activity	Number of farmers reached with agricultural information	
	2013-2014	2014-2015
Barazas	4,250	2,425
Field days	1,300	2,195
Individual farm visits	6,835	6,990
Farmers' training	2,200	2,400
Extension groups	2,400	1,700
Staff tours	24	24
Field follow ups	276	312
Total	17,285	16,046
Outreach level (%)	11.5	10.7

The major achievement on the average annual agricultural extension outreach has been about 15% coverage of the people involved in agriculture in the county.

Project 2: Promotion of Fertilizer Use Project

The objective of this project is to avail fertilizers (mainly DAP and CAN) to farmers at subsidized retail prices in order to improve access of these inputs for increased food production. The major achievements has been the distribution of 148,213 bags of DAP; 24,883 bags of CAN; 7,699 bags of NPK and 1,430 bags of SSP fertilizers were purchased by farmers from the NCPB stores.

Project 3: Promotion of Mass Production of Horticultural Crops

The objective is to ensure the county produces critical volume of horticultural produce that can enable it to transform its horticultural sector into a commercial one. Major achievements include:

- a) Priority mapping of crop enterprises based on the principle of “one ward one product” guide to agro-investment and promotion
- b) Formation of crop enterprise groups – 120 groups formed.

Project 4: Promotion and Diversification into Alternate Food Crops

The project aims at promoting other crops that may be conveniently grown on small parcels of land yet provide valuable contribution to the food security enhancement in the county. Major achievements have been:

- a) Irish potato promotion
- b) 2,610 farmers purchased certified seed potatoes from ADC Molo farm.
- c) 7,938 bags of seed potatoes worth Kshs. 11.9 million sourced for multiplication.
- d) 96 on farm demonstration plots established of clean seed multiplication demonstrations.

Some of impacts recorded from these projects were listed as;

- a) **Increased income earnings:** additional Kshs. 112.9 million earned by farmers from the project initiative.
- b) **Improved income retention:** farm incomes, which were previously used to import potatoes from other regions, were retained in the county.
- c) **Stimulation of cottage/small scale value addition:** springing up roadside potato chip frying business thereby contributing to rural employment.
- d) **Improved food security:** substitute food bridging annual food maize deficit.
- e) **Diversification of food sources:** alternative food source keeping off over reliance on maize.
- f) Compatibility with the changing land use patterns.
- g) Farmer empowerment whereby farmers increasingly meet their own seed requirements.

- h) Butternut production has also increased income earnings with an average of additional of Kshs. 4.7 million earned by farmers annually from the project initiative using the 2012 baseline of Kshs. 26.0 million.

Project 5: Promotion of Agro-Processing and Marketing

The objectives of this project are;

- a) Promoting innovative market – oriented and business driven agriculture related activities.
- b) Supporting evolution of farm level processing and marketing of agricultural products.

Major achievements:

- a) Farming community empowered through training on project proposal and business plan development.
- b) Farmer groups have developed twenty-two value addition project proposals over the past 2 years.
- c) Groups have been linked to financing institutions, e.g. Equity Bank, Faulu Kenya, Juhudi Kilimo and Kenya Women Finance Trust acquire credit for implementing the project business plans.
- d) Pineapple production and processing (2 farmer groups with cottage processing plans)

Milestones:

- i) The groups with the pilot projects are KoitabGaa SHG and Sigei (individual processor)
 - ii) Roret pineapple processing plant at Monory Hill initiated to expand market options for horticulture farmers.
 - iii) Twelve horticulture project proposals (business plans) developed by smallholder farmers to solicit for project financing from investors and banks.
 - iv) One modern horticulture wholesale market constructed at Roret to attract sophisticated buyers offering better prices.
 - v) Seventy horticulture retail stalls constructed at Roret market in an effort to streamline marketing of produce.
 - vi) 150 smallholder farmers trained on community proposal development and business plan development.
- (a) Green house tomato production (46 greenhouses)

Milestones:

- i) 46 small-scale greenhouses established in the county to ensure continuous tomato production.

- ii) Pump fed irrigation systems installed in some greenhouses to enhance water supply reliability.
- iii) Benefits
- iv) Yield level increases of between 20 -40% registered
- v) Increases in cropping cycles from 2 to 4 times per year recorded in some cases.
- vi) Better timing of the market.

(b) Tomato sauce processing (1 group)

Milestones:

- i) The group with the pilot project is Kipkerieny Commercial Horticulture Group.
- ii) Four horticulture related business plans successfully funded by development agencies and government (Kipkerieny Commercial Horticulture Group, JOFAM Multipurpose SHG, Mwangaza W/G, Ebenezer widows group).
- iii) 30 small holder farmers trained on community proposal and business plan development.

(c) Dry vegetable mix project (2 groups)

Milestones:

- i) 5 enterprise business plans developed
- ii) One business plan funded to implement vegetable processing enterprise
- iii) 12 farmers trained on business planning and management
- iv) 3 farmer groups linked to markets

(d) Avocado based processing

Milestones

- i) 3 grafted nurseries with total production of 6,500 seedlings established in the ward.
- ii) 6.5 acres of local avocados for supply of grafting root stocks established in the ward.
- iii) 100 grafted avocado trees for supply of grafting scions planted.
- iv) 3 pilot cottage avocado processing groups (Debby Care SHG, Silatit SHG, Kertai W/Group)
- v) 7 horticulture project proposals (business plans) developed by smallholder farmers to solicit for project financing from investors and banks.

Project 6: 'One Ward One Product' Initiative

The County Government of Kericho has further taken an initiative to help farmers venture into agricultural activities in the 'one ward one product' initiative. Each ward is supposed

to identify a product suitable for high productivity in the ward. The county government is facilitating the process through provision of farm inputs and educating the farmers on new improved farming techniques that will lead to realization of increased production.

An example is commercial banana planting and harvesting in Ainamoi Ward as a preferred crop. The county government donated tissue cultured banana suckers to the farmers and sponsored farmers of Ainamoi Banana Producers Co-operative society to tour Kisii County to learn some of the best farming practices. Further, the county government will also sponsor farmers and agricultural officers for training programmes on tissue cultured bananas at Jomo Kenyatta University of Agriculture and Technology to improve their farming techniques.

Project 7: Livestock Development Projects

The objective is to increase livestock productivity through proper disease control management, improved breeding, and fodder improvement and value addition. The major achievement has been free artificial insemination offered to farmers, rehabilitation of cattle dips and supply of acaricides, procurement of coolers and pasteurizers for cooperative societies and refurbishment of slaughter slabs, ECF vaccination and other vaccinations. Table below provides a summary of achievements of the two financial years. There was also a sub-county investment conference held in Kipkelion Sub-County.

Future Outlook for the Department of Agriculture, Livestock and Fisheries

Using the "Project Approach" to consolidate the 2-year gains into quantifiable impacts, the department has earmarked on the following projects for implementation in the next 3 years to achieve its vision.

Activity	Achievement	
	2013 – 2014	2014 - 2015
Artificial insemination figures	A.I equipment, bull semen and liquid nitrogen procured	Over 15,000 inseminations done to date
Rehabilitation of cattle dips (communal)	Feasibility study of 168 dips	42 rehabilitated and 49 under process
Supply of acaricide (used in cattle dips)	5805 liters procured	9590 liters procured
Refurbishment of slaughter houses (staff has already been deployed to supervise and inspect the animals and meat)	4 slaughter slabs refurbished (2 are already in use and 2 are about to commence operations)	6 under procurement process (Kebeneti, Fortenan, Gashin, Kamwingi, Kiptere, Kapsaos)
ECF vaccination	59,840 vaccinated (high grade cows)	0 (diseases have been contained)
Other vaccination (FMD, LSD, Anthrax, rabies)	0	FMD (50,000) Rabies (7,000)
Procurement of coolers	Procurement process for coolers completed (for cooperatives for storage and bulk sale of milk)	4 coolers and 1 pasteurizer

Projects and programs planned for the remaining 3 years (2015 -2018)

Project name	Coverage	Source of funding
Horticulture production, processing and market project.	All sub counties (Bureti, Belgut, Kipkelion West, Kipkelion East, Soin-Sigowet)	County Government and Partners
Kericho county food enhancement project	All sub counties (Bureti, Belgut, Kipkelion West, Kipkelion East, Soin-Sigowet)	County Government and Partners
Small holder irrigation development project (SIDP)	All sub counties (Bureti, Belgut, Kipkelion West, Kipkelion East, Soin-Sigowet)	County Government and Partners
Kericho industrial crops development program	All sub counties (Bureti, Belgut, Kipkelion West, Kipkelion East, Soin-Sigowet)	County Government and Partners
Livestock breeding program	All sub counties (Bureti, Belgut, Kipkelion West, Kipkelion East, Soin-Sigowet)	County Government and Partners
Livestock pests and disease control program	All sub counties (Bureti, Belgut, Kipkelion West, Kipkelion East, Soin-Sigowet)	County Government and Partners
Livestock feeds and product processing project	All sub counties (Bureti, Belgut, Kipkelion West, Kipkelion East, Soin-Sigowet)	County Government and Partners
Fish farming and utilization project	All sub counties (Bureti, Belgut, Kipkelion West, Kipkelion East, Soin-Sigowet)	County Government and Partners
Agricultural mechanization and technology development program	Kipkelion AMS (to serve the whole County)	County Government and Partners
Soin agricultural training centre modernization project	Soin ATC (to serve the whole County)	County Government and Partners

Budgetary allocation of the department for the 2015/2016 Financial Year

Development Vote	Estimate (Kshs)
Livestock pest and disease control program	28,105,055
Livestock breeding program	25,400,000
Soin agricultural training centre modernization	20,000,000
Livestock feeds and products processing projects	25,770,000
Enhancement of industrial crops	10,000,000
Kericho county agricultural show	5,500,000
Agricultural mechanization technology development project	14,000,000
Promotion of food security and enhancement of food/horticulture crops project	20,200,000
Enhancing of fish farming and utilization project	4,000,000
Small holder irrigation	12,799,000
Total	165,774,055

ANNEX 5: LIST OF LAWS, BILLS, POLICIES AND REGULATIONS REPORTED BY DIFFERENT COUNTIES

County	Laws	Bills	Policies	Administrative Procedures and Regulations
1. Mombasa	<ol style="list-style-type: none"> 1. Mombasa County Appropriation Act 2. The Mombasa County Finance Act 3. Liquor Control & Licensing Act. 4. Mombasa Education Development Act 5. The Mombasa County Assembly Service Act, 2014 	<ol style="list-style-type: none"> 1. Mombasa County Health Bill 2. The Mombasa County Rating Transition Bill 2013 3. The Mombasa County Flag and Emblems Bill 4. The Mombasa County Public Participation Bill 2014 5. The Mombasa County Revenue Administration Bill 2013 6. The Mombasa County Education Development Bill, 2014 7. The Mombasa County Wards Development Fund Bill 2014 8. The Mombasa County Trade Licensing Transition Bill 2013 9. The Mombasa County Appropriations Bill 2014 10. Draft Gaming Bill, 11. Child Care Bill 12. Quality and Learning in Teaching 13. TIVET Bill 14. Public Works Bill 15. Roads and Bridges Bill 16. Public Transport Bill 17. Transport Bill 18. Draft Revolving Fund Bill 19. Draft Trade Licensing 20. Draft Cooperatives Bill 21. Agriculture Bill 22. Crops Bill 23. Livestock and Veterinary Services Bill 24. Fisheries Bill 25. The Mombasa County Port Authority Bill 2014 26. The Mombasa County Public Nuisance Bill 2014 27. The Mombasa County Corporations Bill 2014 28. The Mombasa County Public Works Bill, 2014 29. The Mombasa Medical Facilities and Services Bill 2014 30. The Mombasa County Roads Bill, 2014 31. The Mombasa County Carriage of Food Bill, 2014 32. The Mombasa County Ferries and Harbours Bill, 2014 33. The Mombasa Port Health Bill, 2014 34. The Mombasa County Wholesale Market Control and Licensing Bill, 2014 35. Supplementary Budget Bill 	<ol style="list-style-type: none"> 1. Draft Ward Development Policy 2. Draft Elimu Kwanza Policy 3. Draft Mombasa County Land Policy 4. Draft County Housing Policy 5. Draft Urban and Peri-Urban 6. Draft Livestock and Fisheries Policy 7. Draft Youth in Agriculture Policy 8. Draft Women in Agriculture Policy 	<ol style="list-style-type: none"> 1. Mombasa County Zoning Regulations 2. Mombasa County Car and Mortgage Regulations 3. Mombasa County Ward Development Regulations
2. Kwale	<ol style="list-style-type: none"> 1. Bursary Fund Act, 2014 2. Trade Revolving Fund Act, 2014 3. Kwale County Village Administrative Units, Act, 2014 	<ol style="list-style-type: none"> 1. Public Participation Bill, 2014 2. Access to Information Bill, 2014 3. Early Childhood Education Bill, 2014 4. Meat Control Bill 5. Livestock Sales Bill 6. Disease Control Bill 7. Investment Bill 8. Trade and Markets Bill 9. Trade Licencing Bill 10. Cooperative Societies Bill 11. Water and Sewerage Bill 	<ol style="list-style-type: none"> 1. County Sports Policy 2. Youth, Women and Persons with Disabilities Enterprise Fund Policy 3. Agriculture Policy 4. Ward Agriculture Committee Policy (Approved) 5. Draft Tourism Policy 6. Draft ICT Policy 7. Mechanization Policy (Draft) 8. Bursary Fund Policy 	

ASSESSMENT OF IMPLEMENTATION OF THE TRANSFERRED FUNCTIONS TO THE COUNTY GOVERNMENTS

County	Laws	Bills	Policies	Administrative Procedures and Regulations
3. Kilifi	Scholarship Act.	1. Health Services Improvement Fund Bill 2. Solid Waste Management Bill 3. Environmental, Sanitation and Hygiene Bill 4. Occupational Health and Safety Bill 5. Kilifi County Pollution and Solid Waste Management Bill 6. Environmental Control Bill 2015 7. Betting, Lotteries and Gaming Bill 2015. 8. ICT Bill. 9. Rating Bill 10. Valuation For Rating Bill 11. Education Support Bill 12. Environmental Control 2015 Bill 13. The Kilifi County Roads and Bridges Bill, 2014 14. The Kilifi Road Safety and Traffic Bill, 2014 15. County Government of Kilifi Roads and 16. Transport Policy, July 2014	1. Kilifi County Pollution and Solid Waste Management and Policy 2. Health Services Improvement Policy 3. Draft Energy Policy 4. Draft Development Control Policy 5. Buildings and Estate Maintenance Policy 6. Draft County Settlement Policy 7. Draft Pre-Primary Education Policy – 8. Draft Sports Policy 9. Draft Youth Training and Youth Development Policy- 10. Draft Sports Policy 11. Youth Training and Youth Development Policy 12. Draft Environmental Policy 13. Kilifi County Government, Motor Vehicle Policy, 2014 (Draft) 14. County Government of Kilifi, Public Works Policy, 2014 15. County Government of Kilifi Roads and Transport Policy, July 2014 16. Kilifi County Government, Motor Vehicle Policy, 2014 (Draft)	Physical Planning Regulations
4. Tana River	1. Bursary Fund Act 2. The Mining Act 3. The Forestry Act	1. Agriculture Development Bill 2. Mango Value Chain Bill 3. Health Bill 4. County Roads and Infrastructure Bill 5. County Transport and Safety Bill 6. Trade Licensing Bill 7. Tana River Trade Development Joints Board Bill 8. County Cooperation Bill 9. County ECD Bill, 2015 10. Vocational Training Bill 2015		
5. Lamu	1. Bursary Funds Act 2. Ward Development Act	1. Access to Information Bill 2. Public Participation Bill 3. Flag and Emblem Bill	1. Fisheries Policy 2. Disaster Management Policy 3. Public Participation Policy 4. Enforcement Policy - LAPSET Liaison Policy 5. Record Management Policy Admin & Coordination of Devolved Units Policy 6. Lamu Transformation Policy	
6. Taita Taveta	1. Finance Act,	1. Trade Licensing Bill 2. Public Participation Bill, 3. County Health Bill 4. County Water Bill	1. Civic Education Policy 2. County Investment Policy 3. County Water Policy 4. Public Participation Policy 5. County Affirmative Action Policy.	
7. Marsabit	1. Marsabit County Emergency Fund Act, 2014 2. Marsabit County Flag, Emblems and Names Act, 2014			

County	Laws	Bills	Policies	Administrative Procedures and Regulations
8. Isiolo		1. Flag and Symbols Bill 2. Tourism Bill 3. Revenue Administration Bill 4. Animal Welfare Bill 5. Early Childhood Bill 6. Child Care Facility Bill 7. Designated Parking Bill 8. Outdoor Advertisement Bill 9. Rating Bill 10. Business Licensing Bill 11. Isiolo County Government Appropriation Bill 12. Public Participation Bill 13. Youth Development Bill 14. Bursary Large-Scale Bill 15. Ward Development Fund Bill		
9. Meru	1. Meru County Investment and Development Corporation Act, 2014 2. Meru County Public Participation Act, 2014 3. Meru County Co-Operatives Societies Act, 2014 4. Meru County Water and Sanitation Services Act 2014 5. Meru County Revenue Board, 2014 6. Meru County Co-Operative Societies Act, 2014 7. Meru County Co-Operative Societies Act, 2014 8. Meru Finance Act, 2014 9. Meru Micro Finance Corporation Act, 2014 10. Meru County Alcoholic Drinks Control Act, 2014	1. Meru County Environment and Regulation and Control Bill 2. Meru County Loans and Mortgages Bill 3. Meru County Investment and Development Corporation Bill 4. Meru County Water and Sanitation Services Bill 5. Meru County Appropriations Bill 6. Meru Finance Bill 7. Meru Wildlife and Conservancies Bill 8. Rating Bill 9. Meru County Agricultural Development Authority Bill 10. Early Childhood and Education 11. Meru County Solid Waste Management Bill 12. Meru County Law on Persons Living with Disabilities 13. Meru County Transport Bill 14. Meru County Public Appointments (Assembly) Approval Bill 15. Lands, Physical and Economic Planning 16. Agriculture Bill 17. Meru County Disaster Management Bill 18. Meru Health Services Bill 19. Meru County Spatial Planning Bill 20. Meru County Assembly Service Bill 21. Meru County Wards Development Fund Bill 22. Meru County Coordination of County Governments Bill 23. Meru Symbols and Emblems Bill 24. Meru County Microfinance Corporation Bill 25. Meru County Cooperatives Societies Bill 26. Meru County Public Participation Bill	1. Human Resource Policy 2. Environment and Climate Change Policy 3. Technical and Vocational Education and Training (Tvet) Policy 4. Basic Education Policy	1. Circulars on Human Resource and Administration Issues 2. National Government Manuals and Circulars e.g. Circulars from SRC and Code of Regulations
10. Tharaka-Nithi	1. County Assembly Service Board Act 2. Alcohol Control Act 3. Work Bursary Fund Act 4. Ward Development Fund Act 5. Public Participation Act 6. Appropriation Act	1. Finance Bill		
11. Embu	1. Finance Act 2014 2. Trade Licensing Act 2015 3. Tax Waivers Administration Act 2015 4. County Rating Act 2015 5. Revenue Administration Act, 2015	1. Alcoholic Drinks Control Bill 2014 2. Public Participation Bill, 2015 3. County Ward Development Bill 2015 4. Referral Hospital Management Bill 2015 5. County Symbols Bill 2015 6. Public Appointments Bill 2015 7. Access To Information Bill 2015 8. Early Childhood and Development Bill 2015 9. Youth Polytechnics Bill 10. Environment Management Bill 2015	1. Macadamia Policy 2. Irrigation Policy 3. Human Resource Management Policy 4. Policy on Handling Public Petitions	

County	Laws	Bills	Policies	Administrative Procedures and Regulations
12. Kitui	<ol style="list-style-type: none"> 1. The Alcohol Control Act 2. The Ward Development Fund Act 	<ol style="list-style-type: none"> 1. The Finance Bill 2. The Public Participation Bill 3. The Kitui County Finance Bill, 2014 4. The Kitui County Villages Bill, 2014 5. The Kitui County Supplementary Appropriations Bill, 2014 6. The Kitui County Alcoholic Drinks Control Bill, 7. The Kitui County Villages Bill, 2014 8. The Kitui County Supplementary Appropriations Bill, 2014 9. The Kitui County Markets and Farm Produce Trade Bill,2014 10. The Kitui County Business Licensing Bill,2014 11. The Kitui County Appropriations Bill, 2014 12. The Kitui County Flag, Symbols and Names Bill, 2015 	<ol style="list-style-type: none"> 1. Draft Agriculture Policy 2. Draft Public Participation Policy 3. Draft Roads Policy 	
13. Machakos	<ol style="list-style-type: none"> 1. Machakos County Supplementary Appropriation Act, 2015 2. Machakos County Agricultural Development Fund Act 2014. 3. Machakos County Appropriation Act 2014. 4. Machakos County Liquor Licensing Act 2014. 5. Machakos County Public Participation Act 2014 6. Machakos County Rating Act 2014 7. Machakos County Sand Harvesting Act 2014 8. Machakos County Supplementary Appropriation Act 2014 9. Machakos County Trade Licence Act 2014 10. Machakos County Ward Development Fund Act 2014 11. Machakos County Water and Sanitation Act 2014 12. Machakos Bursary Fund Act 	<ol style="list-style-type: none"> 1. The Machakos County Co-Operatives Societies Bill, 2015 2. The Machakos County Revenue Administration Bill, 2015. 3. The Machakos County Designated Parking Places Bill, 2015. 4. The Machakos County Government Administrative Structures Bill, 2015. 5. The Machakos County Omnibus Stations and Parking Bill, 2015. 6. The Machakos County Assembly Powers and Privileges Bill, 2014 7. The Machakos County Assembly Service Bill, 2014 		
14. Nyandarua	<ol style="list-style-type: none"> 1. Nyandarua County Alcoholic Drinks Control Act 2. Nyandarua County Symbols and Names Protection Act 3. Nyandarua County Bursary Fund Act 4. Nyandarua County Trade Fund Act 	<ol style="list-style-type: none"> 1. Nyandarua County Water and Sanitation Bill 2. Nyandarua County Agriculture Development Bill 3. Nyandarua County Trade and Markets Bill 4. Nyandarua County Persons with Disabilities Bill 5. Nyandarua County Powers and Privileges Bill 6. Nyandarua County Petition To County Assembly Bill 7. Nyandarua County Public Appointments Bill 8. Nyandarua County Designated Parking Places Bill 9. Nyandarua County Rating Bill 10. Nyandarua County Tourism Promotion Bill 		

County	Laws	Bills	Policies	Administrative Procedures and Regulations
15. Nyeri	<ol style="list-style-type: none"> 1. County Assembly Service Act 2. Petitions To County Assembly Act 3. Nyeri County Emergency Fund Act 4. Car Loans and Mortgages Act 5. Appropriation Act 	<ol style="list-style-type: none"> 1. Education and Training Bill 2. Tax Waiver Bill 3. Energy Bill - Executive 4. Enterprise Development Bill 5. Coffee Bill 6. Trade Bill 7. Cooperatives Bill 8. County Ward Development Fund Bill 9. Bursary Bill 10. Environment Bill 11. Water Bill 	<ol style="list-style-type: none"> 1. Environment Policy 2. Water & Irrigation Policy 3. Youth Polytechnics, 4. Early Childhood Education Policy 5. Health Policy 6. Energy Policy 7. Trade Policy 8. Cooperatives Policy 9. Tourism Policy 10. Enterprise Development Policy 	<ol style="list-style-type: none"> 1. Draft Guidelines in Rural Facility Structures; Ambulance Usage
16. Kirinyaga	<ol style="list-style-type: none"> 1. Finance Act(2014) 2. Alcoholic Drinks Act 3. The Kirinyaga County Assembly Service Act, 2014 4. The Kirinyaga County Wards Development Fund Act, 2014 5. Kirinyaga County Business Licencing Act, 2014 6. The Kirinyaga County Public Entertainment Act 7. Kamweti Agricultural Training Center Act, 2014 8. Kirinyaga County Culture Act, 2014 9. Kirinyaga County Agricultural Boards Committees 10. Kirinyaga County Agricultural Mechanisation Services Station Act, 2014 11. The Kirinyaga County Supplementary Appropriation Act, 2015 	<ol style="list-style-type: none"> 1. Kirinyaga County Plant Health Bill 2. Kirinyaga County Sales Yard Bill 3. Kirinyaga County Abattoirs Bill 4. Kirinyaga County Education Bill 5. Kirinyaga County Animal Welfare Bill 6. Transport Management Bill 		
17. Murang'a	<ol style="list-style-type: none"> 1. The Murang'a County Ward Development Act, 2014 2. The Murang'a County Alcoholics Drinks Control Act, 2013 3. The Murang'a County Supplementary Appropriation (Amendment) Act 2015 4. Murang' A County Appropriation 5. The Murang'a County Appropriation Act, 2014 6. The Murang'a County Scholarship Fund Act, 2014 	<ol style="list-style-type: none"> 1. The Murang'a County Public Participation Bill, 2015 2. The Murang'a County Trade Licensing Bill, 2015 3. The Muranga County Rating Bill, 2015 4. The Murang'a County Revenue Administration Bill, 2015 5. The Murang'a County Supplementary Appropriation (Amendment) Bill of 2014 6. The Murang'a County Tea Bill, 2014 7. The Murang'a County Symbols Bill, 2014 8. The Murang'a County Water Bill, 2014 9. The Murang'a County Loans and Mortgage Fund Bill, 2014 10. The Murang'a County Scholarship Fund (Amendment) Bill, 2014 11. The Murang'a County Appropriation Bill,2014 12. The Murang'a County Scholarship Fund Bill, 2014 13. The Murang'a County Youth Polytechnics / Youth Technical Training Centres Bill, 2014 14. Tourism Bill 15. Coffee Bill 	Transport Policy	<ol style="list-style-type: none"> 1. Public Finance Management (Murang'a County Assembly 2. Members Car Loans Scheme Fund Regulations, 2014

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County	Laws	Bills	Policies	Administrative Procedures and Regulations
18. Kiambu	<ol style="list-style-type: none"> 1. Kiambu County Alcoholic Drinks Control Act 2013 2. Kiambu County Emergency Fund Act 2013 3. Kiambu County Assembly Members (Mortgage and Car Loan) Scheme Fund Act 2014 4. Kiambu County Youth, Women and Persons with Disability Enterprise Development Fund Act 2014 5. Kiambu County Education Bursary Fund 2014 6. Kiambu County Supplementary Appropriation Act 2014 7. Kiambu County Health Services Act 2014 8. Kiambu County Finance Act 2014 9. Kiambu County Abattoris Act 2014 10. Kiambu County Provisional Collection of Revenue Act 2015 11. Kiambu County Water and Sanitation Services Act 2015 12. Kiambu County Supplementary Appropriation Act 2015 	<ol style="list-style-type: none"> 1. County Abattoir Bill 2. Revolving Fund Bill 3. County Transport Bill 	<ol style="list-style-type: none"> 1. Draft Transport Policy 2. Draft Youth Policy 3. Draft Sports Policy 	
19. West Pokot	<ol style="list-style-type: none"> 1. West Pokot County Trade License Act, 2015 2. West Pokot County Ward Development Fund Act, 2015 3. The West Pokot County Alcoholic Drinks Control and Management Act, 2015 4. The West Pokot County Flags and Symbols Act 2014 5. Finance Act, 2013 	<ol style="list-style-type: none"> 1. Loans and mortgage Bill 2. Public Appointment Bill 3. Revenue Administration Bill 4. Skill development support fund disbursement Bill 	<ol style="list-style-type: none"> 1. Training policy 2. Transport Policy 	<ol style="list-style-type: none"> 1. Public Finance Management (West Pokot County Mortgage (Members Scheme Fund) Regulations, 2014 2. Public Finance Management (West Pokot) County Car Loan (Members) Scheme Fund) Regulations, 2014.
20. Samburu		<ol style="list-style-type: none"> 1. County Disaster Management Bill 2. Culture Bill 3. Samburu County Assembly 4. Samburu Agriculture Mechanization Bill 5. Samburu Flag and Other Symbols Bill 6. Samburu Appropriation Bill 	<ol style="list-style-type: none"> 1. Community Conservation 2. Alcohol Control and Drug Abuse 3. Youth and Women Enterprise Fund Policy 4. Persons with Disabilities Policy 5. Agriculture Policy 6. Bursary Policy 	<ol style="list-style-type: none"> 1. Disaster Management 2. Food Distribution 3. Youth and Women Fund

County	Laws	Bills	Policies	Administrative Procedures and Regulations
21. Trans Nzoia	1. Trans Nzoia County Youth and Women Fund Development Act, 2014 2. Trans Nzoia County Elimu Bursary Fund Act, 2014 3. Trans Nzoia County Appropriation Act, 2014 4. Trans Nzoia County Supplementary Appropriation Act, 2014 5. Trans Nzoia County Nawiri Fund Act, 2014 6. Trans Nzoia County Flag, Emblem and Other Symbols Act, 2014 7. Trans Nzoia County Ward Development Act, 2015	1. Trans Nzoia County Flag, Emblem and Other Symbols Bill, 2014		1. Trans Nzoia County Assembly (Mortgage Scheme) Regulations, 2014 2. Trans Nzoia County Assembly (Car Loan Scheme) Regulations, 2014
22. Uasin Gishu	1. Uasin Gishu Alcoholic Control Act 2. County Bursary and Skills Development Support Fund Disbursement Act, 2014 3. Uasin Gishu County Way Leaves Act, 2014 4. Uasin Gishu County Finance Act, 2014		1. Anti- Corruption Policy 2. Persons with Disability Policy	Code of Conduct
23. Elgeyo/ Marakwet	1. Elgeyo Marakwet County Alcoholic Drinks Control Act, 2014 2. Elgeyo Marakwet County Assembly (Ward Offices) Act, 2014 3. Elgeyo Marakwet County Finance Act, 2014 4. Elgeyo Marakwet County Flag, Emblems and Names Act, 2014 5. Elgeyo Marakwet Public Participation Act, 2014 6. Elgeyo Marakwet County Revolving Fund Act, 2014 7. Elgeyo Marakwet County Supplementary Appropriation Act, 2014			

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County	Laws	Bills	Policies	Administrative Procedures and Regulations
24. Nandi	<ol style="list-style-type: none"> 1. Nandi County Appropriation Act, 2014. 2. Nandi County Education Fund Act, 2014 3. Nandi County Supplementary Appropriation Act, 2014 			
25. Laikipia	<ol style="list-style-type: none"> 1. Laikipia County Finance Act 2014/15 2. Laikipia County Education Bursary Fund Act 2014 3. Laikipia County Education Bursary Fund (Amendment) Act 4. Enterprise Fund Act 5. County Revenue Board Act 6. Public Appointments (County Assembly) Approval Act, 2014 7. Petition To County Assembly (Procedure) Act 8. Development Authority Act 9. Powers Privileges and Immunities Act 10. Wards Development Fund Act 11. Supplementary Appropriation Act, 2014 12. Public Participation Act 2014 13. Laikipia County Health Act 2014 14. Laikipia County Alcoholic Drinks Control Act 15. The Laikipia County Cooperative Societies Act 16. The Laikipia County Social Assistance Act 	<ol style="list-style-type: none"> 1. The Laikipia County Symbols Bill 2. The Laikipia County Spatial Planning Bill 2014 3. The Laikipia County Valuation and Rating Bill 4. The Laikipia County Survey and Mapping Bill 5. County Investment Authority Bill 6. County Trade Bill 7. The County Tourism Bill 8. Disaster Management Bill 9. Laikipia County Public Private Partnership Bill 2014 10. The Laikipia County Pre-Primary Education Bill 11. The Laikipia County Technical and Vocational Training Bill 	<ol style="list-style-type: none"> 1. Public Private Partnership Policy 2. ICT 3. Roadmap Policy 4. Internship Policy 	<ol style="list-style-type: none"> 1. Budget Preparation Manual (National Treasury) 2. County Monitoring and Evaluation Indicators Handbook

County	Laws	Bills	Policies	Administrative Procedures and Regulations
26. Nakuru	1. Village Administration Act,	<ol style="list-style-type: none"> 1. County Enforcement and Inspectorate Bill 2. Flag and Emblem Bill 3. The Nakuru County Public Participation Bill, 2014 4. The Nakuru County Finance Bill, 2014 5. The Nakuru County Alcoholic Drinks Control Bill, 2014 6. The Nakuru County Fire and Rescue Service Bill, 2014 7. The Nakuru County Anti-Pornography Bill, 2014 8. The Nakuru County Persons Living with Disability Bill, 2014 9. The Nakuru County Minorities and Marginalized Groups Bill, 2014 10. The Nakuru County Appropriation Bill, 2014 11. The Nakuru County Gender Equality and Women Empowerment Bill, 2014 12. The Nakuru County Maternal, Newborn and Child Health Bill, 2014 13. The Nakuru Outdoor Advertisement Bill, 2014 14. The Nakuru County Zoning and Parking Bill, 2014 15. The Nakuru County Charcoal Bill, 2014 16. The County Solid Waste Management Fund Bill, 2014 17. The Nakuru County Village Polytechnics Bill, 2014 18. The Nakuru County Petitions To County Assembly (Procedure Bill), 2014 19. The Nakuru County Revenue Administration Bill, 2014 20. The Nakuru County Rating Bill, 2014 21. The Nakuru County Betting, Gaming and Lotteries Bill, 2014 22. The Nakuru County Early Child Education Bill, 2014 23. The Nakuru County Public Entertainment and Amenities Bill, 2014 24. The Nakuru County Water Bill, 2014 25. The Nakuru County Agricultural Development Fund Bill, 2014 26. The Nakuru County Vetting and Appointment of Public Officers Bill, 2014 27. The Nakuru Wards Development Fund Bill, 2014 (Assembly Bill No.1 of 2014) 28. The Nakuru County Village Units Delineation Bill, 2014 (Bill No.2 of 2014) 29. The Nakuru County Assembly Service Bill, 2014 30. The Nakuru County Supplementary Appropriations Bill (No 1) 2014 31. The Nakuru County Supplementary Appropriations Bill (No 2) 2014 32. The Nakuru County Nuisance Bill, 2014 		<ol style="list-style-type: none"> 1. Field Administration Manual 2. Public Service Manual 3. Code of Regulations
27. Kericho		<ol style="list-style-type: none"> 1. Health Service Bill 2. ECD Bill 2015 3. Spatial Planning Bill 	<ol style="list-style-type: none"> 1. Transport Policy 2. Human Resource Policy 	<ol style="list-style-type: none"> 1. Bursary Fund Regulations

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County	Laws	Bills	Policies	Administrative Procedures and Regulations
28. Bomet	<ol style="list-style-type: none"> 1. Bomet County Alcoholic Beverage Control and Management Act, 2014 2. Bomet County Coordination of Government Functions Act, 2014 3. Bomet County Emblems Protocol and Salutations Act, 2014 4. Bomet County Office of The County Attorney Act, 2014 5. Bomet County Support For The Needy Act, 2014 6. Bomet County Supplementary Appropriation Act, 2014 	<ol style="list-style-type: none"> 1. Bomet County Appropriation Bill 2. Bomet County Finance Bill (No. 2) 3. Bomet County Medium Term Count Fiscal Strategy Paper, 2014 4. Bomet Alcoholic Beverage Control and Management Bill 2014 5. Bomet County Agencies Establishment Bill 2014 6. Bomet County Coordination of Government Functions Bill 2014 7. Public Appointments Bill 2014 8. Bomet Office of The County Attorney Bill 2014 9. Bomet County Emblems, Protocol and Salutations Bill 2014 10. Bomet County Assembly Service Bill 2014 11. Bomet County Appropriation Bill 2014 (No. 12) 12. Bomet County Appropriation Bill 2014 (No. 14) 13. Bomet County Supplementary Appropriation Bill 2014(No. 9) 14. Bomet County Disaster and Emergency Management Bill 2014 (No. 7) 15. Bomet County Support of The Needy Bill 2014 16. Bomet County Finance Bill 2014 17. Bomet County Collection of Revenue Bill 2014 18. Bomet County Trade License Bill 2015 19. Bomet County Petition To County Assembly(Procedure) Bill 2015 20. Bomet County Public Participation Bill 2015 21. Bomet County Tea Bill 2015 22. Bomet County Persons with Disabilities Bill 2015 23. Bomet County Early Childhood Education Bill 2015 24. Bomet County Public Service Board Bill 2015 25. Bomet County Access To Information Bill 2015 	<ol style="list-style-type: none"> 1. Bomet County Agricultural Policy. 2. Bomet County Tea Policy 3. Bomet County Public Participation Policy 4. Bomet County Cooperative Development Policy 5. Policy on Old and Aging Persons Sessional Paper No. 3of 2014 6. Policy on County Enterprise Development Fund Ced Sessional Paper No. 2 of 2014 7. Policy on Support of Needy Children Sessional Paper No. 1 of 2014 	
29. Kakamega	<ol style="list-style-type: none"> 1. Kakamega County Revenue Administration and Collection Act, 2014 2. Kakamega County Tourism Act, 2014 3. Kakamega County Polytechnics Act, 2014 4. Kakamega County Alcoholic Drinks Control Act, 2014 5. Kakamega County Abattoirs Act, 2014 6. Kakamega County Childhood Development and Education Act, 2014 	<ol style="list-style-type: none"> 1. County Decentralized Bill, 2014 2. County Administrative & Boundaries Bill, 2014 3. Kakamega County Alcoholic Drinks Control Bill 4. County Disaster Management Bill 5. Kakamega County Tax Bill 6. Sports Bill 7. Kakamega County Education Support Bill,2014 8. County Transport Licensing Bill, 2014 9. Kakamega County Transport & Mechanical Bill, 2014 10. County Government of Kakamega Finance Bill, 2014/15 	<ol style="list-style-type: none"> 1. Youth & Gender 2. Culture Heritage 3. Kakamega County Artificial Insemination Draft Policy,2014 	Corruption Prevention Action Plan

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County	Laws	Bills	Policies	Administrative Procedures and Regulations
30. Vihiga	<ol style="list-style-type: none"> 1. The Vihiga County Assembly Service Act, 2013 2. The Vihiga County Ward Development Fund Act, 2014 3. The Vihiga County Supplementary Appropriation Act, 2014 4. The Vihiga County Flag and Other Symbols Act, 2014 5. The Vihiga County Appropriation Act, 2014 6. Vihiga County Education Fund Act, 2014 7. The Vihiga County Supplementary Appropriation Act, 2015 8. Vihiga County ECD and School Feeding (Administration) Programme Bill, 2014 	<ol style="list-style-type: none"> 1. Decentralized Units Bill 2. The Vihiga County Natural Resource Exploitation and Community Empowerment Bill, 2014 3. The Vihiga County Alcoholic Drinks Control Act, 2014 4. The Vihiga County Food Security and Agricultural Production Bill, 2014 5. Water Bill 6. Environment and Forestry Bill 7. Vihiga County Community Empowerment Fund Act 2014 8. County Roads Bill 9. Road Safety Bill 10. Naming of Roads Bill 11. Health Bill 2015 12. County Reproductive Health Bill 13. County Maternal Newborn and Child Healthcare Bill 	<ol style="list-style-type: none"> 1. Integrated Vocational Training Policy 2. ECDe Caregivers Policy 3. Transport Policy 4. Economic Empowerment Policy 5. County Roads Policy 6. Roads Safety Policy 7. Community Strategy Policy 8. Disease Prevention and Control Policy 9. Leadership and Governance Policy 	<ol style="list-style-type: none"> 1. Vihiga County Education Fund Regulations 2. The Public Finance Management (Vihiga County Assembly Mortgage Loan Members Fund) Regulations, 2014 3. Mechanical, Transport and Maintenance Fund (Mtf) Regulation 4. The Vihiga County Community Empowerment Fund Regulations, 2014 5. The Public Finance Management (Vihiga County Assembly Revolving Fund) Regulations, 2014
31. Bungoma			<ol style="list-style-type: none"> 1. Bursary Policy 2. Trade Loan Policy 3. Ward Development Policy 4. Vehicle Purchase Policy 5. Anti Corruption Policy 6. Gift Policy 7. Integrity Enhancement Policy 8. Disability Policy 	
32. Busia		<ol style="list-style-type: none"> 1. Busia County Abattoir Bill 2. Busia County Reproductive Health Rights Bill 3. Busia County Promotion of Primary Healthcare Bill 4. Busia County Maternal, Newborn and Child Healthcare Bill 	<ol style="list-style-type: none"> 1. Mileage Policy 2. Alcohol and Liquor Policy 3. Busia County Trade Development Loan Scheme Policy 4. Draft Monitoring and Evaluation Policy 5. County Executive State Officers' Mileage 6. ECD Support Grant Programme 7. Service Contract – Fund Administration and Management Partnership 	
33. Siaya	<ol style="list-style-type: none"> 1. Siaya County Finance Act, 2014 2. Siaya County Flags and Other Symbols Act, 2013 3. Siaya County Tax Waivers Administration Act 			

County	Laws	Bills	Policies	Administrative Procedures and Regulations
34. Kisumu	<ol style="list-style-type: none"> 1. The Kisumu County Alcohol Drinks Act 2. Loans and Mortgage Regulation Act, 2014 3. Ward Development Fund Act 4. Kisumu County Education Fund Act 5. Kisumu County Flag, Emblem and Names Act 6. Education and Bursaries Act 	<ol style="list-style-type: none"> 1. Kisumu County Provisional Collection of Revenue Bill, 2013 2. Access To Information Bill, 2014 3. County Public Participation Bill, 2014 4. Animal Welfare Bill 5. Kisumu County Trade Fund Bill, 2015 6. Kisumu County Trade Licensing Bill, 2015 7. Kisumu County Trade and Market Bill, 2015 8. Kisumu County Coordination Bill, 2014 9. Kisumu County Revenue Administration Bill, 2014 10. Kisumu County Finance Act, 2014 11. Kisumu County Solid Waste Management Bill, 2014 12. Kisumu County Persons with Disability Bill, 2014 13. Kisumu County Revenue Administration Bill, 2014 14. Kisumu County Public Appointment Bill, 2014 15. Kisumu County Water Bill, 2014 16. Count Health Financing Bill 17. County Health Bill 18. Environmental Protection and Conservation Bill 19. Solid Waste Management Bill 20. Cooperative Societies Bill 21. Fisheries Management Bill 	<ol style="list-style-type: none"> 1. Water Policy 2. Policy Document on Global Health 3. Policy on Embalmmnt 4. Community Health Policy 5. Environmental Policy 6. Cooperative Policy 7. Agriculture Policy – Drafting Stage 8. Sports Policy 9. Draft Monitoring and Evaluation Policy 10. Vocational Training Policy 11. Draft County Planning Policy 12. Early Childhood Development Policy 13. Youth & Women Empowerment Policy 14. Communications Policy 15. ICT Policy 	
35. Homa Bay	<ol style="list-style-type: none"> 1. Appropriation Act 2014 2. Finance Act 2014 	<ol style="list-style-type: none"> 1. Ward Development Fund Bill, 2014 2. The Emergency Fund Bill, 2014 3. The Education and Bursary Fund Bill,2014 4. The Alcoholics Drinks and Control Bill,2014 5. The Trade Fund Bill,2014 6. The Village Unit Relations Bill, 2014 7. The Polythene Material and Management Bill, 2015 8. The County Flag, Emblems and Names Bill, 2014 9. The Fisheries and Aquaculture Management Bill, 2015 10. The Agriculture, Livestock and Fisheries Bill, 2015 11. The Livestock Sale Yard Bill, 2015 12. The Abattoirs Bill, 2015 13. The Investment, Promotion and Enterprise Development Corporation Bill, 2015 14. The County Village Polytechnics Bill, 2015 15. Physical Planning and Enforcement Bill 16. Housing Bill 17. County Early Childhood Education Bill 2014 18. Noise Control Bill 19. Solid Waste Management Bill 20. Environmental Bill 21. Pollution Control Bill 22. Plant Health Bill 2015 23. Animal Health Bill 2015 24. Agriculture and Livestock Bill 2015 	<ol style="list-style-type: none"> 1. Draft Policy on PWDs 2. Draft Older Persons Schemes Policy and 3. Youth Policy 4. Homabay County Roads Management Policy 	

County	Laws	Bills	Policies	Administrative Procedures and Regulations
36. Migori	<ol style="list-style-type: none"> 1. Mortgage Act 2. Disaster Management Act 3. Ward Development Act 4. Emblems and Flags Act 5. Recruitment of Governor Scholarship Act 	<ol style="list-style-type: none"> 1. Draft Alcoholic Drink Control Bill (2014) 2. Draft Environmental Health and Sanitation Bill, 2015 3. Draft National Hospital Insurance Fund Bill, 2015 4. Draft Environmental Health and Sanitation Bill, 2015 5. The Victoria Fisheries and Aquaculture Bill 6. Sports Bill 	<ol style="list-style-type: none"> 1. Recruitment of Teachers Policy 2. Recruitment of Inspectors Policy 3. Recruitment of Governor Scholarship 4. Sports Policy (Approved) 5. Institutional Policies on Drug and Drug Use (Approved) 6. Youths and Crime Policy 7. Recruitment Policy 8. Citizen Participation Policy 9. Transport Policy(Use of Government Vehicles) 10. Employment of Youths in Road Construction 11. Educational Level For Drivers 12. Migori County Livestock Production Policy 13. Fish Farming Policy 14. Dairy Cow Policy 15. Livestock Policy 16. Sports Policy 17. Referral System Policy 18. Procurement Policy 19. Human Resource Policy 20. General Administration and Structure of Department 21. HIV Prevention and Control Policy 22. Recruitment of Inspectors Policy 	<ol style="list-style-type: none"> 1. Dress Code 2. Transport Circular
37. Kisii	<ol style="list-style-type: none"> 1. Kisii Teaching and Referral Hospital Act 2014 2. Kisii County Bursaries 2014 3. Kisii County Assembly Members Loans and Mortgages Act 2014 4. Kisii County Disaster Management Act 2014 5. Kisii County Flag, Emblems and Names Act 2014 6. Kisii County Transport Act 2014 7. Kisii County Water Management and Water Sanitation Services Act 2014 8. Kisii County Public Nuisance Act 2014 9. Kisii County Revenue Administration Act 2014 10. Kisii County Outdoor Advertising Act 2014 11. Kisii County Finance Act 2014 12. Kisii County Public Participation Act 2015 	<ol style="list-style-type: none"> 1. Kisii County Ward Development Bill, 2014 2. Kisii County Ward Offices Bill, 2015 3. Kisii County Kisii County Emergency Healthy Services Fund Bill, 2013 4. The Public Management Health Management Services Fund Regulations, 2013 5. Kisii County Alcoholic Drinks Control Bill, 2013 6. Kisii County Hawking Licensing Board Bill, 2013 7. Kisii County Plant Health Bill, 2013 8. Kisii County Livestock Sales Yard Bill, 2013 9. Kisii County Abattoirs Bill, 2013 10. Kisii County Animal Welfare Bill, 2013 11. Kisii County Animal Disease Control Bill, 2013 12. Kisii County Lavatories Bill, 2013 13. Kisii County Solid Waste Management Bill, 2013 14. Kisii County Polythene Bags Control Bill, 2013 15. Kisii County Pre- Primary and Early Childhood Education Bill, 2013 16. Kisii County Fire and Rescue Bill, 2013 17. Kisii County Assembly Approval, Bill, 2013 18. Kisii County Rating Bill, 2014 19. Kisii County Credit Enterprises Scheme Bill, 2014 20. Kisii County Public Private Partnership Bill, 2014 21. Kisii County Village Polytechnics Bill, 2014 22. Kisii County NHIF Support Bill, 2014 23. Kisii County Mechanical Transport Fund Bill, 2014 24. Kisii County Science Park Bill, 2014 25. Kisii County Cooperative Societies Bill, 2014 26. Kisii County Public Amenities Bill, 2014 27. Kisii Soapstone Authority Bill, 2013 	<ol style="list-style-type: none"> 1. Kisii County Fiscal Strategy Paper, 2014 2. Kisii County Integrated Development Plan, 2014 	

ASSESSMENT OF IMPLEMENTATION OF THE TRANSFERRED FUNCTIONS TO THE COUNTY GOVERNMENTS

County	Laws	Bills	Policies	Administrative Procedures and Regulations
38. Nyamira	<ol style="list-style-type: none"> 1. Animal Disease Control Act 2015 2. Alcoholic Drugs Control Act 2015 3. Healthcare Services Fund Act 2015 4. Early Childhood Development Ed. Act 2015 5. Trade & Investment Development 2015 6. Ward Development Fund Act 2015 7. Physical Planning Act 2015 8. Finance Act 2015 9. Appropriation Act 2015 	<ol style="list-style-type: none"> 1. Cooperatives Bill 2. Youth Polytechnics Bill 3. Cooperative Enterprise Development Bill 4. Transport Bill 5. Agricultural Development Fund Bill 6. Tea Development Bill 7. Bursaries Bill 8. Flag & Emblem Bill 	<ol style="list-style-type: none"> 1. County Agricultural Development Policy 2. County Aquaculture Policy 3. Dairy Breeding Policy 4. Nyamira Livestock Policy 5. Ict Policy 6. Nyamira Waste Policy 7. Policy on Outsourcing Youths For Waste Management Nyamira Policy 8. Housing Policy 9. Communication Policy 10. Education Bursary Award Policy 	
39. Nairobi	<ol style="list-style-type: none"> 1. Nairobi City County Alcoholic Drinks Control and Licensing Act, 2014 2. Nairobi City County Appropriation Act, 2014 3. Nairobi City County Betting Lotteries and Gaming Act, 2014 4. Nairobi City County Supplementary Appropriation Act, 2014 5. Nairobi City County Wards Development Fund Act, 2014 6. Nairobi City County Wards Development Fund Amendment Act, 2014 7. The Nairobi City County Tax Waivers Administration Act, 2013 8. The Nairobi City County Flag and Other Symbols Act, 2013 9. Finance Act, 2014 	<ol style="list-style-type: none"> 1. The Nairobi City County Appropriation Bill, 2015 2. The Nairobi City County Wards Development Fund (Amendment) Bill 2015 3. The Nairobi City County Fire and Rescue Services Bill 2015 4. The Nairobi City County Disaster and Emergency Management Bill 2015 5. The Nairobi City County Petition to County Assembly (Procedure) Bill, 2015 6. The Nairobi City County Solid Waste Management Bill,2015 7. The Nairobi City County Urban Agriculture Promotional and Regulation Bill, 2015 8. The Nairobi City County Regularisation of Developments Bill,2015 9. The Nairobi City County Urban Agriculture Promotion and Regulation Bill 2014 10. The Nairobi City County Regularisation of Developments Bill 2014. 11. The Nairobi City County Plastic Carry Bags Control Bill, 2014 	Draft Training policy	

County	Laws	Bills	Policies	Administrative Procedures and Regulations
40. Turkana	<ol style="list-style-type: none"> 1. The Turkana County Public Appointments (The County Assembly) Approval Act, 2013 2. The County Assembly Service Board Act, 2013 3. The Turkana County Flag, Emblems and Names Act, 2013 4. The Turkana County Appropriation Act, 2013 5. The Turkana County Provisional Revenue Collection Act, 2013 6. The Turkana Finance Act, 2013 7. The Turkana County Education and Skills Development Fund Act, 2013 8. The Turkana County Assembly Powers and Privileges Act, 2014 9. The Turkana County Appropriation Act, 2014 10. The Turkana County Enterprise Development Act, 2014 11. The Turkana County Alcoholic Drinks Control Act, 2014 12. The Turkana County Order of Precedence Act, 2014 13. The Turkana Finance Act, 2014 14. The Turkana County Public Participation Act, 2014 15. The Turkana County Youth Council Act, 2014 	<ol style="list-style-type: none"> 1. Turkana County Decentralized Administration Bill, 2015 2. Turkana County Emergency and Disaster Management Bill, 2015 3. Turkana County Hospitals Management Bill, 2015 4. Turkana County Private Hospitals and Clinics Licensing Bill, 2015 5. Turkana County Regularization of Land Ownership and Development Bill, 2015 6. The Turkana County Processing of Land Development Application Bill, 2015 (awaiting passage of community land bill at the national assembly/ senate) 7. Turkana County Biashara Fund Bill, 2015 8. Turkana County Cooperative Enterprise Development Fund Bill, 2015 	<ol style="list-style-type: none"> 1. Turkana County Cash Transfer Policy, 2015 2. Turkana County Biashara Fund Policy, 2015 	<ol style="list-style-type: none"> 1. The Turkana County Assembly Mortgage and Car Loan Regulations, 2014 2. The Turkana County Youth and Women Fund Regulations, 2014
41. Makeni	<ol style="list-style-type: none"> 1. Sand Conservation and utilization Act, 2013 2. Alcohol Act, 2013 	<ol style="list-style-type: none"> 1. Finance Bill 	<ol style="list-style-type: none"> 1. Health Policy (WIP) 2. Transport policy (WIP) 3. Internship, Mentorship and Volunteerism (WIP) 4. Training policy (WIP) 5. Water policy (WIP) 6. M & E policy (WIP) 	<ol style="list-style-type: none"> 1. Youth fund (WIP) 2. Trade fund (WIP) 3. Staff Mortgage and Car Loans (WIP)

ASSESSMENT OF IMPLEMENTATION OF THE TRANSFERRED FUNCTIONS TO THE COUNTY GOVERNMENTS

County	Laws	Bills	Policies	Administrative Procedures and Regulations
42. Kajiado	<ol style="list-style-type: none"> 1. County/ Supplementary Appropriation, 2015 2. Appropriation Act, 2015 3. Finance Act, 2015 		<ol style="list-style-type: none"> 1. Land policy 2. Youth and women policy 3. Alcoholic drink centre policy 4. HR policy 5. County investment policy 6. Bursary allocation policy 7. Sand harvesting policy 8. Disability mainstreaming policy 9. Emergency policy 	<ol style="list-style-type: none"> 1. HR procedure manual 2. PSB charter 3. County strategic plan
43. Garissa		<ol style="list-style-type: none"> 1. County Hawkers Bill; 2. Garissa County Business Permit Bill, 3. Public Market Bill, 4. County Waste Management Bill, 5. Stock Action Bill, 6. Outdoor Advertisement Bill, 7. Omnibus, Taxi and Heavy Vehicles Bill, 8. Sand Harvesting Bill 		

ANNEX 6: QUESTIONNAIRE

Second Assessment of System of Devolved Government – FINAL QUESTIONNAIRE

“Uptake and Implementation of County Government Mandates and Functions”

Questionnaire to County Governments (Executive and County Assembly)

Name of the County: _____, County No. _____, Date of Interview : _____

Name of Field Researcher _____, Name Team Leader _____

Name of Lead Respondent _____, Designation of Respondent _____

From: (Tick as appropriate) – County Executive / County Assembly

Indicator and Short Definition/ Explanation	Study Questions	Instructions						
Output 1: Uptake, Delivery and Effectiveness of County Government Functions Under Schedule 4 to the Constitution of Kenya, 2010								
Schedule 4 to the Constitution distributes functions between the National Government and the County Governments	Q1. Has your county government applied for all the functions assigned to county governments as per Schedule 4 to the Constitution? 1. Yes 2. No	Provide a list of functions applied for. Probe if there were functions that the county government applied for but denied, any appeals made and response received.						
	Q2. If No, which ones have you not applied for and what are the reasons?							
	<table border="1"> <thead> <tr> <th>Functions not applied for</th> <th>Reasons</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Functions not applied for	Reasons					Read the list of functions as you discuss this question
	Functions not applied for	Reasons						
	Q3. Are there transferred functions to the county government that you are not implementing? 1. Yes 2. No							
Q4. If YES, which functions transferred but not being implemented by the county and why?								
<table border="1"> <thead> <tr> <th>Functions not being implemented by the county</th> <th>Reasons for not implementing the function(s)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Functions not being implemented by the county	Reasons for not implementing the function(s)						
Functions not being implemented by the county	Reasons for not implementing the function(s)							

Q5. For each function that your county government has taken up (the list as provided in Q1),
 (a) What are the key achievements/ improvements?
 (b) What are the key benefits to the people?
 (c) What would you attribute these achievements/ improvements/benefits to?
 (d) What are the implementation challenges?
 (e) What solutions do you propose to address these challenges?

This Q5 applies to each function.

Use/follow a separate guide provided to probe for effectiveness of service delivery under each of these functions.

Devolved Function	(a) Achievements	(b) Attribution	(c) Challenges	(d) Proposed solution
i) Agriculture , including- crop and animal husbandry; Livestock sale yards; county abattoirs; plant and animal disease control and fisheries.				
ii) County health services including in particular— county health facilities and pharmacies; ambulance services; promotion of primary health care; licensing and control of undertakings that sell food to the public; veterinary services (excluding regulation of the profession); cemeteries, funeral parlours and crematoria; and refuse removal, refuse dumps and solid waste disposal.				
iii) Control of air pollution , noise pollution, other public nuisances and outdoor advertising				
iv) Cultural activities , public entertainment and public amenities, including— betting, casinos and other forms of gambling; racing; liquor licensing; cinemas; video shows and hiring; libraries; museums; sports and cultural activities and facilities; and county parks, beaches and recreation facilities.				
v) County transport , including—county roads; street lighting; traffic and parking; public road transport; and ferries and harbours, excluding the regulation of international and national shipping and matters related thereto.				
vi) Animal control and welfare , including—licensing of dogs; and facilities for the accommodation, care and burial of animals.				
vii) Trade development and regulation , including—markets; trade licences (excluding regulation of professions); fair trading practices; local tourism; and cooperative societies.				
viii) County planning and development , including—statistics; land survey and mapping; boundaries and fencing; housing; and electricity and gas reticulation and energy regulation				
ix) Pre-primary education , village polytechnics, home craft centres and childcare facilities.				

ASSESSMENT OF IMPLEMENTATION OF THE TRANSFERRED FUNCTIONS TO THE COUNTY GOVERNMENTS

	x) Implementation of specific national government policies on natural resources and environmental conservation, including—soil and water conservation; and forestry.				
	xi) County public works and services, including—storm water management systems in built-up areas; and water and sanitation services.				
	xii) Fire fighting services and disaster management.				
	xiii) Control of drugs and pornography.				
	xiv) Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.				

Indicator and Short Definition/ Explanation	Study Questions				Instructions
Performance management framework including policies, regulations and administrative procedures. CGA, 2012 Sections 47.	Q6. Are there over arching performance management frameworks/ standards for the delivery of the functions taken up?				Ask for the annual performance plans and reports of the county executive committee and public service for analysis of the performance of the county public service and the implementation of county policies. <i>Note: The performance management plans and reports are public documents (CGA, Sec. 47(4)).</i>
	Management framework	1. Yes	2. No	3. Do not know	
	Policies				
	Regulations				
	Administrative procedures				
	Performance management plans (Sec. 47 of CGA, 2012)				
	Q7. If Yes to Q6, in table below, specify (name) the standards applied and say whether the standards were prepared by the National Government, County Government or both				Use separate sheet of paper if space not enough
Standards (<i>indicate if policy, regulation, or administrative procedure, performance management plan/ systems</i>)		Prepared by			
		1. National government			
		2. County government			
		3. Both			

Indicator and Short Definition/ Explanation	Study Questions	Instructions
Output 2 Assets and Liabilities		
<p>Inventory of government assets and liabilities previously held by central government, local authorities and public cooperation prepared, updated and protected.</p> <p>Inventory would include physical assets, debts and liabilities, infrastructure and equipment, of the government and local authorizes.</p>	<p>Q8. Does your county have an inventory of assets relating to all the devolved functions?</p> <p>1. Yes- a complete inventory 2. Yes – for some assets3. No</p>	Get a copy
	<p>Q9. What proportion of assets is operational and what is non-operational?</p> <p>i. Operational:----- ii. Non-operational:.....</p>	Indicate the percentage
	<p>Q10. Does your county have an inventory of liabilities relating to all the devolved functions?</p> <p>1. Yes- a complete inventory of all liabilities 2. Yes – for some liabilities3. No</p>	Get a copy
	<p>Q11. How have you handled liabilities from previous government?</p> <p>.....</p>	
	<p>Q12. Who compiled the inventory?</p> <p>1. Transition Authority 2. County Government 3. National Government 4. Other (Specify)</p>	
	<p>Q13. If there are two sets inventories, have they been reconciled?</p> <p>1. Only one set of inventory 2. Yes 3. No 4. Do not know</p>	
	<p>Q14. What has been done since the inventory of assets and liabilities in your county was done/ completed?</p>	
<p>Proportion of assets and liabilities that have been transferred to county governments from national government</p> <ul style="list-style-type: none"> • A list of all assets and liabilities • Out of these assets and liabilities, which ones have been transferred to counties to facilitate delivery of services? 	<p>Q15. From the inventory of assets of the former central government and defunct local authorities, are there any assets that were supposed to be transferred to your county government but have not been transferred?</p> <p>1. Yes 2. No 3. Do not know</p>	
	<p>Q16. If Yes to Q15, which ones are they?</p> <p>a. b. c.</p>	Use a separate paper if space not enough
	<p>Q17. Explain the effect to service delivery of the assets that were supposed to be transferred to your county government but have not been transferred. (How has the action of not transferring affected delivery of services related to those assets?)</p> <p>.....</p>	

Indicator and Short Definition/ Explanation	Study Questions			Instructions
Output 3: Citizens Service Centres Established and functional				
<p>A Citizens' Service Centre (Sec 119 of CGA, 2012) established to serve as the central office for the provision by the county executive committee in conjunction with the national government of public services to the county citizens.</p> <ul style="list-style-type: none"> • Appropriate information and communication technologies available at a Citizens' Service Centre to aid in the provision of timely and efficient services to the county citizens. 	Q18. Has the County established any Citizens' Service Centres? If so where?)			
	Unit Level	1. YES, 2. No	# of unit levels	
	the county			
	the sub-county			
	the Ward			
	any other level of decentralization (specify.....)			
	Q19. What services are offered at the Citizen's Service Centre? (list)			
			(Establish if the centre(s) are operational / or if its Huduma Centres being referred to) <i>Use separate sheet if space provided is not enough.</i>
	Q20. What are the challenges Citizen Service Centres experience in provision of services?			
			
Q21. What are the challenges Citizen Service Centres experience in provision of services?				
.....			<i>Use separate sheet if space provided is not enough</i>	

Indicator and Short Definition/ Explanation	Study Questions		
Output 4: Development of Policies, Legislation and Administrative Procedures			
<p>The requisite policies, laws and regulations approved</p> <ul style="list-style-type: none"> • Identification of functions that require policies, laws and regulations • Review if necessary, the existing policies, laws and regulations in line with the Constitution and delivery of the function • Development of new if none exists • Critical challenges your county has faced in review/development of policies, legislation, and regulations <p>Conflict of laws (Art. 191) <i>(Check information on county laws in the KLRC website)</i></p>	Q1. In the Tables below:		
	a) List the Policies developed in your county since March 4th, 2013. (use separate sheet if space is inadequate)		
	Title of the Policy	Sector/function	Status of development 1. In progress 2. Approved
	b) List the Bills/Laws developed in your county since March 4th, 2013. <i>(use separate sheet if space is inadequate)</i>		
	Title of the Bill/Act	Sector / function	Status of development 1. In progress 2. Assented to
	c) List of administrative procedures developed in your county since March 4th, 2013. (use separate sheet if space is inadequate)		
	<p>Q23. How effective have the following been in addressing specific issues they were designed to address so as to improve service delivery?</p> <p>a) Policies b) Laws c) Administrative Procedures</p>	To effectively answer this question, pick at least TWO of each (polices, laws, administrative procedures) and discuss how effective they have been.	
<p>Q24. Are there any national and county laws that are in conflict and affect delivery of services in your county?</p> <p>1. Yes 2. No</p>	IF NO, Go to 26		
<p>Q25. If YES, provide a list of those laws and explain how they are in conflict.</p> <p>.....</p> <p>.....</p>			
<p>Q26. What are the critical challenges your county is experiencing in reviewing and/or developing of</p> <p>a) Policies? b) Legislation? c) Administrative procedures? (Include your recommendations)</p> <p>a) Review /development of policies</p>	Use separate sheet if space is inadequate		
Challenges	Recommendations		
1.			
2.			
3.			
b) Review/development of legislation			
1.			

	2.		
	3.		
	c) Review/development of Administrative procedures		
	Challenges	Recommendations	
	1		
	2		

Indicator and Short Definition/ Explanation	Study Questions	Instructions
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Output 5: Human Capacity Deployment and Development to Facilitate Implementation of System of Devolved Government

<p>I. Mechanisms/ programmes to develop capacities of staff in Counties in place (TDGA Act, 2012)</p> <ul style="list-style-type: none"> • A list of human resource and respective skills. • A list of human resource assigned to the two levels of government, and decentralised units of the county governments. • The requisite regulations for managing human resources in counties developed. • Circular by the Public Service Commission issued to guide the county in respect of staff deemed to be seconded. • Programmes designed to build capacities of county government staff. • The capacity building majorly targeted MCAs, CECs, and other public officers. 	<p>Q27. What is the membership (number) of your County Public Service Board (CPSB)?</p> <table border="1"> <tr> <td>Men</td> <td></td> </tr> <tr> <td>Women</td> <td></td> </tr> <tr> <td>Total</td> <td></td> </tr> <tr> <td>Youth</td> <td></td> </tr> <tr> <td>PWDs</td> <td></td> </tr> </table>	Men		Women		Total		Youth		PWDs		<p>{(Also, ask Qs 27-37 to the County Assembly Service Board (CASB)) in a separate answer sheet</p>
	Men											
	Women											
	Total											
	Youth											
	PWDs											
	<p>Q28. Has a capacity needs assessment been carried out in your county in relation to the functions transferred? (<i>Capacity in the broad meaning - human, equipment, infrastructure, etc.,</i>)</p> <p>1. Yes 2. No</p>											
	<p>Q29. If YES Q28, who did the assessment?</p> <p>1. Transition Authority 2. The County Public Service Board 3. National Government 4. Other (Specify.....)</p>											
	<p>Q30. If YES to Q28, what were the key findings/ results of the assessment?</p> <p>a. b. c.</p>											
	<p>Q31. What actions have been taken on the findings from the capacity needs assessment?</p> <p>.....</p>											
<p>Q32. If No to Q28, why has it not been done?</p> <p>.....</p>												
<p>Q33. What are the key achievements by the CPSB/ CASB?</p> <p>.....</p>	<p>E.g., approved staff establishment, developed guidelines for staff recruitment, promotion, etc.</p>											
<p>Q34. What are the knowledge and capacity gaps that exist in your county?</p> <p>.....</p>												

	Q35. Describe mechanisms/programmes your county has designed and implemented to improve capacities of staff in your county.	
	Q36. What challenges have you experienced regarding staffing in the county?	
	Q37. How have you handled these challenges?	

Indicator and Short Definition/ Explanation	Study Questions	Rules																																																																																							
2. Human resources deployed and/or recruited according to transferred functions. <ul style="list-style-type: none"> • Marginalization and gender requirements in County public service recruitment adhered to. • Section 65 of the County Government Act 	Q1. For each department {Art. 179(3)} that has been established in the county, what is the breakdown of staff by gender, PWD, youth, women, and marginalised/minority groups?	Use separate sheet if space provided is not enough																																																																																							
	Number of staff																																																																																								
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2" style="background-color: #92d050;">Name of Department</th> <th rowspan="2" style="background-color: #92d050;">Male</th> <th rowspan="2" style="background-color: #92d050;">Female</th> <th rowspan="2" style="background-color: #92d050;">Total</th> <th colspan="3" style="background-color: #92d050;">Marginalized/Minority</th> </tr> <tr> <th style="background-color: #92d050;">PWDs</th> <th style="background-color: #92d050;">Youth</th> <th style="background-color: #92d050;">Marginalized</th> </tr> </thead> <tbody> <tr><td>1</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>3</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>4</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>5</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td>Total</td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>	Name of Department	Male	Female	Total	Marginalized/Minority			PWDs	Youth	Marginalized	1							2							3							4							5							6							7							8							9							10							Total						
	Name of Department	Male					Female	Total	Marginalized/Minority																																																																																
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Total																																																																																									
	Q39. What informed the number of employees in each department?																																																																																								
	Q40. What challenge(s) is your county facing in relation to staffing/recruitment and what are the recommendations to minimise these challenges?	Probe for challenges, including ethnicity, secondment, clan, deployment, etc.																																																																																							
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">Challenges</th> <th style="width: 50%;">Recommendations</th> </tr> </thead> <tbody> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </tbody> </table>		Challenges	Recommendations																																																																																					
Challenges	Recommendations																																																																																								

Indicator and Short Definition/ Explanation	Study Questions	Rules				
Output 6: County Plans to Facilitate Implementation of System of Devolved Government						
<p>3. Transition Implementation Plans (TIPs) based on guidelines issued by TA developed by State organs and public entities and County governments after first election and approved</p> <ul style="list-style-type: none"> • TDGA Act 2012, Sec 16(3) <p>4. Number and type of development plans completed and approved by county assemblies.</p> <ul style="list-style-type: none"> • As required in the County Governments Act (Sec 104-115), 	<p>Q41. In the list of statutory required plans below, indicate their development status in your county.</p>					
	<table border="1"> <tr> <th data-bbox="435 274 711 324">Type/name of development plan</th> <th data-bbox="711 274 988 324">Development status</th> </tr> <tr> <td data-bbox="435 324 711 455"></td> <td data-bbox="711 324 988 455"> Status: 1. Not Started 2. W.I.P 3. Approved </td> </tr> </table>	Type/name of development plan	Development status		Status: 1. Not Started 2. W.I.P 3. Approved	
	Type/name of development plan	Development status				
		Status: 1. Not Started 2. W.I.P 3. Approved				
	a. Transition Implementation Plans					
	b. County integrated development plan					
	c. County Sectoral plans					
	d. County spatial plans					
	e. Cities and Urban Areas Plans					
	f. County Development Plan (Annual)					
g. Performance Management Plan						
h. Others (specify.....)						
<p>Q1. How have these plans facilitated service delivery?</p> <p>-----</p> <p>-----</p> <p>Q2. What are the key challenges in the implementing these plans?</p> <p>-----</p> <p>-----</p>						

Indicator and Short Definition/ Explanation	Study Questions	Instructions		
Output 7: Financial Systems to Facilitate Implementation of System of Devolved Government				
<p>5. Structures established at county governments for financial management (PFM Act, Sec. 103,</p> <ul style="list-style-type: none"> • The County Treasury comprises the - County Executive Committee members for finance, - Chief officer, - Departments of the county treasury responsible for financial and fiscal matters (Finance, Accounts, Audit, Procurement) 	<p>Q44. To what level is the Finance Management System in your county decentralized?</p>	<p>Take note of the finance management system</p>		
	<table border="1"> <tr> <th data-bbox="432 1362 709 1437">Decentralized to....</th> <th data-bbox="709 1362 985 1437">1. Yes 2. No</th> </tr> </table>	Decentralized to....	1. Yes 2. No	
	Decentralized to....	1. Yes 2. No		
	1. At Sub-county level			
	2. Ward level			
3. Village level				
4. Others – specify...		<p>If not decentralized, establish how it is being done</p>		
<p>Q45. If Finance Management System has been decentralised, how has it improved / facilitated management of funds to projects at community level?</p> <p>-----</p> <p>-----</p>				

Indicator and Short Definition/ Explanation	Study Questions	Instructions	
6. Integrated Finance Management Information System (IFMIS) installed and operational in each County (Sec 12c of PFM Act) • County governments shall operate financial management systems that comply with any requirements by the national legislation {Article 190 (2)}	Q46. What challenges, if any, are you experiencing in utilizing your financial management system? Give the possible solutions to the challenges		
	Challenges		Recommendations

Indicator and Short Definition/ Explanation	Study Questions	Instructions
7. County Funds established (County Revenue Fund (PFM Act, 2012Sec 109, County Emergency Fund, (Sec. 110), Others.. 116.	Q47. Has the County Government established the County Budget and Economic Forum (CBEF)? 1. Yes 2. No	
	Q48. If YES, from the list below how many members of the County Budget and Economic Forum (CBEF) represent the following groups?	
	Persons nominated by organizations representing	Total Number
	a. Professionals	
	b. Business	
	c. Labour	
	d. Women	
	e. Persons with Disabilities	
f. Elderly		
g. Faith Based Groups		
Total		
	Q49. How effective has CBEF been in matters relating to budgeting, the economy and financial management at the county level (including preparation of County Plans, the County Fiscal, Strategy Paper, the Budget Review and Outlook Paper for the county) Explain:.....	Probe for effectiveness in preparation of budgeting documents

Indicator and Short Definition/ Explanation	Study Questions			Instructions
8. County Funds established (County Revenue Fund (PFM Act, 2012Sec 109, County Emergency Fund, (Sec. 110), Others.. 116.	Q50. Which of the following Funds has the County Executive established in the county? For each fund established comment on the status, effectiveness on implementation and any challenges encountered			Use separate sheet of paper to record responses
	Funds	Status: 1. None 2. W.I.P 3. Approved	Implementation and Effectiveness	Challenges
	a. County Emergency Fund			
	b. County Revenue Fund			
	c. Other County Funds (Specify...)			

Indicator and Short Definition/ Explanation	Study Questions		Instructions
9. Legislation approved by County Assemblies to facilitate allocation and utilization of funds <ul style="list-style-type: none"> • List of Appropriation Bills passed by County Assemblies • Date these Bills were approved by County Assemblies 	Q51. For 2014/15 FY budget, which months were County Appropriation Bills and Finance Bills approved by your County Assembly?		
	Bill	Month Approved	
	County/Supplementary Appropriation Bills		
	Appropriation Bills		
	Finance Bills		
	Q52. Explain how the public was effectively involved in the 2014/15 FY budget making process.		

Indicator and Short Definition/ Explanation	Study Questions	Month = Number (e.g., 03) Year (15)																																								
<p>10. The extent to which county budgets are aligned with County Plans</p> <ul style="list-style-type: none"> • The County Plans are the basis for all budgeting and spending in the county (Sec 107(2) of CG Act, 2012. • County Treasury shall prepare following Papers - County Fiscal Strategy Paper by 28th of February of each year (PFM Act, 117). - County Budget Review and Outlook Paper by 30th September of that year (PFM Act, 118) - County Government Debt Management Strategy by 28th Feb. of each year (PFM 123) - Cash Flow Projects by June 15th of each year (PFM Act, 127) • A list of activities in the County Plans that are funded. 	<p>Q53. In tables below, indicate for 2014/2015 and 2015/2016 Financial Years, if your county developed the required Budget Papers for preparation of annual budgets, and when they were approved and their status</p> <table border="1" data-bbox="278 352 1037 1028"> <thead> <tr> <th data-bbox="278 352 704 433">A. Required Budget Paper (For 2014/2015 FY)</th> <th data-bbox="704 352 940 433">1. Yes 2. No</th> <th data-bbox="940 352 1037 433">Month</th> <th data-bbox="1037 352 1188 433">Year</th> </tr> </thead> <tbody> <tr> <td data-bbox="278 433 704 473">a. County Fiscal Strategy Paper</td> <td data-bbox="704 433 940 473"></td> <td data-bbox="940 433 1037 473"></td> <td data-bbox="1037 433 1188 473"></td> </tr> <tr> <td data-bbox="278 473 704 534">b. County Budget Review and Outlook Paper</td> <td data-bbox="704 473 940 534"></td> <td data-bbox="940 473 1037 534"></td> <td data-bbox="1037 473 1188 534"></td> </tr> <tr> <td data-bbox="278 534 704 594">c. County Government Debt Management Strategy</td> <td data-bbox="704 534 940 594"></td> <td data-bbox="940 534 1037 594"></td> <td data-bbox="1037 534 1188 594"></td> </tr> <tr> <td data-bbox="278 594 704 655">d. Cash Flow Projections</td> <td data-bbox="704 594 940 655"></td> <td data-bbox="940 594 1037 655"></td> <td data-bbox="1037 594 1188 655"></td> </tr> <tr> <th data-bbox="278 655 704 816">B. Required Budget Paper (For 2015/2016 FY)</th> <th data-bbox="704 655 940 816">Status 1. Not Started 2. W.I.P 3. Completed 4. Approved</th> <th colspan="2" data-bbox="940 655 1188 816">Challenges</th> </tr> <tr> <td data-bbox="278 816 704 856">a. County Fiscal Strategy Paper</td> <td data-bbox="704 816 940 856"></td> <td data-bbox="940 816 1037 856"></td> <td data-bbox="1037 816 1188 856"></td> </tr> <tr> <td data-bbox="278 856 704 917">a. County Budget Review and Outlook Paper</td> <td data-bbox="704 856 940 917"></td> <td data-bbox="940 856 1037 917"></td> <td data-bbox="1037 856 1188 917"></td> </tr> <tr> <td data-bbox="278 917 704 977">a. County Government Debt Management Strategy</td> <td data-bbox="704 917 940 977"></td> <td data-bbox="940 917 1037 977"></td> <td data-bbox="1037 917 1188 977"></td> </tr> <tr> <td data-bbox="278 977 704 1028">a. Cash Flow Projections</td> <td data-bbox="704 977 940 1028"></td> <td data-bbox="940 977 1037 1028"></td> <td data-bbox="1037 977 1188 1028"></td> </tr> </tbody> </table> <p>Q54. How aligned are the county budgets to the county plans (discuss with respondents and ask for copies of county budgets and county plans)</p> <p>.....</p> <p>.....</p> <p>.....</p>	A. Required Budget Paper (For 2014/2015 FY)	1. Yes 2. No	Month	Year	a. County Fiscal Strategy Paper				b. County Budget Review and Outlook Paper				c. County Government Debt Management Strategy				d. Cash Flow Projections				B. Required Budget Paper (For 2015/2016 FY)	Status 1. Not Started 2. W.I.P 3. Completed 4. Approved	Challenges		a. County Fiscal Strategy Paper				a. County Budget Review and Outlook Paper				a. County Government Debt Management Strategy				a. Cash Flow Projections				<p>Month = Number (e.g., 03) Year (15)</p> <p><i>Familiarize yourselves with the contents of county budgets and county plans</i></p>
A. Required Budget Paper (For 2014/2015 FY)	1. Yes 2. No	Month	Year																																							
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Indicator and Short Definition/ Explanation	Study Questions			Instructions																															
<p>11. Proportion of County budgets funded by the National Treasury</p> <ul style="list-style-type: none"> • The budgets from all county governments submitted to Controller of Budget for funding from the National Treasury. 	<p>Q55. In the table below, provide your county total budget for 2014/15 FY, and the source of funding and allocation.</p> <table border="1" data-bbox="278 1387 1046 1814"> <thead> <tr> <th colspan="2" data-bbox="278 1387 734 1441"></th> <th colspan="2" data-bbox="734 1387 1046 1441">Expenditure Allocations</th> </tr> <tr> <th colspan="2" data-bbox="278 1441 734 1481"></th> <th data-bbox="734 1441 888 1481">Development</th> <th data-bbox="888 1441 1046 1481">Recurrent</th> </tr> </thead> <tbody> <tr> <td data-bbox="278 1481 440 1522">Total Budget (Kshs)</td> <td data-bbox="440 1481 734 1522"></td> <td data-bbox="734 1481 888 1522"></td> <td data-bbox="888 1481 1046 1522"></td> </tr> <tr> <td data-bbox="278 1522 440 1612" rowspan="2">Source of funding</td> <td data-bbox="440 1522 734 1612">Nationally raised revenue (Kshs)</td> <td data-bbox="734 1522 888 1612"></td> <td data-bbox="888 1522 1046 1612"></td> </tr> <tr> <td data-bbox="440 1612 734 1673">Own raised revenue (Kshs)</td> <td data-bbox="734 1612 888 1673"></td> <td data-bbox="888 1612 1046 1673"></td> </tr> <tr> <td data-bbox="278 1673 440 1733"></td> <td data-bbox="440 1673 734 1733">Surplus/ (Deficit) (Kshs)</td> <td data-bbox="734 1673 888 1733"></td> <td data-bbox="888 1673 1046 1733"></td> </tr> <tr> <td data-bbox="278 1733 440 1784"></td> <td data-bbox="440 1733 734 1784">Grants</td> <td data-bbox="734 1733 888 1784"></td> <td data-bbox="888 1733 1046 1784"></td> </tr> <tr> <td data-bbox="278 1784 440 1814"></td> <td data-bbox="440 1784 734 1814">Loans</td> <td data-bbox="734 1784 888 1814"></td> <td data-bbox="888 1784 1046 1814"></td> </tr> </tbody> </table>					Expenditure Allocations				Development	Recurrent	Total Budget (Kshs)				Source of funding	Nationally raised revenue (Kshs)			Own raised revenue (Kshs)				Surplus/ (Deficit) (Kshs)				Grants				Loans			<p>Put deficit in bracket. Probe on how they intend to finance the deficit</p>
		Expenditure Allocations																																	
		Development	Recurrent																																
Total Budget (Kshs)																																			
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	Surplus/ (Deficit) (Kshs)																																		
	Grants																																		
	Loans																																		

	<p>Q56. During the FY 2013/14, how much of the projected revenue was collected? (in KES)</p> <table border="1"> <tr> <td>Projected Revenue</td> <td></td> <td></td> </tr> <tr> <td>Revenue collected FY 2013/14</td> <td></td> <td></td> </tr> </table>	Projected Revenue			Revenue collected FY 2013/14			
Projected Revenue								
Revenue collected FY 2013/14								
	<p>Q57. What are the reasons for any disparity/balance in Q55?</p> <p>.....</p> <p>....</p> <p>.....</p> <p>....</p>							
<p>12. Total budget made available for implementation of the function</p> <ul style="list-style-type: none"> • Costs to each of the activities identified under functional analysis • Costs compared with the cost of providing the basic minimum standard of the service • The budget requested for in the national and county budgets • Actual budgets allocated (and released) • County plans (if any) for borrowing and the frameworks they are putting in place to facilitate the borrowing. • Agreements with development partners in respect of funding / grants etc. 	<p>Q58. In the 2014/15 FY, have funds been allocated to all transferred functions?</p> <p>1. Yes</p> <p>2. No</p>							
	<p>Q59. If NO, which functions have not been allocated funds in the budget?</p> <p>a.</p> <p>b.</p> <p>c.</p>							
	<p>Q60. What plans are in place to ensure the functions in Q59 (<i>those functions not allocated funds</i>) are implemented?</p> <p>.....</p> <p>.....</p> <p>.....</p>							
	<p>Q61. In the 2015/16 FY, is the county preparing to borrow funds for its development activities?</p> <p>1. Yes</p> <p>2. No</p>							
	<p>Q62. If YES, what measure(s) is the county putting in place to facilitate the borrowing?</p> <p>a.</p> <p>b.</p> <p>c.</p>							
	<p>Q63. Has the County entered into agreements with any development partner in respect of funding/grants for devolved functions?</p> <p>1. Yes (specify).....</p> <p>2. No</p>							
	<p>Q64. Are you aware of any existing agreements between the National Government and development partners with respect to funding/grants of devolved functions in your county?</p> <p>1. Yes (specify).....</p> <p>2. No</p>							
<p>Q65. What is the nature (<i>development?/sector?</i>) of these agreements?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>								

<p>13. County intergovernmental forums established and functional in each county.</p> <ul style="list-style-type: none"> • County government forums chaired by governors or deputy governors or a member of CEC • The forums comprise of - heads of all departments rendering services in the county - CEC members 	<p>Q66. Has your county established the following county inter and intra governmental mechanisms? If YES, are they operational? (e.g., how many times, during this FY (2014/15) have the forums met?)</p>			<p>NB: intra-governmental refers to within the county government e.g., Sectoral forum, executive & county assembly etc.</p>
	<p>Inter / intra governmental Mechanism</p>	<p>1. Yes 2. No</p>	<p>Number of times met</p>	
	<p>a. County intergovernmental forum</p>			
	<p>b. County policing authority (sec 41 NPS Act)</p>			
	<p>c. Others (specify)</p>			
<p>Q67. What aspects are usually discussed in these meetings?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>				

<p>14. Structures and mechanisms for interaction between national government and county governments, and between county governments established and functional</p> <ul style="list-style-type: none"> • The Intergovernmental Relations Act, (No.2) 2012 • PFM Act 2012, Sec 187 (Intergovernmental Budget and Economic Council) • IRGA, 2012, Sec 32 (1) Any agreement between the national government and a county government or amongst county governments shall (a) include a dispute resolution mechanism that is appropriate to the nature of the agreement; and (b) provide for an alternative dispute resolution mechanism with judicial proceedings as the last resort. (2) Where an agreement does not provide for a dispute resolution mechanism or provides for one 	<p>Q68. During the 2014/2015 FY, how many times did a member of your county (CEC) attend the following forums</p>			<p>Probe for IBEC meetings, Sectoral, intergovernmental consultative forums, etc.</p>
	<p>Forum</p>	<p>No. of times attended</p>	<p>Expected times</p>	
	<ul style="list-style-type: none"> • Joint intergovernmental technical committee (PFM Act, Sec 100) 			
	<ul style="list-style-type: none"> • Intergovernmental budget and economic council (IBEC) -PFM Act, Sec 187 			
	<ul style="list-style-type: none"> • Sectoral Intergovernmental Consultative Forum –IGR Act, sec.13, 23 and CoK, Art. 189 , IGR 20(3) 			
	<ul style="list-style-type: none"> • Others (specify.....) 			
	<p>Q69. Has your county experienced any intergovernmental disputes?</p> <p>1. Yes</p> <p>2. No.</p>			
	<p>Q70. If YES, which disputes have been experienced?</p>			
	<p>Disputes experienced</p>	<p>Possible solutions</p>		
<p>Q71. What are the potential areas of disputes? Give possible solutions for each dispute.</p>				
<p>Potential dispute</p>	<p>Possible Mitigation</p>			

15. Participation of the counties in inter-county projects.	Q72. In the 2014/15 FY, has the county participated in any inter-county projects? 1. Yes 2. No			
	Q73. If YES, what are these projects (list)			
16. Inter-governmental agreements signed- with national government and/or with other county governments. (includes general MOUs)	Q74. Has the county signed any inter-governmental agreement, either with national government or with other county governments?			
	National Government	With County Governments		
	1. Yes 2. No	1. Yes 2. No		
	Q75. If YES, in the table below indicate the type/name of the agreement, and if signed with national government or county government.		Get examples	
	Type/Name of Agreement	Signed with ... 1. National Government 2. County Government 3. None		
17. Number of decentralized units established and functional in each county (Article 176 of the Constitution, CGA Sect 48(1)) • Functional means there are established and operational; (1) office of the sub-county administrator, (2) office of the ward administrator, and (3) office of the village administrator and village council. That these offices are staffed, funded and provided with necessary infrastructure, including equipment to deliver services.	Q76. From the list below, what is the number of decentralized unit(s) your county has identified and what is their status of establishment?			
	Type of decentralized unit identified	Establishment status by number		
		Total # of units identified	# of functional units	
	a. Sub-counties (Art 89)			Confirm if the wards units are aligned to the electoral wards or what is their arrangement
	b. Wards {within the county (Art 89)}			
	c. Villages (as may be determined by the county assembly)			
	d. Any further units of decentralization (specify)			
	Q77. What functions have been decentralized to the decentralized units?			
Q78. What type of infrastructure, structures and systems do these decentralized units have for delivering services?				
Decentralized unit identified	Infrastructure			

Indicator and Short Definition/ Explanation	Study Questions				Rules
<p>18. The decentralized units are resourced to deliver services.</p> <ul style="list-style-type: none"> • Infrastructure could include buildings, • Structures could include offices/ departments, equipment, staff, committees, etc. • Systems could include Management information systems, M&E systems, Financial Management Systems, Human resource Management systems 	Q78. What type of infrastructure, structures and systems do these decentralised units have for delivering services?				Engage both the county level & at least one decentralized unit administrator
	Decentralized unit identified	Infrastructure	Structures	Systems	
	a. Sub-counties (Art 89)				
	b. Wards {within the county (Art 89)}				
	c. Villages (as may be determined by the county assembly)				
	d. Any further units of decentralization (specify).....				
	Q79. What amount of the county government 2014/15 FY budget was allocated/released to the decentralised units for service delivery?				
	Decentralized Unit	Amount of 2014/15 budget allocated/ released (Ksh) to:			
	Sub-counties				
	Wards				
	Villages				
	Others (specify)				
	Q80. For each decentralised unit, discuss how effective they are in delivering services to the people of the county?				Establish what informed the establishment of the units – efficient & practical service delivery? / Units effect on service delivery?
	• Sub-counties				
	• Wards				
• Villages					
Q81. Explain below any administrative challenges these decentralised units are facing to deliver services.					
Decentralized unit	Challenges				
Sub-counties (Art 89)				<i>Note – Resources are not limited to funding.</i>	
Wards {within the county (Art 89)}					
Villages (as may be determined by the county assembly)					
Any further units of decentralization (specify)					

Indicator and Short Definition/ Explanation	Study Questions	Rules								
<p>19. The kind of national government decentralised units at the county.</p> <ul style="list-style-type: none"> How the two levels of government interrelate, consult and cooperate at the county level. For Q81, make reference to structures such as County Commissioners, Ministry of Devolution & Planning, National Treasury at county level, Kenya National Bureau of Statistics, etc. 	<p>Q82. What specific benefits are achieved/realised in the collaboration and cooperation of the National Government structures at the county level with the County Governments in service delivery?</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Q83. What challenges has the county experienced in interrelating, consulting and cooperating with these national Government structures?</p> <p>1.....</p> <p>2.....</p> <p>3.....</p>									
Output 10: Cities, Towns and Municipalities Established and Functional										
<p>20. Proportion of cities, town and municipalities established that meet criteria set out in Section 5 of the Urban Areas and Cities Act, 2011.</p> <ul style="list-style-type: none"> Assessment undertaken on the existing cities, towns and municipalities to ascertain whether they meet the criteria for classifications Section 5(2) of Urban Areas and Cities Act, 2011. Section 5(2) of Urban Areas and Cities Act, 2011. 	<p>Q84. Has an assessment been done on the existing cities, towns and municipalities to ascertain whether they meet the criteria for classification?</p> <p>1. Yes</p> <p>2. No</p> <p>IF YES, Go to Q86</p> <p>Q85. If No, what are the reasons for not doing the assessment?.....</p> <p>.....</p> <p>Q86. If NO, what plans are there to carry out the assessment on the existing cities, towns and municipalities to ascertain whether they meet the criteria for classification?</p> <p>.....</p> <p>.....</p> <p>.....</p>	<p>Ascertain whether the county govt has participated the proposed amendment</p>								
<p>21. Number of urban areas, cities and municipalities established.</p> <ul style="list-style-type: none"> Article 184 of the Constitution & the Urban Areas and Cities Act, 2011. 	<p>Q87. If YES, what is the total number of cities, towns and municipalities established in your county?</p> <table border="1" data-bbox="514 1205 1181 1391"> <thead> <tr> <th data-bbox="514 1205 810 1272">Cities, towns and municipalities</th> <th data-bbox="810 1205 1181 1272">Total number</th> </tr> </thead> <tbody> <tr> <td data-bbox="514 1272 810 1316">a. Cities</td> <td data-bbox="810 1272 1181 1316"></td> </tr> <tr> <td data-bbox="514 1316 810 1360">a. Municipalities</td> <td data-bbox="810 1316 1181 1360"></td> </tr> <tr> <td data-bbox="514 1360 810 1391">a. Towns</td> <td data-bbox="810 1360 1181 1391"></td> </tr> </tbody> </table>	Cities, towns and municipalities	Total number	a. Cities		a. Municipalities		a. Towns		<p>Ask for a list of cities, towns and municipalities established</p>
Cities, towns and municipalities	Total number									
a. Cities										
a. Municipalities										
a. Towns										

<p>1. Management and governance structures established for cities, municipalities and towns</p> <ul style="list-style-type: none"> • A board constituted in accordance with section 13 or 14 of Urban Areas and Cities Act, 2011 • General or special purpose committees of the board • Manager appointed pursuant to section 28 of Urban Areas and Cities Act, 2011 • Administrators of towns • Such other staff or officers as the County Public Service Boards may determine. 	<p>Q88. From the list of management and governance structures below, which one(s) have been established for the cities, municipalities and towns?</p>			<p>Tick () as appropriate</p>	
	<p>Management Structures established</p>	<p>Cities (1. Yes) (2. No)</p>	<p>Municipalities (1. Yes) (2. No)</p>	<p>Towns (1. Yes) (2. No)</p>	<p>For the Unit that is zero (0) in Q77 do not ask for the same in Q78</p>
	A board				
	General or special purpose committees of the board				
	Manager				
	Administrators				
	Other staff (Specify)				
<p>23. The nature of agreements entered into by National Government and Nairobi City County Government regarding performance of functions and delivery of services in the capital city</p> <ul style="list-style-type: none"> • Section 6 (5) of Urban Areas and Cities Act, 2011 	<p>Q89. For the cities, towns and municipalities established, list key functions being performed for service delivery and with concrete examples, explain how effective the units have been in service delivery.</p>			<p>Use separate sheet of paper to record effectiveness of service delivery</p>	
	<p>Cities, towns and municipalities</p>		<p>Key functions</p>		<p>Effectiveness in service delivery</p>
	Cities				
	Municipalities				
	Towns				
<p>24. Proportion of county government budgets released to cities, municipalities, cities boards.</p> <ul style="list-style-type: none"> • Section 20(1)(l) of Urban Areas and Cities Act, 2011. • Cities, municipalities and towns budgets developed and approved by CECs 	<p>Q90. Have the National Government and Nairobi City County Government signed any agreement regarding performance of functions and delivery of services in the capital city?</p> <p>1. Yes 2. No IF NO, Go to Q91</p>				
	<p>Q91. If YES, what is the type of the agreements?</p> <p>a.</p> <p>b.</p> <p>c.</p>				
	<p>Q92. Out of the total budget for your County Government for 2014/15 FY, what proportion was allocated/released to cities, municipalities, town boards?</p>				
	<p>Boards of</p>		<p>% of 2014/15 budget released</p>		
Cities					
Municipalities					
Towns					

<ul style="list-style-type: none"> Service delivery mechanisms established to facilitate delivery of services in urban areas, cities towns and municipalities. (Urban Areas and Cities Act, 2011, Sections 32, 33 & 34). 	Q93. From the following list of service delivery mechanisms, which one(s) have been established and functional in your county?			
	Service delivery mechanisms in urban areas, cities towns and municipalities	Status: 1. Established 2. Not Established	Effectiveness of the mechanism in service delivery	
	a) Legislation by County Assembly on set up and establishment of service delivery entities			
	b) Operational sectors and service delivery units			
	c) Partnership with a utility company (in/out of the county boundary)			
	d) Joint delivery system of cross-city and cross-municipality services			
	e) Contract private entities (in accordance with the Public Procurement and Disposal Act, 2005)			
<p>25. Integrated urban areas, cities and municipalities development plans developed and approved</p> <ul style="list-style-type: none"> Every city and municipality shall operate within the framework of integrated development planning; (Section 36(1)). An integrated plan for urban/city/ municipality/town shall bind, guide and inform all planning development and decisions, ensuring comprehensive inclusions of all functions; (Section 36(2)). A city/urban/municipality integrated plans shall be aligned to the development plans and strategies of the county governments. Section 20(l)(b) of Urban Areas and Cities Act, 2011. 	Q94. In your county, how many cities and municipalities have developed their integrated development plans?			
		Total No. of units	No. of units with Developed Plans	No. of units with approved plans
	Cities			
	Towns			
	Municipalities			
Q95. What challenges were faced in the implementation of Urban Areas and Cities Act, 2012 – e.g., the establishment and operationalization of urban areas and cities?				
a.				
b.				
c.				

Indicator and Short Definition/ Explanation	Study Questions	Instructions		
Output 10: Public Participation				
<p>26. Level of Citizens Participation in Counties development programmes and operations</p> <ul style="list-style-type: none"> • Extent to which principles of citizen participation have been enshrined into County operations • Structures established to facilitate citizen participation in county governments operations • List of laws and regulations developed and approved by county assembles to give effect to the requirement for effective citizen participation in development planning and governance. • Modalities and platforms for citizen participation established in counties. • Art. 10 (2)(b), 56, 232 (c), 196 • Sec. 91 and 96 of CGActs • Sec. 29 IGR act • CG Acts Secs. 115 (2), 87, 88 and 89 • PFM Act 2012 	<p>Q96. Which of the following structures have been established in your county government to facilitate citizen participation in county government programmes, and what are the effects on citizens' participation?</p>			
	<p>Structures and systems established to facilitate citizen participation</p>	<p>Status 1.Yes 2.No</p>	<p>Effect(s) on citizens' participation?</p>	
	<p>a) Information communication technology based platforms;</p>			
	<p>a) Town hall meetings (structured meetings)</p>			
	<p>a) Budget preparation and validation fora;</p>			
	<p>a) Notice boards: announcing jobs, appointments, procurement, a Wards and other important announcements of public interest;</p>			
	<p>a) Development project sites;</p>			
	<p>a) Avenues for the participation of peoples' representatives including but not limited to members of the national Assembly and Senate;</p>			
	<p>a) Establishment of citizen fora at county and decentralized units. (Also in Section 22(1) of Urban Areas and Cities Act, 2011)</p>			
	<p>a) Others (Specify....)</p>			
		<p>Q97. With examples, how effective is public participation in governance and decision making in your county? a. b. c.</p>		
		<p>Q98. What mechanisms has the county government put in place to receive and expeditiously respond to petitions?</p>		
	<p>County Level</p>	<p>Sub-county level</p>	<p>Ward level</p>	
	<p>Q99. How many petitions has the county government successfully responded to in the last financial year (2013/2014)?</p>			
<p>County Level</p>	<p>Sub-county level</p>	<p>Ward level</p>		
	<p>Q100. How does the county treasury facilitate public participation in matters relating to budget process and how effective has this facilitation been</p>			
<p>County Level</p>	<p>Sub-county level</p>	<p>Ward level</p>		

	Q101. Which policies, laws and regulations has your county developed and approved to facilitate effective citizen participation in development planning and governance?		
		Status	Effectiveness/ Implementation status
	Policies		
	Laws		
	Regulations		
	Q102. What challenges has the county government encountered in undertaking public participation and what are the proposed solutions		
	Challenges	Proposed Solutions	

Indicator and Short Definition/ Explanation	Study Questions										
Output 11: Civic Education (Sec 99 of CGA, 2012)											
<ul style="list-style-type: none"> • County legislation developed to provide requisite institutional framework to facilitate implementation of civic education • The County Governments Act, 2012, Section 101. • The kind of civic education programmes designed and being implemented • National design and framework of civil education to determine the content of the curriculum for civil education that takes into account Article 33 of the Constitution • The national and county governments shall facilitate implementation of civil education • Civic education units established in each county- The County Governments Act, 2012, Section 100(1) 	<p>Q103. What county legislation and requisite institutional framework has your county developed to facilitate implementation of civic education?</p> <p>a.</p> <p>b.</p> <p>c.</p>										
	<p>Q104. Has your county established any civic education unit(s)?</p> <p>a. Yes</p> <p>b. No</p> <p>IF NO. Go to Q105</p>										
	<p>Q105. List the main achievements of the units.</p> <p>a.</p> <p>b.</p> <p>c.</p>										
	<p>Q106. How is civic education undertaken in your county?</p> <p>.....</p> <p>.....</p>										
	<p>Q107. What key areas has civic education been effective in your county?</p> <p>.....</p> <p>.....</p>										
	<p>Q108. What challenges has the county government encountered in undertaking civic education and proposed solutions</p>										
	<table border="1"> <thead> <tr> <th>Challenges</th> <th>Proposed solutions</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	Challenges	Proposed solutions								
	Challenges	Proposed solutions									

Indicator and Short Definition/Explanation	Study Questions		
<ul style="list-style-type: none"> • Observance and application of public communication and access to information principles (County Government Act) • Mechanisms established to facilitate public communication and access to information in the form of media with the widest public outreach in the county, which may include • Principles of public communication (Sec 93) • County communication framework (Sec 95) • County government legislation on access to information (Sec 96(3)) • Inclusion and integration of minorities and marginalized groups (Sec 97) 	Q109. Has your county developed the following to facilitate public communication and access to information?		
		1. Yes 2. No	What effect has this had on the public communication and access to information?
	a) A county communication framework		
	b) A county government legislation on access to information		
	c) A Strategy for inclusion and integration of minorities and marginalized groups in county development and governance		
	d) Others (Specify.....)		
	Q110. Which of the following mechanisms has your county established to facilitate public communication and access to information?		
	Mechanism	1. Yes 2. No	What is the effect on public communication and access to information?
	a. Television stations;		
	b. Information communication technology centres;		
c. Websites;			
d. Community radio stations;			
e. Public meetings; and			
f. Traditional media.			
g. Documentation centres/ libraries			

Output 13. County Assemblies - oversight, representation and legislative roles			
County Assemblies have an oversight, representation and legislative role (Art. 185, CGA sect. 8(1))	Q111. What measures/structures/ activities has the county assembly put in place/implemented to facilitate delivery of its mandate of oversight, representation and legislative?		
	Role of county assembly	Measures/structures / Activities	Effects on service delivery
	Oversight		
	Representation		
	Legislative		
	Q112. What are the major challenges experienced in exercising the roles of oversight, representation and legislation, as well as solution in your county assembly?		
	Role of county assembly	Challenges	Possible solution
	Oversight		
	Representation		
	Legislative		
Public Participation	Q113. How does the county assembly ensure that the public participates in the county assembly sittings and those of its committees?		
		1. Yes 2. No	
	Access to the public gallery		
	Through petition		
	Memorandum		
	Press adverts		
	Holding stakeholder consultations		
	Any other, specify		

“A united and prosperous Kenya in
which everyone respects, upholds and
defends the Constitution”

