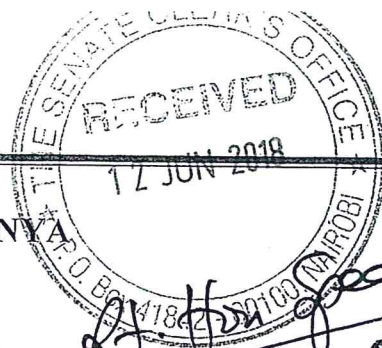


THE SENATE
RECEIVED REPUBLIC OF KENYA

12 JUN 2018

SENIOR DEPUTY CLERK



Handwritten: You may approve for tabling.
12/06/18

COG

Recommended for tabling in the Senate.

TWELFTH PARLIAMENT

THE SENATE

12/06/18

THE STANDING COMMITTEE

ON

Approved
12/06/18

DEVOLUTION AND INTERGOVERNMENTAL RELATIONS

REPORT ON CONSIDERATION OF

THE COUNTY BOUNDARIES BILL, 2017

PAPERS LAID	
DATE	12/06/2018
TABLED BY	Chairperson
COMMITTEE	Devolution
CLERK AT THE TABLE	Amos

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

JUNE, 2018

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ABBREVIATIONS

COG Council of Governors

MP Member of Parliament

SEN. Senator

S.O Standing Order

PREFACE

Establishment of the Committee

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

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

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

Membership of the Committee

The Committee is comprised of the following members;

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

Secretariat of the Committee

The Committee secretariat is comprised of-

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

Acknowledgement

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

Mr. Speaker Sir,

It is my pleasant duty, pursuant to Standing Order 137, to present a Report of the Standing Committee on Devolution and Intergovernmental Relations on the consideration of the County Boundaries Bill, 2017 (Senate Bills No. 6 of 2017).

Signed.....

Date.....12/6/2018

**SEN. JOHN KINYUA NDERITU, MP,
CHAIRPERSON,
STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL
RELATIONS.**

EXECUTIVE SUMMARY

The County Boundaries Bill, 2017 (Senate Bills No. 6 of 2017) was read a First Time on 30th November, 2017. This is a Bill for an Act of Parliament to provide for county boundaries; to provide for a mechanism for the resolution of county boundary disputes; to give effect to Article 188 of the Constitution by providing for the procedure for alteration of county boundaries; to provide for the establishment of an independent county boundaries commission; and for connected purposes

Following the First Reading of the Bill, it stood committed to the Committee on Devolution and Intergovernmental Relations (in accordance with Standing Order 134) for facilitation of public participation. Subsequently, the Committee, pursuant to Article 118 of the Constitution and Standing Order 134 (5), invited submissions from members of the public via an advertisement on the Daily Nation Newspaper on Tuesday, 27th February, 2018. The Committee received both oral and written submissions on the Bills during its meeting with the members of public held on 13th March, 2018 at the First Floor office, Red Cross Building, Parliament Buildings.

1. INTRODUCTION

1.1. The County Boundaries Bill, 2017 (Senate Bills No. 6 of 2017)

The County Boundaries Bill, 2017 is a Bill sponsored by Senator Mutula Kilonzo Junior, MP. The principal purpose of the Bill is to —

- (a) define the boundaries of the counties in Kenya;
- (b) provide for the resolution of county boundary disputes through the establishment of *ad hoc* county boundaries mediation committees; and
- (c) give effect to Article 188 of the Constitution on the alteration of county boundaries.

There is presently no mechanism for alteration of county boundaries despite the fact that Article 188 of the Constitution gives Parliament the mandate to alter the boundaries. The Bill therefore provides for the mechanism for such alteration. It also ensures that a high threshold will have to be met by any party desiring to alter the boundaries of any given county. Further, the Bill proposes a mechanism for resolution of boundary disputes through mediation.

The Bill will cure the current scenario where the boundaries of the districts in the Districts and Provinces Act are deemed to be the boundaries of the corresponding counties. Further, the Bill will enable the resolution of boundary disputes between counties through a mediation process.

The Bill will also give effect to Article 188 of the Constitution by providing a mechanism for alteration of county boundaries. It will also ensure that a high threshold is met before the boundaries of any county are altered.

2. OVERVIEW OF THE BILL

2.1. The County Boundaries Bill, 2017

(1) County boundaries

Part II of the Bill, as read with the First Schedule to the Bill, sets out the boundaries of the counties.

The Bill defines the boundaries of the forty-seven counties of Kenya by bringing into its First Schedule, the boundaries of Nairobi Area and the other forty-six Districts set out in the Districts and Provinces Act of 1992. This will render the Districts and Provinces Act obsolete, hence the repeal of the Districts and Provinces Act in clause 49 of the Bill.

(2) Resolution of county boundary disputes

Part III of the Bill provides a mechanism for resolution of county boundary disputes through *ad hoc* county boundaries mediation committees. The Bill proposes that a county boundaries mediation committee may be established by the President, with the approval of the Senate, when —

- (a) a county government, whose boundaries are in dispute, requests the Senate, and the Senate passes a resolution for the establishment of a county boundaries mediation committee; or
- (b) the Senate considers a petition for alteration of the boundaries of a county and resolves that mediation is the appropriate means for resolving the boundary dispute.

The composition of a county boundaries mediation committee is proposed to be as follows —

- (a) a chairperson, who shall be an advocate of the High Court of Kenya with at least fifteen years' experience in alternative dispute resolution;
- (b) one person from each of the affected counties;
- (c) two persons, one a man and one a woman, not resident in the affected county with experience in conflict management; and

- (d) a public officer nominated by the cabinet secretary who shall be the secretary to the committee and an *ex-officio* member of the committee.

The committee is required, within three months, to facilitate the mediation parties to reach an agreement regarding their dispute and to report to the Senate as to whether an agreement has been arrived at between the parties. The three month period may however be extended by the President with the approval of the Senate, only once and for not more than one month.

(3) Alteration of county boundaries

The Bill provides a mechanism for alteration of county boundaries in accordance with Article 188 of the Constitution. The process commences when there is either —

- (a) an agreement to alter the boundaries of a county following a mediation process; or
- (b) a petition for the alteration of the boundaries of a county.

Where a mediation process results in an agreement for the alteration of the boundaries of a county, the President is required, within fourteen days of receipt of the mediation report, to appoint an independent county boundaries commission in accordance with the Bill.

On the other hand, a petition for the alteration of the boundaries of a county may be made, in the prescribed form, by —

- (a) any person who is a registered voter in a county whose boundary is proposed to be altered; or
- (b) a county executive committee member on behalf of a county government that proposes the alteration of its boundary.

A petition made by a registered voter shall be required to be supported by at least fifteen percent (15%) of the registered voters of the petitioner's county. The petition is not admissible by the Senate where a general election is scheduled to be held within twelve months of the date of submission of the petition to the Senate.

Where both Houses concur that an independent county boundaries commission should be established, the President is required to appoint members to the Commission, with the approval of both Houses of Parliament, in accordance with the Bill.

(4) An Independent County Boundaries Commission

Under the Bill, an Independent County Boundaries Commission comprises —

- (a) a chairperson nominated by the President;
- (b) one commissioner of the Independent Electoral and Boundaries Commission, nominated by the President;
- (c) one commissioner of the National Land Commission, nominated by the President;
- (d) two persons, one a man and one a woman, nominated by the Council of County Governors who are not residents of the affected counties;
- (e) two persons, one a man and one a woman, who are licensed surveyors under the Survey Act and who are not resident in the affected counties, nominated by the Land Surveyors' Board;
- (f) the secretary to the commission who shall be a public officer nominated by the cabinet secretary and who shall be an *ex-officio* member and not have a right to vote.

(5) Inquiry and Report of the Commission

The Bill provides for the procedure for the inquiry and report of a commission. It provides that upon receipt of a petition, the Commission is required to inquire into the petition and develop a preliminary report. The preliminary report is then to be subjected to two weeks of public participation.

Upon the expiry of the two weeks, the commission has another two weeks to review the preliminary report taking into account the views received from the public on the preliminary report and to submit a final report to the Speaker of the Senate either-

- (a) recommending the alteration of the boundaries of a county in terms of Article 188 of the Constitution; or
- (b) making such other recommendation as the commission may consider appropriate.

If both Houses approve the recommendations of the commission, the boundaries of the affected counties shall be altered in accordance with the recommendations of the commission. If a resolution for the alteration of the boundaries of a county is passed less than twelve months before a general election, the alteration of boundaries shall take effect after that general election.

3. SUBMISSIONS FROM MEMBERS OF THE PUBLIC/ STAKEHOLDER CONSULTATIONS

3.1. Submissions on the County Boundaries Bill, 2017 (Senate Bills No. 6 of 2017)

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
1.	Long title	Council of Governors (CoG)	Redraft the long title for clarity.
2.	2	Council of Governors	The definition of a boundary of a county means the boundary of a county as set out in the First Schedule. CoG proposes that the definition should include the geo-referenced boundary for purposes of clarity.
3.	2	Council of Governors	Dispute should be defined so that it is clear whether it is a dispute concerning county governments or that concerning citizens in various counties over boundaries.
4.	2	Council of Governors	Definition of Cabinet Secretary to be Cabinet Secretary responsible for matters relating to land and physical planning.
5.	2	Office of the Attorney-General	Definition of Cabinet Secretary to be Cabinet Secretary responsible for matters relating to intergovernmental relations.
6.	4(3)	Council of Governors	The penalty for a person who unlawfully interferes with the records of the boundaries of counties is a fine of two million shillings or to five years imprisonment or to both. The penalty should be enhanced to five million shillings.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
7.	5	Independent Electoral Boundaries Commission (IEBC) and	IEBC concurs with the provision and notes that mediation as a means of dispute resolution is an appropriate method due to the nature of county boundary disputes and the need to manage the disputes.
8.	6 (1)	Morintat Peter Oiboo	Include alteration of county boundaries by way of a referendum on the resolution by the National Assembly and Senate to alter the boundary as clause 6 (c). This is to give room for public participation in line with Article 118 (1) (b).
9.	Part III – Resolution of County Boundary Disputes	Office of the Attorney-General	The resolution of county boundary disputes should be dealt with as provided in the Intergovernmental Relations Act since such disputes are intergovernmental disputes.
10.	7	IEBC	The mediation committee should be a committee within the IEBC since the function served by the mediation committee forms the scope of the mandate of the IEBC.
11.	7(1)	Council of Governors	The establishment of a county boundaries mediation committee by a resolution of the Senate should also include requests initiated by citizens through petitions or by county assemblies.
12.	7 (1)	Morintat Peter Oiboo	Delete the entire clause. Article 188 (1) of the Constitution only provides for establishment of a commission. The functions and powers of the County Boundaries Mediation Committee should be performed by the commission established in clause 24 of the Bill. Retain the clause and include the provisions of clause 18 (1). Retain the clause and include members of National Assembly and county assemblies in the list of persons who can request for mediation to resolve a county boundary dispute.
13.	9	Council of Governors	The marginal note should be substituted to refer to the appointment and not nomination of the County Boundaries Mediation Committee.
14.	9 (1) (b)	Council of Governors	Replace the position of one person from each of the affected counties with the county executive committee member responsible for matters relating to land and physical planning. This is to avoid challenges in

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
			nominating the representative from the affected county. The committee should consist of a licensed surveyor.
15.	9 (1) (b)	Morintat Peter Oiboo	The paragraph should be amended to read- “One person from each of the area affected” That a definition of the affected area be inserted as follows- “Affected area” refers to- a) a Ward where one ward is affected b) a Constituency where two wards are affected c) a County where more than one Constituency is affected.
16.	9 (1)	Morintat Peter Oiboo	Addition of new sub clauses (e) and (f) as follows (d) one person representing the minorities/marginalised/populations/communities (f) not more than 2/3 gender (1/3gender rule)
17.	9 (2) (b)	Morintat Peter Oiboo	The paragraph should be deleted. The criterion is limiting and discriminatory.
18.	10	Council of Governors	Clause 10 on removal of a member of the mediation committee should have a provision on the person with power to remove a member from the committee.
19.	12(2)	IEBC	Clause 12(2) provides that the cabinet secretary shall, within seven days of the appointment of the mediation committee, second such public officers as may be required to constitute the secretariat to the mediation committee. There is need to provide for the expertise of the public officers to be seconded preferably in land survey.
20.	13	IEBC	Amend clause 13(2) to insert a new provision that the mediation committee shall ensure that the mediation hearing is conducted in accordance with all enabling laws and regulations. Note: This provision is already covered in clause 13)(1)(g) of the Bill.
21.	15	IEBC	Clause 15 of the Bill provides that the mediation committee shall within three months report to the Senate. There is need for clarity on the timelines (indicate when the three months will commence).
22.	17 (2) (a)	Morintat Peter Oiboo	Specify the envisioned institutions. The reference to relevant institutions is ambiguous. There is need for clarity.
23.	18 (2)	Morintat Peter	The word “county” should be deleted and substituted with

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	
		Oiboo	<p>the word “ward”.</p> <p>The words “<i>registered voters</i>” should be deleted and substituted with the words “<i>2 000 in the affected area</i>”</p> <p>The words “fifteen percent” should be deleted and substituted with the words “<i>Two thousand of the registered voters of the affected ward or constituency</i>”.</p> <p>The registered fifteen percent requirement of registered voters in a county is prohibitive.</p>	
24.	19 (2) (b)	Morintat Oiboo	Peter	The criteria to be used in nominate the members of the special committee should be specified and comply with the 1/3 gender rule.
25.	20	Morintat Oiboo	Peter	Increase the time frame for consideration by the Committee should be increased from twenty-one days to sixty days.
26.	21	Morintat Oiboo	Peter	Delete clause 21 (2) (a) increase the timeframe for consideration of recommendations to twenty one days from seven days.
27.	21	IEBC		The establishment of a special committee should precede the establishment of the IEBC and the mediation committee.
28.	25	Council Governors	of	The respective institutions outlined in clause 25 should nominate the respective persons for appointment by the President.
29.	25	Office of the Attorney-General		The Cabinet Secretary responsible for matters relating to land should be a member of the Commission.
30.	28	IEBC		<p>Substitute the word “plan” in clause 28(2)(a)(ii) to, “physical plans” for clarity on reference documents.</p> <p>Note: Same provision in clause 14(3)(b).</p>
31.	30	IEBC		<p>Clause 30 provides for the independence of the Commission. IEBC proposes insertion of a new sub clause as follows to align the Act with the Constitution in regards to the principle of public participation –</p> <p><i>The Commission shall observe the principle of public participation and the requirement for consultation with the relevant stakeholders.</i></p>
32.	40(2)(a)(ii)	IEBC		Delete county gazette as the necessary law is yet to be enacted.
33.	42(3)	Office of the		The Bill does not provide for the action to be taken where

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
		Attorney-General	the National Assembly does not concur with the resolution of the Senate to alter the boundary of a county.
34.	43	Council Governors of	County governments should be consulted in during regulation making under the Act since implementation of the Regulations will be done by counties.
35.	48	Council Governors of	The penalty for a person who wilfully obstructs the discharge of the lawful duties of the mediation committee or the commission under the Act is a fine of a maximum of one hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both. The fine should be enhanced to five hundred thousand shillings.
36.	New provisions	Council Governors of	<ul style="list-style-type: none"> • The Bill should have a commencement date • The Bill should clarify whether there will be one secretariat

4. COMMITTEE RECOMMENDATIONS

The Committee, upon deliberation, recommends the following amendments -

4.1. COMMITTEE STAGE AMENDMENTS ON THE COUNTY BOUNDARIES BILL, 2017

RE: COMMITTEE STAGE AMENDMENTS TO THE COUNTY BOUNDARIES BILL, 2017 (SENATE BILLS NO. 6 OF 2017)

NOTICE is hereby given that Sen. Kinyua Nderitu, Chairperson of the Senate Standing Committee on Devolution and Intergovernmental Relations, intends to move the following amendments to the County Boundaries Bill, 2017, at the Committee Stage -

CLAUSE 7

THAT clause 7 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) —

- (ca) submission of a petition to Parliament by any person who is a registered voter in a county whose boundary is disputed;

CLAUSE 9

THAT clause 9 of the Bill be amended –

- (a) deleting the marginal note and substituting therefor the following new marginal note —

Composition of the mediation committee.

- (b) in subsection (1) by deleting paragraph (b) and substituting therefor the following new paragraph —

(b) the county executive committee member for the time being responsible for matters related to land and physical planning in the county;

- (c) in subsection (2) by deleting the words “in the last ten years” appearing immediately after the words “affected counties” and substituting therefor the words “in the last five years”;

CLAUSE 12

THAT clause 12 of the Bill be amended by inserting the following new subsection immediately after subsection (2) —

(2a) The officers referred to under subsection (1) shall include officers with knowledge and at least five years experience in physical planning and land survey.

CLAUSE 15

THAT clause 15 of the Bill be amended by deleting the introductory phrase and substituting therefor the following new introductory phrase —

The mediation committee shall, within three months of the constitution of the committee, report to the Senate on —

CLAUSE 25

THAT clause 25 of the Bill be amended —

- (a) in subsection (1) by deleting the words “nominated by the President” appearing at the end of the paragraph and substituting therefor the words “nominated by the Commission” in paragraph (b);
- (b) in subsection (1) by deleting the words “nominated by the President” appearing at the end of the paragraph and substituting therefor the words “nominated by the Commission” in paragraph (c);
- (c) by inserting the following new paragraph immediately after paragraph (c) —
 - (ca) the Principal Secretary for the time being responsible for matters related to land and physical planning or a representative of the Principal Secretary designated in writing;

CLAUSE 40

THAT clause 40 of the Bill be amended in subsection (2a) by deleting the words “the county gazette” appearing at the beginning of the paragraph and substituting therefor the words “the Kenya Gazette and the county Gazette,” in subparagraph (ii); deleting paragraph (b) and substituting therefor the following new paragraph —

- (c) the county executive committee member for the time being responsible for matters related to land and physical planning in the county;

CLAUSE 42

THAT the Bill be amended by inserting the following new section immediately after the proposed section 42 —

Concurrence
by Parliament
on alteration of
a boundary.

42A. (1) If the National Assembly rejects the resolution of the Senate submitted under subsection (3), the resolution shall be referred to a Joint Committee of both Houses of Parliament.

(2) The provisions of the standing orders of both Houses of Parliament on joint committees shall, with necessary modifications, apply to the process of concurrence by Parliament on alteration of a boundary.

CLAUSE 43

THAT clause 43 of the Bill be amended by deleting subsection (2) and substituting therefor the following new subsection —

(2) In making regulations under this Act, the cabinet secretary shall consult the Independent Electoral and Boundaries Commission and the county governments.

CLAUSE 2

THAT clause 2 of the Bill be amended by —

- (a) deleting the interpretation of the word “cabinet secretary”; and substituting therefor the following new interpretation “cabinet secretary” means the cabinet secretary for the time being responsible for matters related to land and physical planning;
- (b) deleting the interpretation of the word “county executive committee member”; and substituting therefor the following new interpretation “county executive committee member” means the county executive committee member for the time being responsible for matters related to land and physical planning in the county;
- (c) inserting the following new definition in the proper alphabetical sequence-
“dispute” means disagreements between two or more neighbouring counties over the possession or control of land bordering the two or more neighbouring counties;

Sen. John Kinyua Nderitu, MP,
Chairperson,
Standing Committee on Devolution and Intergovernmental Relations.

5. ANNEXURES

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

Minutes of the Meetings

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

MEMBERS PRESENT

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

ABSENT WITH APOLOGIES

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

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

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

COMMITTEE SECRETARIAT

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

MINUTE SEN/SCDIR/24/2018: PRAYERS

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

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

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

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

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

The Committee received public views on the following bills: -

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

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

(1) Isiolo Community

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

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

(2) Mount Elgon Sabaot Community Representative

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

(3) Africa Art Group


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

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

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

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

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

SIGNATURE.....

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

DATE.....13/3/2018

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

MEMBERS PRESENT

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

ABSENT WITH APOLOGIES

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

COMMITTEE SECRETARIAT

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

MINUTE SEN/SCDIR/33/2018: PRAYERS

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

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

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

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

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

Attendance from the Council of Governors

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

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

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

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

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

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

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

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

SIGNATURE.....

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

DATE.....13/3/2018

MINUTES OF THE 12TH MEETING OF THE STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON WEDNESDAY, 28TH MARCH, 2018 IN FIRST FLOOR BOARD ROOM, RED CROSS BUILDING AT 10.00 AM.

MEMBERS PRESENT

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

ABSENT WITH APOLOGIES

- | | |
|---------------------------------------------------|---------------------|
| 6. Sen. Ephraim Maina Mwangi, MP | -Member |
| 7. Sen. Amos S. Wako, EBS, EGH, S.C., FCI Arb, MP | -Member |
| 8. Sen. Juma Golich Wario, MP | -Vice - Chairperson |
| 9. Sen. James Orengo, EGH, MP | -Member |

IN ATTENDANCE

(A) SENATE

- | | |
|--------------------------------|---------------------------|
| Sen. Mutula Kilonzo Junior, MP | - Non-Member of Committee |
|--------------------------------|---------------------------|

(B) INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC)

- | | |
|---------------------------|------------------------------|
| 1. Amb. Kibiwott Kurgat | - Commissioner |
| 2. Ms. Margaret Mwachanya | - Commissioner |
| 3. Ms. Caroline Manyange | - Manager, Boundaries |
| 4. Mr. Wilfred O. Lusi | - Manager, Chairman's Office |
| 5. Mr. Mahamud Jabane | - Ag. DLPA |
| 6. Mr. Moses Kipkogei | - Manager, CEO's Office |

COMMITTEE SECRETARIAT

- | | |
|------------------------|-------------------|
| 1. Ms. Rose Mudibo | - Clerk Assistant |
| 2. Ms. Carol Cheruiyot | - Legal Counsel |
| 3. Mr. John Pere | - SAA |

MINUTE SEN/SCDIR/59/2018: PRAYERS

The meeting was called to order at 10.20am by the Chairperson and followed by a word of prayer.

MINUTE SEN/SCDIR/60/2018: ADOPTION OF AGENDA

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

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with the Independent Electoral and Boundaries Commission to consider the County Boundaries Bill, 2017;

4. Any Other Business;
5. Date of Next Meeting & Adjournment.

MINUTE SEN/SCDIR/61/2018: MEETING WITH THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (IEBC) TO CONSIDER THE COUNTY BOUNDARIES BILL, 2017

(i) Remarks by the Chairperson and the Bill Sponsor

The Chairperson in his remarks thanked IEBC and the sponsor of the Bill, Sen. Mutula Kilonzo Junior, MP for accepting to attend the meeting and to consider the County Boundaries Bill, 2017.

The Chairperson gave an opportunity to the sponsor of the Bill to comment on it before receiving the views of IEBC.

The Bill Sponsor explained that the origin of the bill was as a result of several county boundary disputes emerging across the country and in particular Makueni County. He further said that the bill seeks to come up with a formula for resolving boundary disputes in the country.

(ii) Presentation by IEBC

The Commissioner gave the apologies of the Commission's Chairperson who was away on official duties. He stated that-

- Most boundaries are colonial in nature and that the boundary disputes have been of concern both locally and internationally and needed to be addressed;
- Article 188 of the Constitution provides for alteration of boundaries;
- The Bill is good and timely and seeks to seal the gaps noted;
- Most of the counties in the country are faced with county boundary disputes.

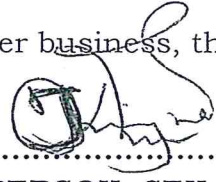
The Commission presented written memoranda to the Committee.

MINUTE SEN/SCDIR/62/2018: ANY OTHER BUSINESS

The Committee resolved that all Members of the Committee should always be given copies of responses to statements referred to the Committee in order to be able to respond to those statements in the House.

MINUTE SEN/SCDIR/63/2018: DATE OF NEXT MEETING & ADJOURNMENT

There being no other business, the meeting was adjourned at 11.20 am.

SIGNATURE.....

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

DATE..... 12/6/2018

**MINUTES OF THE 13TH SITTING OF THE SENATE STANDING COMMITTEE ON
DEVOLUTION AND INTERGOVERNMENTAL RELATIONS HELD ON
THURSDAY 7TH JUNE, 2018, IN RED CROSS BUILDING FIRST FLOOR
BOARDROOM AT 10.00 A.M.**

PRESENT

- | | |
|----------------------------------|-------------------|
| 1. Sen. John Nderitu, MP | -Chairman |
| 2. Sen. Golich Juma Wario, MP | -Vice Chairperson |
| 3. Sen. Samson Cherarkey, MP | -Member |
| 4. Sen. Boniface Mutinda, MP | -Member |
| 5. Sen. Ephraim Mwangi Maina, MP | -Member |
| 6. Sen. Samson Cherarkey, M.P | -Member |

APOLOGIES

- | | |
|--------------------------------|---------|
| 1. Sen. James Orengo, MP | -Member |
| 2. Sen. Falhada Dekow Iman, MP | -Member |
| 3. Sen. Amos Wako, MP | -Member |

SECRETARIAT

- | | |
|--------------------------|-------------------|
| 1. Peter Muchira | - Clerk Assistant |
| 2. Ms. Carolyn Cheruiyot | - legal Counsel |

MINUTE NO. SEN/ SCDIR/64/2018: PRELIMINARIES

The Chairperson called the meeting to order at 10.20 a.m. with a word of prayer by the after ascertaining that quorum had been obtained.

MINUTE NO. SEN/ SCDIR/65/2018: ADOPTION OF AGENDA

Members adopted the agenda of the meeting as presented having been proposed by Sen. Samson Cherarkey, MP, and seconded by Sen. Boniface Mutinda, MP.

**MINUTE NO. SEN/ SCDIR/66/2018: CONSIDERATION OF THE MATRIX OF
THE COUNTY BOUNDARIES BILL, 2017**

This Chairperson invited the secretariat to take the Committee through the matrix. This was done and the members considered submissions from stakeholders as detailed below:

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
1.	Long title	Council of Governors (CoG)	Redraft the long title for clarity.
2.	2	Council of Governors	The definition of a boundary of a county means the boundary of a county as set out in the First Schedule. CoG proposes that the definition should include the geo-referenced boundary for purposes of clarity.
3.	2	Council of Governors	Dispute should be defined so that it is clear whether it is a dispute concerning county governments or that concerning citizens in various counties over boundaries.
4.	2	Council of Governors	Definition of Cabinet Secretary to be Cabinet Secretary responsible for matters relating to land and physical planning.
5.	2	Office of the Attorney-General	Definition of Cabinet Secretary to be Cabinet Secretary responsible for matters relating to intergovernmental relations.
6.	4(3)	Council of Governors	The penalty for a person who unlawfully interferes with the records of the boundaries of counties is a fine of two million shillings or to five years imprisonment or to both. The penalty should be enhanced to five million shillings.
7.	5	Independent Electoral and Boundaries Commission (IEBC)	IEBC concurs with the provision and notes that mediation as a means of dispute resolution is an appropriate method due to the nature of county boundary disputes and the need to manage the disputes.
8.	6 (1)	Morintat Peter Oiboo	Include alteration of county boundaries by way of a referendum on the resolution by the National Assembly and Senate to alter the boundary as clause 6 (c). This is to give room for public participation in line with Article 118 (1) (b).
9.	Part III – Resolution of County Boundary Disputes	Office of the Attorney-General	The resolution of county boundary disputes should be dealt with as provided in the Intergovernmental Relations Act since such disputes are intergovernmental disputes.
10.	7	IEBC	The mediation committee should be a committee within the IEBC since the function served by the mediation committee forms the scope of the mandate of the IEBC.

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
11.	7(1)	Council of Governors	The establishment of a county boundaries mediation committee by a resolution of the Senate should also include requests initiated by citizens through petitions or by county assemblies.
12.	7 (1)	Morintat Peter Oiboo	Delete the entire clause. Article 188 (1) of the Constitution only provides for establishment of a commission. The functions and powers of the County Boundaries Mediation Committee should be performed by the commission established in clause 24 of the Bill. Retain the clause and include the provisions of clause 18 (1). Retain the clause and include members of National Assembly and county assemblies in the list of persons who can request for mediation to resolve a county boundary dispute.
13.	9	Council of Governors	The marginal note should be substituted to refer to the appointment and not nomination of the County Boundaries Mediation Committee.
14.	9 (1) (b)	Council of Governors	Replace the position of one person from each of the affected counties with the county executive committee member responsible for matters relating to land and physical planning. This is to avoid challenges in nominating the representative from the affected county. The committee should consist of a licensed surveyor.
15.	9 (1) (b)	Morintat Peter Oiboo	The paragraph should be amended to read- <i>“One person from each of the area affected”</i> That a definition of the affected area be inserted as follows- <i>“Affected area” refers to-</i> a) <i>a Ward where one ward is affected</i> b) <i>a Constituency where two wards are affected</i> c) <i>a County where more than one Constituency is affected.</i>
16.	9 (1)	Morintat Peter Oiboo	Addition of new sub clauses (e) and (f) as follows <i>(d) one person representing the minorities/marginalised/populations/communities</i> <i>(f) not more than 2/3 gender (1/3gender rule)</i>
17.	9 (2) (b)	Morintat Peter Oiboo	The paragraph should be deleted. The criterion is limiting and discriminatory.
18.	10	Council of Governors	Clause 10 on removal of a member of the mediation committee should have a provision on the person with

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	
			power to remove a member from the committee.	
19.	12(2)	IEBC	<p>Clause 12(2) provides that the cabinet secretary shall, within seven days of the appointment of the mediation committee, second such public officers as may be required to constitute the secretariat to the mediation committee.</p> <p>There is need to provide for the expertise of the public officers to be seconded preferably in land survey.</p>	
20.	13	IEBC	<p>Amend clause 13(2) to insert a new provision that the mediation committee shall ensure that the mediation hearing is conducted in accordance with all enabling laws and regulations.</p> <p>Note: This provision is already covered in clause 13)(1)(g) of the Bill.</p>	
21.	15	IEBC	<p>Clause 15 of the Bill provides that the mediation committee shall within three months report to the Senate. There is need for clarity on the timelines (indicate when the three months will commence).</p>	
22.	17 (2) (a)	Morintat Oiboo	Peter	Specify the envisioned institutions. The reference to relevant institutions is ambiguous. There is need for clarity.
23.	18 (2)	Morintat Oiboo	Peter	<p>The word “<i>county</i>” should be deleted and substituted with the word “<i>ward</i>”.</p> <p>The words “<i>registered voters</i>” should be deleted and substituted with the words “<i>2 000 in the affected area</i>”</p> <p>The words “fifteen percent” should be deleted and substituted with the words “<i>Two thousand of the registered voters of the affected ward or constituency</i>”.</p> <p>The registered fifteen percent requirement of registered voters in a county is prohibitive.</p>
24.	19 (2) (b)	Morintat Oiboo	Peter	The criteria to be used in nominate the members of the special committee should be specified and comply with the 1/3 gender rule.
25.	20	Morintat Oiboo	Peter	Increase the time frame for consideration by the Committee should be increased from twenty-one days to sixty days.
26.	21	Morintat Oiboo	Peter	Delete clause 21 (2) (a) increase the timeframe for consideration of recommendations to twenty one days from seven days.
27.	21	IEBC		The establishment of a special committee should precede

	CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT
			the establishment of the IEBC and the mediation committee.
28.	25	Council of Governors	The respective institutions outlined in clause 25 should nominate the respective persons for appointment by the President.
29.	25	Office of the Attorney-General	The Cabinet Secretary responsible for matters relating to land should be a member of the Commission.
30.	28	IEBC	Substitute the word “plan” in clause 28(2)(a)(ii) to, “physical plans” for clarity on reference documents. Note: Same provision in clause 14(3)(b).
31.	30	IEBC	Clause 30 provides for the independence of the Commission. IEBC proposes insertion of a new sub clause as follows to align the Act with the Constitution in regards to the principle of public participation – <i>The Commission shall observe the principle of public participation and the requirement for consultation with the relevant stakeholders.</i>
32.	40(2)(a)(ii)	IEBC	Delete county gazette as the necessary law is yet to be enacted.
33.	42(3)	Office of the Attorney-General	The Bill does not provide for the action to be taken where the National Assembly does not concur with the resolution of the Senate to alter the boundary of a county.
34.	43	Council of Governors	County governments should be consulted in during regulation making under the Act since implementation of the Regulations will be done by counties.
35.	48	Council of Governors	The penalty for a person who wilfully obstructs the discharge of the lawful duties of the mediation committee or the commission under the Act is a fine of a maximum of one hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both. The fine should be enhanced to five hundred thousand shillings.
36.	New provisions	Council of Governors	<ul style="list-style-type: none"> • The Bill should have a commencement date • The Bill should clarify whether there will be one secretariat

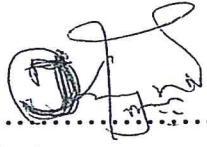
Upon completion of the consideration, the Committee resolved that the secretariat to draft possible committee stage amendments in line with the deliberations of the meeting. These amendments would be considered by the Committee during its next meeting.

MINUTE NO. SEN/ SCDIR/67/2018: ADOPTION OF THE REPORT ON THE COUNTY BOUNDARIES BILL 2017

This Agenda was deferred to the next meeting

MINUTE NO. SEN/ SCDIR/68/2018: ADJOURNMENT

The meeting was adjourned at 12.25 pm and the Chairman mentioned that the date of the next meeting would be by notice

Signature:  Date: 12/6/2018

Chairperson

Attendance Lists for the Public Hearing









SENATE STANDING COMMITTEE ON DEVOLUTION & INTER-GOVERNMENTAL RELATIONS

VENUE: BOARD ROOM FIRST FLOOR....., RED CROSS






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

COG

REGISTRATION FORM

NO.	NAME	INSTITUTION/ORGANIZATION	Contacts:- TELEPHONE NO.	ID NO.	SIGN
1.	Stephen K Sang	COG	0723232619	22692387	
2.	Barnabas M. Ngene	CECM Kericho County Govt	0722935711	22536285	
3.	BRAMUEL MURGOD	CECM Land Bunyoma	0724874475	811137	
4.	Eng Lucy Karuki	CECM Land Nakuru	0721593574	11524458	
5.	TIMOTHY KARUKI	COUNTY ATTORNEY, EMBU	0722266436	1081249	
6.	Mukami Kibacira	COG, Legal Officer	0724797752	28464603	
7.	Rosemary Njambwa	COG, Legal Officer	0722481736	25272368	
8.	Eva Sauri	COG, Legal Officer	0721406302	26107135	

MEETING WITH IEBC 28/3/2018

NO.	NAME	ORGANIZATION	DESIGNATION	MOBILE	SIGNATURE
	Amb. Comm. Kibiwote Kurgat	IEBC	COMMISSIONER		
	Margaret W. Mwachungu	IEBC	COMMISSIONER		
	Conohine Hamungu	IEBC	Manager Representation		
	WALTER O. LUSI	IEBC	Manager in the Chair's office		
	Mahamwa Jalbani	IEBC	Ag. DLP	0722-414271	
	Moses Kaghozei	IEBC	Manager Office of the CEO	0722-833018	Kwete

REPUBLIC OF KENYA



Approved
[Signature]
15/3/2018

TWELFTH PARLIAMENT

THE SENATE

THE STANDING COMMITTEE

ON

DEVOLUTION AND INTERGOVERNMENTAL RELATIONS

REPORT ON CONSIDERATION OF

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

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

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

MARCH, 2018

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ABBREVIATIONS

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

PREFACE

Establishment of the Committee

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

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

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

Composition of the Committee

The Committee is comprised of the following members;

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

Committee Secretariat

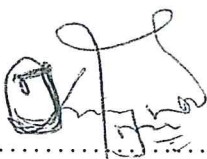
- | | |
|------------------------|-----------------------------|
| 1. Mr. Julius Ariwomoi | - Principal Clerk Assistant |
| 2. Ms. Carol Cheruiyot | - Legal Counsel |
| 3. Ms. Fiona Musili | - Research Officer |
| 4. Ms. Lucianne Limo | - Media Relations Officer |
| 5. Ms. Regina Munyao | - Legal Pupil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

Acknowledgement

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

Mr. Speaker Sir,

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

Signed.....

Date.....15/2/2018

SEN. KINYUA NDERITU
CHAIRPERSON
STANDING COMMITTEE ON DEVOLUTION AND INTERGOVERNMENTAL
RELATIONS

EXECUTIVE SUMMARY

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

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

CHAPTER ONE

1. INTRODUCTION

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

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

OVERVIEW OF THE BILL

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

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

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

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

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

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

- (a) the Interim County Management Board shall stand dissolved; and
- (b) the governor, the deputy governor and the members of the county executive committee, the speaker and the members of the county assembly shall resume their functions and continue to receive their benefits in full from the date of termination of the suspension and shall hold office for the remainder of their term.

CHAPTER TWO

2. SUBMISSIONS FROM MEMBERS OF THE PUBLIC/ STAKEHOLDER CONSULTATIONS

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

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

CHAPTER THREE

3.0 COMMITTEE RECOMMENDATIONS

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

APPENDICES

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

Minutes of the Meetings

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

MEMBERS PRESENT

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

ABSENT WITH APOLOGIES

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

COMMITTEE SECRETARIAT

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

MINUTE SEN/SCDIR/7/2018: PRAYERS

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

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

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

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

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

2) Committee Work plan

The committee resolved to consider its work plan during the retreat

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

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

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

SIGNATURE.....

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

DATE..... 6/3/2018

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

The Committee received public views on the following bills: -

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

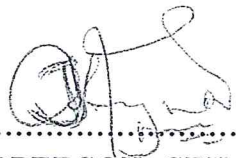
Only one presentation (written memoranda) was made to the Committee by an organization called Youth Progressive Initiative. The Youth organization was represented by Hon. Danson Mungatana (as its advocate), Mr. Collins Juma (CEO) and Mr. Abel Noah (Operations Manager).

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

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

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

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

SIGNATURE.....

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

DATE.....6/3/2018.....

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

MEMBERS PRESENT

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

ABSENT WITH APOLOGIES

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

COMMITTEE SECRETARIAT

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

MINUTE SEN/SCDIR/18/2018: PRAYERS

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

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

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

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

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

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

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

There were no matters arising from the minutes.

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

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

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

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

MINUTE SEN/SCDIR/22/2018: AOB

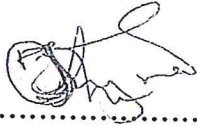
Under AOB, Members agreed to consolidate the various amendments and compile its report immediately after finalizing with CoG. The Committee also resolved that its report on the three bills will be ready for tabling by Tuesday 13th March, 2018. The chairperson was requested to meet with the Senate

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

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

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

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



SIGNATURE.....

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

DATE..... 13/2/2018

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

MEMBERS PRESENT

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

ABSENT WITH APOLOGIES

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

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

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

COMMITTEE SECRETARIAT

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

MINUTE SEN/SCDIR/24/2018: PRAYERS

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

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

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

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

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

The Committee received public views on the following bills: -

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

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

(1) Isiolo Community

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

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

(2) Mount Elgon Sabaot Community Representative

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

(3) Africa Art Group

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

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

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

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

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

SIGNATURE.....

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

DATE..... 13/3/2018

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

MEMBERS PRESENT

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

ABSENT WITH APOLOGIES

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

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

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

COMMITTEE SECRETARIAT

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

MINUTE SEN/SCDIR/28/2018: PRAYERS

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

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

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

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

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

(A) Attendance from the Council of Governors

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

(B) Attendance from Deputy Governors Forum

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

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

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

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

MINUTE SEN/SCDIR/31/2018: AOB

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

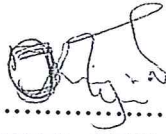
The Council of Governors requested to appear again on Tuesday 13th March, 2018 in order to present memoranda on the Assumption of Office of County Governor Bill, 2018 and the County Boundaries Bill, 2017.

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

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

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

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



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

DATE..... 13/3/2018

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

MEMBERS PRESENT

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

ABSENT WITH APOLOGIES

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

COMMITTEE SECRETARIAT

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

MINUTE SEN/SCDIR/33/2018: PRAYERS

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

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

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

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

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

Attendance from the Council of Governors

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

The Council of Governors (CoG) made presentations on the following bills:-
 a. The Assumption of Office of County Governor Bill, 2018; and
 b. The County Boundaries Bill, 2017.

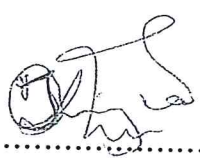
They presented written memoranda on some areas of interest in the two bills. The presentation is annexed in the Committee report.

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

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

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

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

SIGNATURE.....

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

DATE.....13/3/2018

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

MEMBERS PRESENT

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

ABSENT WITH APOLOGIES

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

COMMITTEE SECRETARIAT

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

MINUTE SEN/SCDIR/38/2018: PRAYERS

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

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

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

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

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

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

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

There were no matters arising from the minutes.

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

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


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

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

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

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

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

SIGNATURE.....

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

DATE..... 13/3/2018

Attendance Lists for the Public Hearing

COMMITTEE ON DEVOLUTION AND INTER-GOVERNMENTAL RELATIONS

6/3/18

NAME

ORGANISATION

CONTACT

SIGN

1. WANDIBU GIKOBYO

TSA

0722 778302

wandibugikoby@tisa.or.ke

Wb

SENATE STANDING COMMITTEE ON DEVOLUTION & INTER-GOVERNMENTAL RELATIONS

VENUE:..... COMMITTEE Room 9

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

REGISTRATION FORM

NO.	NAME	INSTITUTION/ORGANIZATION	DESIGNATION	Tel. No.	SIGN
1.	Governor Stephen Sarda	Council of Governors	Chair, Intergovernmental Relations Committee		
2.	Dg. JOASH MAAHI	Deputy Governor's Forum	Chair of the Dg's Forum	0717543303	[Signature]
3.	JOHN MWANIKI	Deputy Governor	Chair Committee on Senate	072281103	[Signature]
4.	Benson Leketai	Council of Governors	Legal officer	0702080207	[Signature]
5.	Eva Sawa	CoG	Legal officer	0721406302	[Signature]
6.	Mukami Kibiro	CoG	Legal officer	0704797752	[Signature]
7.	Rosemary Mwarubun CoG	CoG	Legal Officer	0722481736	[Signature]
8.	Eugene N. Lawi	CoG	Legal Officer	0727301448	[Signature]
9.	Zipporah Muthama	CoG	Legal Officer	0722-635626	[Signature]
10.	MUTUA KILONGO JUMBE	Senate			[Signature]
11.	Gitich Juma Wambui	Senator	Vice Chair Dev	0722223828	[Signature]
12.	Sen. John Kingo	Senate	Chair Dev Sub-Committee	0722783014	[Signature]