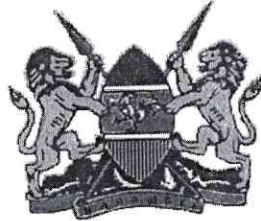


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REPUBLIC OF KENYA
COUNTY GOVERNMENT OF BOMET



BOMET COUNTY ASSEMBLY
SECOND ASSEMBLY – THIRD SESSION

REPORT OF THE
SECTORAL COMMITTEE ON ADMINISTRATION, PEACE, JUSTICE AND LEGAL AFFAIRS
ON THE
CONSIDERATION OF THE BOMET COUNTY DEVOLVED GOVERNANCE BILL, 2018.



Kinuthia
27/03/2019
for the clerk

CLERK'S CHAMBERS
BOMET COUNTY ASSEMBLY
COUNTY ASSEMBLY CHAMBERS BUILDINGS
BOMET

MARCH, 2019

PREFACE

Mr. Speaker, Sir,

The Sectoral Committee on administration, Peace, Justice and Legal Affairs is constituted pursuant to the provisions of Standing Order No. 193(5) (f) of the Bomet County Assembly¹ and has executed its mandate in accordance with the provisions of the said Standing Order 191(5)² which mandates the Committee to, inter alia;

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) study the program and policy objectives of departments and the effectiveness of the implementation;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;*
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 188(Committee on Appointments); and*
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation*

¹ Standing Order No. 193(5)(f) of the Bomet County Assembly

² Standing Order 191(5) of the Bomet County Assembly

Affirmation and Approval

Mr. Speaker,

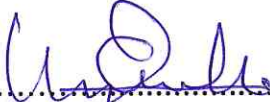
The composition of the committee comprises of the following members whose signatures have been appended confirming that the committee undertook the agenda therein and came up with the recommendations based on the contributions by the members of the public and committee.

No.	Name	Position	Signature
1.	Hon. Samwel Kiprop A. Keter	Chairperson	
2	Hon. Evaline Chepkemoi	V. Chairperson	
3	Hon. Wesley Kiprotich	Member	
4	Hon. Catherine Chemutai	Member	
5	Hon. Hellen Chepkorir	Member	
6	Hon. Josphat Kirui	Member	
7	Hon. Robert Kiplangat Serbai	Member	

Mr. Speaker, Sir,

On behalf of the Committee, and pursuant to Standing Order 193 (5)(g), it is my pleasant duty to table in the Assembly the Report of the Sectoral Committee on Administration, Peace, Justice and Legal Affairs on its scrutiny of the Bomet County Devolved Governance Bill, 2018.

Thank you.

Signed.......... Date.....11/03/2019.....

Hon. Samwel Kiprop A. Keter, MCA

Chairperson, Sectoral Committee on Administration, Peace, Justice and Legal Affairs

Acknowledgment

Mr. Speaker

I wish to thank the members of the committee on Administration, Peace, Justice and Legal affairs for dedicating their time and energy to scrutinize the Bill and prepare this report. The Committee is equally grateful to the office of the Speaker the Clerk of County Assembly and the secretariat for the support received as it discharged its mandate.

1.0 EXECUTIVE SUMMARY

Mr. Speaker, Sir,

1.1 An Over View of the Bill

The Bomet County Devolved Governance Bill, 2018, Seeks to establish a Centre for Devolved Governance which shall amongst others perform the following functions; -

- (a) provide training, consultancy and research services designed to inform public policy, promote county development and standards of competence, and integrity in the Public Service in line with nationally set standards;
- (b) promote continuous learning for public service excellence;
- (c) provide programmes that promote a culture of servant leadership, self-less service, transparency and accountability among public servants;
- (d) facilitate the establishment of professional networks and think tanks to develop and grow public sector leaders;
- (e) develop linkages and collaborations with institutions of learning, professional organizations, private sector, other Centers of government learning and other similar institutions nationally and globally;
- (f) monitor, evaluate and communicate the impact of strengthened education and training programmes for county and national leadership and management;
- (g) Research, develop and deliver programs tailored to promote the CDG's mandate and clients' needs;
- (h) collaborate with national and global institutions in conducting training and examinations and award certificates, diplomas and other forms of suitable awards to successful candidates;
- (i) Provide continuous professional development training for county staff;
- (j) Provide facilities for hospitality service for the county public service and any other clients approved by the Board of management.

The Bomet County Devolved governance Bill, 2018, underwent the First Reading on Wednesday, 7th November, 2018 and was effectively committed to the Committee on Administration, Peace, and Legal Affairs, as provided for under Standing order 115(2). Pursuant to Article 196(b) of the Constitution and Standing Order 121(3) which demands public participation and involvement in the legislative and other business of the County Assembly and its Committees, a notification was placed in the mainstream print media on 17th November, 2018, informing the public that the Committee was considering the Bomet County Devolved Governance bill and inviting them to submit any representations they might have on the proposed bill.

Mr. Speaker, Sir,

The Committee held a total of five meetings and a retreat to consider the Bill. A number of meetings were held with stakeholders from the County Executive during the scrutiny of the Bill. Specifically, the Department of Administration, Information Communication Technology and Public Service to which the Centre falls under. The committee did not receive any written memorandum regarding the bill, however, the members of the public made oral submissions before it during the public participation held on the 3rd December, 2018 at the Assembly Ground as stipulated by Article 196(b) of the Constitution.

Mr. Speaker,

The Bill is very important to county since it shall establish a premier training, consultancy, and research and hospitality facility in the county which shall enhance quality of service delivery in the county while cutting down on the costs of training, retraining and related activities geared at an efficient public service.

Mr. Speaker, Sir,

The committee notes that the bill if passed by this county assembly is a game changer in the development of the county headquarters and other adjacent towns since one of the functions of the Centre if established shall be provision of the hospitality services to the public service and other clients which shall include others counties and other entities, this shall bring more visitors to our county hence a rise in demand for hospitality and allied services.

2.0 VIEWS FROM THE STAKE HOLDERS

The Committee noted and considered suggestions by the members of the public that the head of the Centre be referred to as the Chief Executive Officer contrarily to the suggestion of the bill that he/she be referred to as the Director General.

The said members of the public further urged the committee to consider naming the managing body of the Centre as a board of management as opposed to the suggestion of the bill to name it as the council. The rationale behind this suggestion was that the two words are more academic and scholarly befitting large institution of higher learning.

Mr. Speaker Sir,

The members of the public further expressed their concern on the cost-benefit effect of the Centre being made one of the county agencies through this bill. After a detailed review of the submissions as recorded by the technical team on the cost- benefit effect of the Centre, it was the finding of this committee that the benefits out weight the cost. It was also the view of the members of the public that establishment and operation of the Centre shall save the county monies in terms of the training costs of its public service and further that the Centre may generate revenue to the county government by offering training services to other counties and establishments.

Mr. Speaker Sir,

The said members of the public further urged the committee to create an efficient balance of the autonomy and the accountability of the Centre in the bill. The committee has looked into this technical aspect and has made several amendments to ensure that the said balance is achieved.

CONSIDERATION OF THE BOMET COUNTY DEVOLVED GOVERNANCE BILL, 2018

The Committee deliberated on the Bill as follows and proposed the following amendments

COMMITTEE'S PROPOSED THE FOLLOWING AMENDMENTS TO THE BOMET COUNTY DEVOLVED GOVERNANCE BILL, 2018

CLAUSE	PROPOSED AMENDMENT	JUSTIFICATION
3	THAT Clause 3 of the Bill be amended by renumbering clause 3(4) to 3(3)	To correct typographical error
4	THAT clause 4 of the Bill be amended by deleting the word "Governor" and substituting thereof with the following words "County Executive Committee member"	To correct leverage of the appoint power
5(2)	1. THAT clause 5(2) of the Bill be amended by numbering the paragraphs immediately appearing after paragraph (h) as paragraph (i) and (j)	To correct typographical error To correct typographical error

	2. THAT clause 5(2) (j) be renumbered to (k)	
Entire Bill	3. THAT the Bill be amended by deleting the word “ council ” whenever it appears and substitute thereof with the words “ Board of Management ”	To change the title of the managing body
6(1)	THAT clause 6(1) of the Bill be amended by deleting paragraph (d) and substituting thereof with the following words “ Chief Officer in charge of Finance ”	To bring on board the Chief officer finance
6(1)	4. THAT clause 6(1) of the Bill be amended by renumbering paragraph (i), (k) and (n) to paragraph (h), (i) and sub clause (2) respectively.	To correct typographical error

6(1)	5. THAT clause (6) (1)(i) of the Bill as amended be amended by deleting the words “Director General”	so as to retain the title of the head of the Centre as the Chief Executive officer only
6(2)	6. THAT clause 6(2) of the Bill be renumbered to clause 6(3) THAT clause 6(3) of the Bill be renumbered to clause 6(4)	To make the navigation of bill easy
6(4)	7. THAT clause 6(3) of the Bill be amended by deleting “(f)”	To correct the abnormally created by the said clause. The clerk of the assembly will be a member of the board by the virtue of the office he/she holders.
6(4)	THAT clause 6(3) of the Bill be amended by inserting the words “Kenya or” between the words “the” and “county”	

6(8)	THAT the Bill be amended by deleting clause 6(8)	
6(9)	THAT the Bill be amended by deleting clause 6(9)	
7	THAT clause 7 of the Bill be amended by deleting the words “ Director General ” whenever it appears and substitute thereof with the following “ Chief Executive Officer ”	So as to change the title to the head of the centre to chief executive officer
9(2)	THAT Clause 9(2) of the Bill be amended by deleting the words “ plus one ” THAT clause 9 (2) of the Bill be amended by inserting the word “ be ” between the words “ shall and half ”	To provide for quorum of the management board meetings
9(2)	THAT Clause 9(2) of the Bill be amended by deleting the words “ DG/CEO ” and substituting thereof with the following “ Chief Executive Officer ”	So as to change the title to the head of the centre to chief executive officer
10(1)	THAT Clause 10(1)(a) of the Bill be amended by	So as to change the title to the head of the centre to chief executive officer

	deleting the words “Director General”	
12(2)	THAT Clause 12(2)(a) of the Bill be amended by deleting the words “Director General” and substitute thereof with the following “Chief Executive Officer”	So as to change the title to the head of the centre to chief executive officer
13(1)	THAT Clause 13 of the Bill be amended by deleting the words “Director General” whenever they appears and substitute thereof with the following “Chief Executive Officer”	So as to change the title to the head of the centre to chief executive officer
13(1)	THAT Clause 13(1) of the Bill be amended by deleting the words “following a competitive process of recruitment”	So as to provide for appointment of the chief executive officer of the Centre
13(3)	THAT Clause 13(3) of the Bill be amended by deleting the words “ and Chief Executive Officer”	Description of the head of the Centre
14(1)	THAT Clause 14(1) of the Bill be amended by deleting the words “shall subject to the State	To correct on the applicable law

	Corporations Act Cap 446,”	
14(1)	THAT Clause 14(1) of the Bill be amended by deleting the words “the Director General and such directors and,”	To provide for an enhance management structure of the Centre
14(1)	THAT Clause 14(1) of the Bill be amended by inserting the word “ shall” between the words “council and the word in”	To provide for the
14(1)	THAT Clause 14(1) of the Bill be amended by inserting the words “County Executive Committee Member and the County” between the words “the and public”	To provide on the staffing of the Centre and involve the relevant department
15(a)	THAT clause 15(a) of the Bill be amended by deleting the word “provided” and substituting thereof with “ approved”	
15	THAT clause 15 of the Bill be amended by deleting the words “(a) and (d)”	Correct typographical error
15	THAT clause 15 of the Bill be amended by inserting	To make the navigation of the bill very easy

	the word “ section ” between “on and 15”	
16(3)	THAT clause 16(3) of the Bill be deleted.	To remove the obsolete clause
16(4)	THAT clause 16(4) of the Bill be amended by deleting and substituting thereof with the following “The Board of management shall prepare a report for each quarter of the financial year in accordance with provisions of section 164 of the Public Finance Management Act, 2012.”	To provide for the report channel for the county agency to be established herein
17(2)	THAT clause 17(2) of the Bill be amended by deleting “ by the controller and auditor General in accordance with the Public Audit Act, 2003 ” and substitute thereof with “ in accordance with provisions of section 164 of the Public Finance Management Act 2012 ”.	To correct the obsolete clause on the accounts of the Centre
19	THAT clause 19 of the Bill be amended by deleting “ Secretary ” and substituting thereof with “	powers to make regulations to the executive committee member

	Executive Committee Member"	
20(1),(2),(3) and (5)	THAT clause 20 (1), (2), (3) and (5) of the Bill be deleted.	So as to remove the obsolete clauses
20(4)	THAT clause 20(4) of the Bill be amended by renumbering to clause 20	To make navigation of the bill easy
Clause 2 "Campuses of the centre for devolved governance"	THAT the Bill be amended in clause 2 by deleting the word " governor " appearing between the words " the and may " and substitute thereof with the following words "County Executive Committee Member"	
" director general"	THAT the Bill be amended in clause 2 by deleting the words "director general and substitute with the following "Chief executive officer" THAT the Bill be amended in clause 2 by deleting the words "chief executive officer or" THAT the Bill be amended in clause 2 by deleting the	

	word "12" and substitute with "13"	
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