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GAZETTE NOTICE No. 5711

THE INTERGOVERNMENTAL RELATIONS ACT

(No. 2 of 2012)

INSTITUTIONAL STRUCTURES FOR THE IDENTIFICATION, VERIFICATION AND TRANSFER OF ASSETS AND LIABILITIES OF THE NATIONAL GOVERNMENT RELATING TO DEVOLVED FUNCTIONS

IT IS notified for general information of the public that pursuant to section 12 (b) of the Intergovernmental Relations Act, 2012, the Cabinet Secretary for Devolution and Arid and Semi-Arid Lands, in consultation with the Intergovernmental Relations Technical Committee has established the institutional structures set out in the Schedule to facilitate the identification, verification and transfer of assets and liabilities of the National Government ministries, departments, agencies and institutions relating to devolved functions and to the respective county governments.

SCHEDULE

Establishment of the Intergovernmental Steering Committee on the identification, verification and transfer of assets and liabilities of the National Government relating to devolved functions

1. (1) There is established an Intergovernmental Steering Committee on the identification, verification and transfer of assets and liabilities of the National Government relating to devolved functions which shall comprise—

- (a) the Principal Secretary responsible for matters relating to intergovernmental relations;
- (b) the Principal Secretary responsible for matters relating to finance;
- (c) the Principal Secretary responsible for matters relating to Interior and Coordination of National Government;
- (d) the Principal Secretary responsible for matters relating to health;
- (e) the Principal Secretaries responsible for matters relating to agriculture, livestock and fisheries;
- (f) the Principal Secretaries responsible for matters relating to Lands and Physical Planning;

- (g) the Principal Secretaries responsible for matters relating to Transport, Infrastructure, Housing, Urban Development and Public Works;
- (h) the Principal Secretary responsible for matters relating to environment and forestry;
- (i) the Principal Secretary responsible for matters relating to trade;
- (j) the Principal Secretary responsible for matters relating to co-operatives;
- (k) the Principal Secretaries responsible for matters relating to sports and culture;
- (l) the Principal Secretary responsible for matters relating to water;
- (m) the Attorney-General;
- (n) the Auditor-General;
- (o) the Controller of Budget;
- (p) the chairperson of the Commission for Revenue Allocation;
- (q) the Vice-Chairperson of the Council of Governors;
- (r) the Chairpersons of five such Sectoral Committees of the Council of Governors responsible for matters relating to devolved functions;
- (s) the Chairperson of the National Land Commission; and
- (t) the Chairperson of the Intergovernmental Relations Technical Committee.

(2) The Principal Secretary responsible for matters relating to intergovernmental relations and the Vice-Chairperson of the Council of Governors shall be co-chairpersons of the Steering Committee.

(3) The Vice-Chairperson of the Steering Committee shall be elected from amongst the members of the Steering Committee.

(4) A member of the Steering Committee may designate an alternate person to attend and participate in the meetings of the Steering Committee on his behalf.

(5) The Steering Committee may, by a resolution, co-opt such persons whose knowledge and skills are necessary for the performance of the functions of the Steering Committee, provided that, the co-opted members do not exceed one third of the members of the Steering Committee.

Functions of the Steering Committee

2. The Steering Committee shall be responsible for—
- (a) providing leadership and direction to the Inter-Agency Technical Committee;
 - (b) facilitating the identification and verification of assets and liabilities of the National Government relating to devolved functions and the subsequent transfer of assets and liabilities to County Governments;
 - (c) reviewing and adopting the recommendations of the Inter-Agency Technical Committee;
 - (d) guide the transfer of the assets of the National Government devolved functions to the respective County Governments;
 - (e) determining disputes referred to it by the Inter-Agency Technical Committee;
 - (f) securing the custody of all relevant documents relating to the assets and liabilities of the National Government relating to devolved functions;
 - (g) adopt the most suitable option for the settlement of liabilities of the devolved functions by respective County Governments; and
 - (h) perform any other function necessary for the execution of its mandate or as may be assigned, from time to time, by the Cabinet Secretary.

Establishment of the Inter-Agency Technical Committee

3. (1) There is established an Inter-Agency Technical Committee on Identification, Verification and Transfer of Assets and Liabilities of the National Government relating to devolved functions which shall comprise —

- (a) the Chief Executive Officer of the Intergovernmental Relations Technical Committee, who shall be the Chairperson;
- (b) a representative of the Ministry of Devolution and Arid and Semi-Arid Lands, who shall be the alternate chairperson;
- (c) a representative of the National Treasury;
- (d) a representative of the Ministry of Lands and Physical Planning;
- (e) a representative of the Ministry of Interior and Coordination of National Government;
- (f) a representative of the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works;
- (g) a representative of the Ministry of Health;
- (h) a representative of Ministry of Agriculture, Livestock and Fisheries;
- (i) a representative of the Ministry of Environment and Forestry;
- (j) a representative of the Ministry of Trade;
- (k) a representative of the Ministry of Sports, Culture and the Arts;
- (l) a representative of the Kenya Law Reform Commission;
- (m) a representative of the Office of the Auditor-General;
- (n) a representative of the Commission on Revenue Allocation;
- (o) three representatives from the Council of Governors;
- (p) a representative of the Attorney General;
- (q) a representative of the National Land Commission; and
- (r) a representative of the Controller of Budget.

(2) The Inter-Agency Technical Committee may, by resolution, co-opt such persons whose knowledge and skills are necessary for the performance of its functions, provided that the co-opted members shall not exceed one third of the Interagency Technical Committee.

Functions of the Inter-Agency Technical Committee

4. The functions of the Inter-Agency Technical Committee shall be to—
- (a) develop appropriate procedures for the identification, verification and transfer processes;
 - (b) provide technical services to the Steering Committee in the process of identification and verification of national government assets and liabilities;
 - (c) co-ordinate the collection of the inventory of assets and liabilities from the National Government ministries, departments and agencies relating to devolved functions;
 - (d) implement decisions of the Steering Committee;
 - (e) review the registers of assets and liabilities by the respective County Committees;
 - (f) collate and submit the consolidated registers of assets and liabilities by the County Committees to the Steering Committee;
 - (g) provide administrative and technical support to the intergovernmental county committees for the effective implementation of their mandate;
 - (h) review and adopt proposals and recommendations of the intergovernmental county committees;
 - (i) monitor and evaluate the identification, verification and transfer process;
 - (j) in consultation with the relevant institutions or state departments, recommend the liquidation options for the settlement of liabilities of the national government relating to devolved functions;
 - (k) determine disputes relating or incidental to the identification, ownership and transfer of assets relating to devolved functions;
 - (l) where disputes are unresolved under paragraph (j), refer the dispute to the Steering Committee; and
 - (m) perform any other function necessary for the execution of its mandate or as may be assigned by the Steering Committee.

Establishment of the Intergovernmental County Committees

5. (1) There is established for each County Government an Intergovernmental County Committee on Assets and Liabilities of the National Government relating to devolved functions.

(2) Each Intergovernmental County Committee shall comprise of—

- (a) a chairperson appointed by the County Governor;
- (b) the County Commissioner;
- (c) a representative of the County Assembly appointed by the County Speaker;
- (d) the County Attorney;
- (e) the registrar of the Ministry of Lands and Physical Planning designated in the respective county;
- (f) two representatives from the county public service, appointed by the Governor;
- (g) a representative from the County Treasury;
- (h) a representative from the National Land Commission;
- (i) a representative from the National Treasury Assets and Liabilities Management Department;
- (j) a representative from the Ministry of Devolution and Arid and Semi-Arid Lands;
- (k) a representative from the County Department responsible for Transport, Infrastructure, Housing, Urban Development and Public Works;

- (l) a representative of the County Department responsible for Health;
- (m) a representative from the County Department responsible for Agriculture, Livestock and Fisheries;
- (n) a representative from the County Department responsible for Environment and Forestry;
- (o) a representative from the County Department responsible for Trade; and
- (p) a representative from the County Department responsible for Sports, Culture and the Arts.

(3) The members appointed under paragraph 5 (2) (g) and (j) shall be joint secretaries to the respective County Committee.

(4) The Inter-Governmental County Committees shall, by resolution, co-opt such persons whose knowledge and skills are necessary for the performance of the functions of the Intergovernmental County Committees, provided that the co-opted members shall not exceed one third of the Interagency Technical Committee.

Functions of the Intergovernmental County Committees

6. Each Intergovernmental County Committee shall—
- (a) identify and verify the assets and liabilities of the national government relating to devolved functions;
 - (b) identify, record and secure all relevant documentation in relation to the assets and liabilities of the national government relating to devolved functions;
 - (c) prepare a register of the assets and liabilities of the National Government relating to devolved functions;
 - (d) submit periodic reports to the Inter-Agency Technical Committee, or as may be required;
 - (e) submit the final register on assets and liabilities to the Inter-Agency Technical Committee for their consideration;
 - (f) perform any other function necessary for the execution of its mandate or as may be assigned by the Inter-Agency Technical Committee; and
 - (g) prepare an inventory of assets and liabilities whose status is in dispute.

Powers of the Committees

7. The Committees shall have the power to—
- (a) request for any information or documents from any person including any National or County government ministry, department, agency or institution including the existing inventory of assets and liabilities relating to devolved functions as at the 27th March 2013;
 - (b) constitute sub-committees as may be necessary for the performance of their respective functions;
 - (c) require the attendance of any person before a Committee;
 - (d) require the production of any document by any person to a Committee;
 - (e) utilize or adopt portions or all previous records or reports of other institutions including the unaudited inventory of assets and liabilities of the devolved functions that was prepared by the defunct Transition Authority or any other institution;
 - (f) develop their respective rules of procedure to enable them carry out their mandate.

Responsibilities of the Cabinet Secretary responsible for Intergovernmental Relations

8. The Cabinet Secretary responsible for intergovernmental relations shall—

- (a) provide leadership and policy direction in the process of —
 - (i) identification and verification of the National Government relating to devolved functions; and

- (ii) transfer to county governments assets verified under paragraph (a) and settlement of liabilities as Intergovernmental Budget and Economic Council may determine

- (b) mobilize resources necessary to facilitate the identification, verification and transfer of assets and liabilities of the National Government relating to devolved functions.

Responsibilities of the Intergovernmental Relations Technical Committee

9. The Intergovernmental Relations Technical Committee shall—

- (a) co-ordinate the process of identification, verification and transfer of assets and liabilities of the National Government relating to devolved functions;
- (b) submit the reports of the verified assets and liabilities of the National Government relating to devolved functions to the—
 - (i) Intergovernmental Budget and Economic Council for approval by the Summit;
 - (ii) Cabinet Secretary for the National Treasury.
- (c) securing the custody of all relevant documents relating to the assets and liabilities of the National Government relating to devolved functions;
- (d) develop the procedures for the identification and verification of assets and liabilities of the National Government relating to devolved functions, for adoption by the respective Committee; and
- (e) perform any other function as may be assigned from time to time by the Cabinet Secretary.

Responsibilities of the Intergovernmental Budget and Economic Council

10. The Intergovernmental Budget and Economic Council shall consider and approve, for presentation to Summit, the final consolidated report presented by the Intergovernmental Relations Technical Committee and ratified by the Steering Committee in relation to the identification, verification and transfer of assets and liabilities of the National government relating to the devolved functions.

Reports of the Committees

11. (1) The Intergovernmental Relations Technical Committee shall develop a template on the content of the reports including the details to be included in the register of assets and liabilities by the Committees established in this notice.

(2) A County Committee shall submit its interim and final register of assets and liabilities, in print and electronic form, to the Inter-Agency Technical Committee through the Intergovernmental Relations Technical Committee.

(3) The Inter-Agency Technical Committee shall submit its interim and final register of assets and liabilities, in print and electronic form, through the Intergovernmental Relations Technical Committee to the Steering Committee.

(4) The Steering Committee shall submit its interim and final register of assets and liabilities, in print and electronic form, through the Intergovernmental Relations Technical Committee to the Intergovernmental Budget and Economic Council.

(5) The Intergovernmental Budget and Economic Council shall upon receipt of the register of assets and liabilities from every county submit to the Summit the final register of assets and liabilities for its consideration.

(6) The Summit shall, on receipt of the final register of assets and liabilities submitted by each county and a consolidated register of all counties, submitted by the Intergovernmental Budget and Economic Council—

- (a) adopt each county register and the final consolidated register of assets and liabilities, with or without any variations; and
- (b) provide directions on settlement of liabilities and transfer of assets to the respective county governments.

(7) The Intergovernmental Budget and Economic Council shall, in consultation with the Intergovernmental Relations Technical Committee issue directions on the timelines within which the interim and final reports on assets and liabilities shall be submitted to the Intergovernmental Budget and Economic Council for onward transmission to the Summit:

Provided that the timelines shall be within the period specified under paragraph 16 of this notice.

(8) The Intergovernmental Relations Technical Committee shall notify, the Council of Governors and the relevant Cabinet Secretary, on—

- (a) the failure of a county government to constitute a County Committee, within thirty days from the date of publication of this notice;
- (b) the failure of an established County Committee to commence operations within thirty days from the date of its establishment; or
- (c) the failure of an established County Committee to complete the exercise within period prescribed in this notice.

Books of Account

12. (1) Upon approval and adoption by the Summit of the registers of assets and liabilities of the devolved functions in accordance with paragraph 11, each County Government shall record the values of the assets and liabilities in their respective books of account pursuant to the Public Finance Management Act 2011, the Public Audit Act, 2015, the Public Procurement and Asset Disposal Act, 2015 and any other relevant legislation.

(2) Despite the generality in paragraph (1), all county assets and liabilities shall be recognized in the books of accounts of County Government by the 30th September, 2020.

Financing

13. (1) The Intergovernmental Relations Technical Committee shall meet the operational costs of the Steering Committee and Inter-Agency Technical Committee.

(2) The Ministry of Devolution and Arid and Semi-Arid Lands shall meet the operational costs of the members from the National Government, Commissions and Independent Offices serving in the County Committee.

(3) Each County Government shall meet the operational costs of their respective officers serving in their respective County Committees;

(4) The Summit shall make a determination on the—

- (a) entity responsible for the cost of transfer of assets; and
- (b) manner in which the liabilities shall be liquidated.

Assets and Liabilities in dispute

14. Each respective Committee shall record in their respective register the assets and liabilities which are the subject of judicial proceedings.

Dispute Resolution Mechanism

15. Where a dispute arises in relation to the application of the procedure set out herein, the parties shall take all reasonable measures to resolve the disputes amicably in accordance with provisions of the Intergovernmental Relations Act, 2012.

Duration

16. (1) The term of the institutional structures established by this Gazette Notice shall be for a period of nine months, which period shall commence from the date of publication of this notice.

(2) Without prejudice to the generality of paragraph (1), the Cabinet Secretary may, before the expiry of the period specified under

paragraph (1), extend the term of the Committees, provided that the period of extension shall not exceed six months.

Secretariat

17. (1) The Secretariat of the Intergovernmental Steering Committee and the Inter-Agency Technical Committee shall be the Intergovernmental Relations Technical Committee offices situated at Parklands Plaza, 3rd Floor, Chiromo Rd, Muthithi Road, Nairobi.

(2) The Secretariat of the County Committees shall be provided by the respective County Government.

Dated the 14th June, 2019.

EUGENE WAMALWA,

*Cabinet Secretary for Ministry of Devolution
and Arid and Semi- Arid Lands.*

GAZETTE NOTICE NO. 5712

THE CONSTITUTION OF KENYA THE PUBLIC FINANCE MANAGEMENT ACT

(No. 18 of 2012)

THE COUNTY GOVERNMENTS ACT

(No. 17 of 2012)

NAROK COUNTY ASSEMBLY

PRONOUNCEMENT OF THE BUDGET HIGHLIGHTS AND REVENUE RAISING MEASURES FOR FY–2019/2020

IT IS NOTIFIED for the information of the general public that there shall be a special sitting of the County Assembly of Narok on Tuesday, 25th June, 2019, at Assembly Chambers, Narok, at 9.00 a.m. when the Budget and Appropriations Committee of the County Assembly shall have the County Executive Committee responsible for finance appear at the County Assembly to make public pronouncements of the budget policy highlights and revenue raising measures for the Narok County Government for the financial year 2019/2020.

Dated the 19th June, 2019.

NKOIDILA OLE LANKAS,
Speaker, Narok County Assembly.

GAZETTE NOTICE NO. 5713

THE COUNTY GOVERNMENTS ACT

(No. 17 of 2012)

KERICHO COUNTY ASSEMBLY

SPECIAL SITTINGS OF THE COUNTY ASSEMBLY

NOTICE is given to all Kericho County Assembly members that pursuant to Standing Order 30 of Kericho County Assembly Standing Orders, on the request of the County Assembly's Majority Leader, I have appointed Wednesday, 26th and Thursday, 27th June, 2019, at 9.30 a.m. to discuss the following agenda:

1. To adopt the report by Committee on Budget and Appropriation on budget estimates for financial year 2019/2020; and (26th June, 2019).

2. To deliberate on the report by the Committee on Budget and Appropriation on the Kericho County Appropriation Bill 2019 (27th June, 2019).

Dated the 19th June, 2019.

DOMINIC RONO,
Speaker to the Assembly.