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CONTENT

Bill for Introduction into the County Assembly of Kisumu—

PAGE

The Kisumu County Economic and Social Council Bill, 2018 1

**THE KISUMU COUNTY ECONOMIC AND SOCIAL
COUNCIL BILL, 2018**

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1— Short title
- 2— Interpretation
- 3— Objects of the Act

**PART II—ESTABLISHMENT, POWERS AND
FUNCTIONS OF THE COUNCIL**

- 4— Establishment of the Council
- 5— Seal of the Council
- 6— Powers and Functions of the Council

**PART III—COMPOSITION AND ORGANS OF THE
COUNCIL**

- 7— Composition of the Council

PART IV—ADMINISTRATION

- 8— Meetings of the Council
- 9— Technical Services Committee
- 10—Finances of the Council
- 11—Reporting

PART V—MISCELLANEOUS PROVISIONS

- 12—Regulations

**THE KISUMU COUNTY ECONOMIC AND SOCIAL
COUNCIL BILL, 2018**

A Bill for

AN ACT of the County Assembly of Kisumu to provide for the establishment of Kisumu County Economic and Social Council as a high-level advisory panel to the County Government and for connected purposes—

ENACTED by the County Assembly of Kisumu, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Kisumu County Economic and Social Council Act, 2018.

Short title.

2. In this Act, unless the context otherwise requires—

Interpretation.

“Chairperson” means the Governor of Kisumu;

“Committee” means committee as stipulated under this Act;

“County Government” means the County Government of Kisumu;

“County Assembly” means the County Assembly of Kisumu;

“Public Service Board” means the Kisumu County Public Service Board;

“Council” means the Kisumu County Economic and Social Council;

“County Executive Committee Member” means County Executive Committee Member in charge of planning and economic development;

“Financial year” means the period from 1st July of any year to 30th June of the following year;

“Governor” means Governor of Kisumu;

“member” means a member of the Council.

3. The Objects of this Act are to—

Objects of the Act.

(a) Provide a forum for high level consultations and integrated planning that takes into account county interests and relevant national policies;

- (b) Provide for a mechanism for broad and meaningful consultations of key stakeholders in the planning of economic and social development of Kisumu County;
- (c) Establish a framework for effective engagement and participation of state and non-state actors; and
- (d) Provide for social accountability, monitoring and audit of development in Kisumu county.

PART II— ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COUNCIL

4.(1) The Kisumu County Economic and Social Council hereby established as an advisory body.

Establishment of the Council.

(2) The Council is a semi-autonomous body established under the office of the Governor;

(3) Any legal proceedings against the Council arising from the performance of the functions or exercise of any of the legal powers of the Council under section 5 shall be deemed to be legal proceedings against the County Government;

(4) Any property acquired, by any lawful means, by the Council to support its functions as provided shall be the property of the County Government of Kisumu;

(5) Any actions done or functions performed, and all other things done for the furtherance of the provisions of this Act, shall be so done on behalf of the County Government of Kisumu.

5.(1) The Seal of the Council shall be that of the Kisumu County Government and shall be authenticated by the signature of the Governor and executed in accordance with the law.

Seal of the Council

(2) In the absence of the Governor, the Deputy Governor, and in the absence of both, the County Executive Committee Member, shall perform the functions of the chair of the Council.

6.(1) The Council shall, under the general supervision of the Governor, be an agency of the County Government providing advice on matters pertaining to the County's social, economic and political affairs.

Powers and Functions of the Council

(2) The functions of the Council shall be to-

- (a) Create a forum in which the government, private sector and labour unions can discuss and identify policy issues and recommend to the government implementation of such policies;
- (b) Compile a report on socio-economic development and trends and submit such information to the County Government with appropriate recommendations;
- (c) Coordinate and appraise the socio-economic programmes and activities of the County Government;
- (d) Develop and recommend to the County Government coordinated policies that will promote social equity, economic growth, create employment and reduce poverty and inequality;
- (e) Give its opinion, suggestions and recommendations on any matter or question incidental to its mandate;
- (f) Improve the targeting of strategic objectives with a focus on the most critical social and economic needs especially in areas that have direct impact on strengthening the potential of the private sector to create employment opportunities and those that address poverty reduction;
- (g) Utilize the private sector and the civil society capacities and synergy through collaboration, engagement and networking in order to promote efficiency and effectiveness of economic planning process;
- (h) Liaise with existing research institutions, the universities and the Kenya National Bureau of Statistics in the performance of its functions.

(3) In performing its functions, the Council shall seek to establish linkages and synergies between departments and address cross-cutting themes in integrated strategies.

(4) In discharging its functions, the Council shall consider individual sectoral interests in order to achieve overriding county interests and relevant national policy, and shall have regard, among other things, to—

- (a) The attainment of the highest possible levels of

sustainable employment for all at adequate rewards, with due consideration to productivity levels;

- (b) The removal of structural constraints to the achievement of the overall economic and social county objectives;
- (c) The achievement of the highest sustainable rate of economic growth;
- (d) The fair and equitable distribution of the income and wealth of the county; and
- (e) The social implications of economic growth, including the need to achieve social inclusion in all its perspectives particularly equality between women and men in the mainstream of development, and the protection of the environment.

PART III—COMPOSITION AND ADMINISTRATION OF THE COUNCIL

7.(1) The Council shall comprise the following members—

Composition.

- (a) Governor who shall be the Chairperson;
- (b) County Executive Committee Member in charge of planning and economic planning;
- (c) Any other County Executive Committee members whose functions are relevant to the functions of the Council as determined by the Governor;
- (d) Eight other persons appointed by the Governor, from among professionals, academics, researchers, civil society actors, business persons, labour unions, faith-based organizations, national and international non-governmental organizations and development partners from inside and outside the County nominated and appointed by the Governor on approval by the County Assembly.
- (e) In constituting (d) above not more than 3 persons should be from outside the County.

(2) Members of the Council under paragraph (d) of subsection (1) shall serve at the pleasure of the Governor

and shall be persons who:

- (a) Satisfy the requirements of Chapter Six of the Constitution of Kenya;
- (b) Possess knowledge, skills and or experience in social and economic development.

8.(1) The Chairperson of the Council shall convene the meetings of the Council on his or her own initiative or upon the request of at least a third of its members.

Meetings of the Council

(2) The Council shall meet at least four times a year.

(3) The quorum for the meetings of the Council shall be one-third of the members.

(4) The Council shall have the following standing committees—

- (a) Strategy and Policy Development Committee;
- (b) Project Development and Resource Mobilization Committee;
- (c) Private Sector Advisory Committee representing the interests of the business community within Kisumu County;
- (d) Non-State Actors Advisory Committee representing the interests of non-state organisations in the County.

(5) The Council may establish such committees and sub-committees as are necessary to carry out its work.

(6) The Council may co-opt non-members into committees under sub-sections (4) and (5) of this section for a defined period.

9.(1) There is established a Technical Services Secretariat to the Council under the office of the Governor.

Technical Services Secretariat

(2) The Technical Services Secretariats headed by a Chief Executive Officer who is also the secretary to the Council.

(3) The Technical Services Secretariats composed of such other persons as may be necessary for the support of the functions of the Council.

(4) The Chief Executive Officer shall be nominated by Council, approved by the County Assembly and Appointed by the Governor.

(5) The Chief Executive Officer shall, in consultation

with the Governor, nominate for appointment by the Public Service Board, the other staff provided for in sub-section (3) of this section.

(6) The Technical Services Secretariat may engage advisors and consultants.

(7) The members of the Technical Services Secretariat shall be appointed under terms and conditions determined by the Public Service Board in consultation with the Governor.

10.(1) The Council shall be financed by grants and budgetary allocation by the County Government through the office of the Governor.

Finances of the Council

(2) The Council may also mobilize finances and other forms of support from donor organizations and development partners in Kenya and outside the country.

11.(1) The Council shall, through the Governor, provide an annual report to the County Assembly which report shall include:

Reporting

- (a) A list of the membership of the Council during the period;
- (b) Activities conducted during the period in relation to the Council's functions;
- (c) Perceived impact of the Council's activities;
- (d) Challenges met by the Council in carrying out its functions; and
- (e) The Council's plans for the next year in performing its functions and for meeting the challenges identified.
- (f) Finance

(2) The County Assembly shall debate the report and make any recommendations to the Council reasonably deemed necessary for the better performance of the Council's functions.

PART IV—MISCELLANEOUS

12.The County Executive Committee Member may make Regulations for the better carrying out of the provisions of this Act.

Regulations.

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to establish the Kisumu County Economic and Social Council as a high level advisory body to the Government of Kisumu County. The council is a forum for reflection, knowledge generation, dialogue and consultations on issues pertinent to the county development.

The Council is mandated to offer coordinated advice to the County Government on policies and development strategies and approaches that promote economic growth, social equity, employment creation so as to reduce poverty and inequality, leading to sustainable development in the county.

The Council shall carry out the following—

- (i) Reflect on pertinent Kisumu County economic and social issues to provide content for policy making;
- (ii) Create forums for the County government, business persons, academics and research communities, labour unions and other stakeholders to deliberate on policy and development trajectories in the County;
- (iii) Collect, store and analyze information on key economic development challenges facing Kisumu County and propose policy interventions for addressing the same;
- (iv) Appraise County government policies for their effectiveness in achieving economic and social transformation
- (v) Mobilize knowledge as well as technical and financial resources to support development activities conducted by the County government; and
- (vi) Recommend partnerships for regional and international development that involves Kisumu County.

The Bill proposes to make the Council a semi-autonomous body which reports directly to the Governor. The enactment of the Bill into law shall entail expenditure of public funds to be provided for in the county estimates.

Dated the 24th August, 2018.

STEPHEN OUMA OWITI,
Chairperson Budget and Appropriation Committee.