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KERICHO COUNTY BILLS, 2024

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THE KERICHO COUNTY AGRICULTURE SECTOR CO-ORDINATION BILL, 2024

A Bill for

AN ACT of the County Assembly of Kericho to provide for the establishment of the Kericho County Agricultural Sector Steering Committee for the purposes of strengthening mechanisms and systems that facilitate proficient, prompt and effective coordination, collaboration and consultations on the agriculture sector activities, actors and stakeholder in the county and beyond

ENACTED by the County Assembly of Kericho, as follows—

PART I — PRELIMINARY

Short title

1. This Act may be cited as the Kericho County Agriculture Sector Co-ordination Act 2024 and shall come into operation upon publication in the *Kenya Gazette*.

Interpretation

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

“Accounting Officer” means any person appointed by the treasurer and charged with the duty of accounting for any services in respect of which monies have been appropriated by Parliament or any person whose issues are made by exchequer account;

“Capacity Building” means any deliberate programme or initiative geared towards improving the capacity, ability, situation, status, conditions, institutional structure and systems and environment for sustainable livelihoods of stakeholders in terms of their individual and collective knowledge base, access to information, skills, experience, human resource value, worthiness, bargaining power, and desired attitude;

“County Executive Committee Member” means the County Executive Committee Member responsible for Agriculture and/or matters related to Agriculture in the County Government of Kericho;

“County Executive Committee Member for Finance” means the County Executive Committee Member for the time being responsible for Finance and/or matters related to Finance in the County Government of Kericho;

“Community Based Organization” means an organization registered under the Laws of Kenya and operating within the County including Faith Based Organizations;

“County Chief Officer of Agriculture,” means the County Chief Officer for the time being responsible for matters related to Agriculture;

“County Chief Officer of Finance” means the County Chief Officer for the time being responsible for matters related to Finance;

“County Committee” means the Kericho County Agriculture Sector Steering Committee as established under section 5 of this Act;

“Directors” means Directors of Agriculture, Livestock and Cooperative Management;

“Joint Committee” means Joint Agricultural Sector Steering Committee;

“Secretariat” means the County Committee’s secretariat;

“Sub-County Committee” means Agriculture Sector Steering Committee Sub- County Committee as established under section 14 of this Act;

“Ward Committee” means Agriculture Sector Steering Committee Ward Committee as established under section 15 of this Act.

Objects and purpose

3. The objects and purpose of this Act is to—

- (a) strengthen collaborations and linkages with public and private institutions in the management and delivery of agricultural programmes and services;
- (b) develop and approve instruments for operation and accountability of agriculture sector programmes and projects;
- (c) facilitate development, review, implementation, monitoring of policies, strategies, standards, Acts, plans, legislations of relevance to the sector;
- (d) develop mechanisms for management and dissemination of agricultural information; and
- (e) consider, harmonize, collaborate with stakeholders and approve joint work plans and budgets for joint County Committee programmes, projects and joint sector activities.

Scope

4. This Act applies to all agricultural agencies, service providers, value chain actors within the County.

**PART II— ESTABLISHMENT AND ADMINISTRATION OF
KERICHO COUNTY AGRICULTURAL SECTOR STEERING
COMMITTEE**

Establishment of the Committee

5. (1) There is established a committee to be known as the Kericho County Agricultural Sector Steering Committee under the department of Agriculture, Livestock and Cooperative Management, that shall—

- (a) facilitate and enhance collaboration, cooperation, coordination and consultation among agriculture sector stakeholders in the County and provide for a comprehensive link to the Joint Committee at the National level; and
- (b) provide a comprehensive framework to consolidate the numerous agricultural initiatives, programmes and projects at the County level.

(2) The gender rule as outlined in Article 27 (6) and (8) of the Constitution of Kenya shall be applied in the establishment of the committees.

Membership of the Committee

6. The County Committee shall comprise of the following members who shall be appointed by the County Executive Committee Member in consultation with the Governor —

- (a) County Executive Committee Member- *Chairperson*;
- (b) A representative of County Commissioner-*Vice-Chairperson*;
- (c) Chief Officer Finance-*Member*;
- (d) Chief Officer(s) Agriculture, Livestock and Cooperative Management-*Member*;
- (e) Chief Officer Education, Culture, Sports and Youth Affairs-*Member*;
- (f) a representative of Financial Institutions-*Member*;
- (g) a representative of Non-State Actors in Agriculture Sector-*Member*;
- (h) all Public Agricultural Sector Project Coordinators- *Member*;
- (i) a representative from Community Based Organization- *Member*;
- (j) a representative from special interest groups- *Member*;
- (k) Centre Director of research in a mandate area of interest to county-*Member*;

- (l) a representative from Agricultural Institution-*Member*;
- (m) a representative from Civil Society Organization-*Member*;
- (n) any co-opted member on need basis;
- (o) County Directors of Agriculture and Livestock and Cooperative Management-*Members*;
- (p) County Director of Agriculture or Livestock or Co-operative Management- *Secretary*.

(2) A person to be appointed as a member of the committee shall meet the following minimum qualification—

- (a) have a minimum of Diploma Certificate from a recognized University;
- (b) actively involved in the Agricultural sector;
- (c) demonstrates entrepreneurial or Agri-entrepreneurial skills;
- (d) complies with the requirements of Chapter 6 of the Constitution of Kenya.

(3) The committee members shall serve for a term of three years and shall be eligible for renewal of a further such one term.

(4) The donor partners shall be *ex-officio* members and shall not be subject to the three-year term of service.

Functions of the Committee

7. The functions of the Committee shall be to—

- (a) strengthen collaborations and linkages with public and private institutions in the management and delivery of agricultural programmes and services, which includes—
 - (i) approve instruments of partnerships such as contract, Memorandum of Understanding, Private Public Partnership Agreements;
 - (ii) facilitate joint stakeholder ventures (field days, trade fairs, shows, exhibitions, stakeholder forum, research extension liaison forum).
 - (iii) prioritize important thematic areas requiring technical assistance; and
 - (iv) prioritize research and development;
- (b) develop and approve instruments for operation and accountability of agricultural sector programmes and projects that include—

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- (i) mutual accountability mechanisms;
 - (ii) strategic description documents;
 - (iii) resource mobilization plans;
 - (iv) county agricultural sector monitoring and evaluation to monitor county, national, regional and international initiatives in collaboration with development agencies, programmes and projects;
 - (v) mechanisms for social inclusivity;
 - (vi) reports and communication in prescribed format to County Executive Committee, Joint Committee, County Government departments and private sector agencies; and
 - (vii) appropriate dispute resolution mechanism.
- (c) facilitate development, review, implementation, monitoring of policies, strategies, standards, regulations, plans, legislations of relevance to the sector which include—
- (i) inventory of policy documents;
 - (ii) develop an approved Food security strategies and investment plans;
 - (iii) reviews of operational instruments;
 - (iv) fill gaps in documents that require action;
 - (v) advisory support to County Government on agricultural matters including but not limited to; Agricultural Land, extension, agricultural statistics, funding towards agriculture, climate and environmental impact to agriculture and or diseases & pests; and
 - (vi) clearly define, consistent and predictable Policy Framework;
- (d) develop mechanisms for management and dissemination of agricultural information, which include—
- (i) co-ordination, preparation and compilation of quarterly and annual reports; and
 - (ii) data collection, collation, analysis and dissemination at the County levels.
- (e) consider and approve budgets and work plans for programmes, projects and joint sector activities which include—
- (i) approval of concept;

- (ii) approval of the strategic integrated value chain Action; and
- (iii) approval of departmental budget.

Powers of the Committee

- 8.** The committee shall have the powers to —
- (a) recommend sanctions to legal institutions of the non-compliant agricultural stakeholders in the County;
 - (b) amend and repeal by-laws of the committee;
 - (c) form *ad hoc* committee to address specific issues; and
 - (d) appraise the Agricultural sector activities in the county.

Conduct of Business and Affairs of the Committee

9. The committee shall conduct its business and affairs in accordance with the First Schedule under this Act.

Resignation and removal from office of a committee member

10. (1) A committee member may resign from office by giving a written notice of one (1) month to the County Executive Committee Member.

(2) A committee member may be removed from office for the following reasons—

- (a) has been absent for three consecutive meetings of the Board without notifying the chairperson;
- (b) is adjudged bankrupt or enters into a composition scheme or arrangement with creditors;
- (c) is convicted of an offence involving false statement, fraud or dishonesty;
- (d) is unable to, by reason of physical or mental infirmity, discharge functions as a member of the board;(vi) is found to have acted in a manner contrary to the provisions of Chapter 6 of the Constitution of Kenya and prejudicial to aims and objectives of this Act; or
- (e) fails to comply with the provisions relating to disclosure and conflict of interest.

(3) Where a vacancy arises in the office of committee member as a result of resignation, death or removal from office, the vacancy shall be filled in accordance with the procedure set in this Act.

Allowances and remuneration of the committee member

11. (1) The members of the Committee shall be paid such allowances as may be determined by Salaries and Remuneration Commission in consultation with the County Executive Committee Member in charge of Finance.

(2) Such allowances shall be drawn from the County Committee Budgetary Allocation as part of administrative cost.

Organs of the Committee

12. The Committee shall operate through the following organs—

- (a) secretariat;
- (b) sub-County Committee;
- (c) ward committee; and
- (d) technical working groups.

Secretariat

13. The County Committee's Secretariat shall be appointed by County Executive Committee Member and the membership shall include—

- (a) Director of Agriculture;
 - (b) Director, Livestock Production;
 - (c) Director, Veterinary Services;
 - (d) Director, Fisheries;
 - (e) Director, Co-operative Management; and
 - (f) two (2) officers including one from the Monitoring and Evaluation Unit assigned to undertake County Committee's works; and
 - (g) one of the Directors in the County Department of Agriculture Livestock and Cooperative Management shall be the Secretary to County Committee.
- (2) The responsibilities of the secretariat shall be to —
- (a) consolidate sector progressive reports at the County and share with the Joint Committee;
 - (b) plan and convene County Committee and Technical Working Group meetings;
 - (c) follow up implementation of County Committee and Technical Working Group decisions;

- (d) develop sector reports and circulate approved reports;
- (e) facilitate day to day linkages between County departments, agencies and other actors;
- (f) provide office space for County Committee and Monitoring and Evaluation team;
- (g) facilitate coordination, harmonization and liaison between the county departments, development partners and stakeholders;
- (h) facilitate monitoring and evaluation of the implementation of sector plans and projects/programmes;
- (i) facilitate joint capacity building of county agricultural bodies;
- (j) prepare and follow-up upon events and functions between the departments, partners and stakeholders;
- (k) organise and implement forums for joint planning;
- (l) establishing a comprehensive database of projects/programme beneficiaries;
- (m) handle the joint communication mechanism for County Committee; and
- (n) the Secretariat shall prepare financial accounts and an inventory of any monies allocated to it, any financial support received by it and any success fees received by it from a private party or project company as the case may be, under this Act.

SUB-COUNTY COMMITTEE

Establishment of the Sub-County Committee

14. There is established for each Sub County a Sub-County Committee which shall be known as the Sub County Agricultural sector steering committee

Composition of the Sub-County Committee

15. The Sub-County Committee shall comprise of the following, on advice of the County Committee appointed in writing by the County Executive Committee Member—

- (a) sub County Administrator, who shall be the chairperson;
- (b) representative of County Commissioner who shall be the Vice Chairperson;
- (c) representative of the private sector;
- (d) sub-County Officers from the Department of Agriculture,

Livestock and Cooperative Management;

- (e) one representative of youth engaged in the agriculture sector;
- (f) one representative of persons living with disabilities;
- (g) one representative from the development partners;
- (h) a farmer representative from a cooperative group or association; and
- (i) any other person(s) co-opted. Co-option shall be a need basis or for a specific need in the agenda and for that agenda or meeting only.

(2) Sub-County Agriculture Officer or Livestock Officer or Cooperative Management Officer, shall be the Secretary.

Criteria for Appointment to the Sub County Committee

16. A person to be appointed as a member of the Sub-County Committee shall meet the following minimum qualification—

- (a) must be a Kenyan Citizen and residing in that particular Sub-County;
- (b) have a minimum of Post-Secondary Educational qualification or a Competence Based Certified by a relevant and recognized Competency Based Curriculum training institution;
- (c) demonstrates entrepreneurial / Agri-entrepreneurial skills; and
- (d) complies with the requirements of Chapter 6 of the Constitution of Kenya.

Functions of the Sub County Committee

17. The functions of the Sub-County Committees shall be to—

- (a) carry out capacity building and training programmes for stakeholders;
- (b) monitor and evaluate the County Committee activities;
- (c) prepare quarterly, bi-annual and annual reports for submission to the Secretariat; and
- (d) carry out action-oriented research, benchmark on best practices.

Terms and Conditions of Service of the Sub County Committee

18. (1) Members of the Sub County Committee shall serve for a term of three years renewable once based on performance.

(2) The members of the Committee shall be paid such allowances as

may be determined by Salaries and Remuneration Commission in consultation with the County Executive Committee Member for Finance. Such allowances shall be drawn from the County Committee's Budgetary Allocation as part of administrative cost.

Vacation of Office by a Member of the Sub-County Committee

19. The office of a Member of the Sub-County Committee shall become vacant if the member —

- (a) resigns from office by giving a written notice of one (1) month to the Chair of the Committee;
- (b) exits service through retirement or natural attrition;
- (c) violates the provisions of Chapter 6 of the Constitution of Kenya;
- (d) is adjudged bankrupt;
- (e) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (f) is convicted of an offence involving fraud or dishonesty;
- (g) is absent, without reasonable cause, from three consecutive meetings of the Committee;
- (h) on advice of the County Committee or on his/her own, the Member shall be removed from office by the County Executive Committee for—
 - (i) being unable to perform the functions of his office by reason of infirmity;
 - (ii) failing to declare his/her interest in any matter being considered or to be considered by the Committee; and
 - (iii) demonstrates gross misconduct.

WARD COMMITTEE

Establishment of the Ward Committee

20. There is established for each Ward Committee, which shall be known as the Ward Agricultural Sector Steering Committee.

Composition of the Ward Committee

21. The Ward Committee shall be comprised of the following members to be appointed in writing by the County Executive Committee Member on the advice of the County and Sub-County Committees—

- (a) Ward Administrator, who shall be the chairperson;

- (b) Assistant County Commissioner (ACC), who shall be the Vice Chairperson;
- (c) Village Administrators or Village Representatives;
- (d) representative of the Private Sector;
- (e) Ward Officers from the Department of Agriculture;
- (f) one representative of youth engaged in the agriculture sector;
- (g) one representative of persons living with disabilities;
- (h) one representative from the development partners;
- (i) a farmer representative from a cooperative, group or association; and
- (j) Ward Agricultural Officer or Livestock Officer or Cooperative Management Officer, who shall be the secretary.

Criteria for Appointment to the Ward Committee

22. A person shall be qualified for appointment as a member of the Ward Committee, if he/she —

- (a) a Kenyan citizen residing in that particular Ward;
- (b) have a minimum of Post-Secondary Educational qualification or a Competence Based Certified by a relevant and recognized Competency Based Curriculum training institution or is a village manager appointed by the office of the County Commissioner;
- (c) demonstrates entrepreneurial or agri-entrepreneurial skills; and
- (d) meets the provisions of Chapter 6 of the Constitution of Kenya.

Functions of the Ward Committee

23. The functions of the Ward Committee shall be to—

- (a) carry out capacity building and training programmes for stakeholders;
- (b) monitor and evaluate the County Committee activities;
- (c) prepare quarterly, bi-annual and annual reports for submission to the Secretariat; and
- (d) carry out action-oriented research, benchmark on best practices on the Stakeholder Fund.

Terms and Conditions of Service of the Ward Committee

24. (1) Members of the Ward Committee shall serve for a term of three years, which can be renewed only once on the basis of performance;

(2) The Salaries and Remuneration Commission shall determine allowances payable to members of the Committee in consultation with the County Executive Committee Member for Finance. Such allowances shall be drawn from the County Committee's Budgetary Allocation as part of administrative cost.

Vacation of Office by a Member of the Ward Committee

25. The office of a Member of the Ward Committee shall become vacant if the member—

- (a) resigns from office by giving a written notice of one (1) month to the Chair of the Committee;
- (b) exits service through retirement or natural attrition;
- (c) violates the provisions of Chapter 6 of the Constitution of Kenya;
- (d) is adjudged bankrupt;
- (e) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (f) is convicted of an offence involving fraud or dishonesty;
- (g) is absent, without reasonable cause, from three consecutive meetings of the Committee;
- (h) on advice of the Sub-County through the County Committee or on his/her own, the member shall be removed from office by the Executive Committee Member for—
 - (i) being unable to perform the functions of his office by reason of infirmity;
 - (ii) failing to declare his/her interest in any matter being considered or to be considered by the Committee;
 - (iii) demonstrates gross misconduct.

TECHNICAL WORKING GROUPS

Establishment of the County Committee's Technical Working Groups

26. There is established the County Committee's Technical Working Groups at the technical levels which shall operate under the following thematic areas —

- (a) Policy, Legislation Standards and Instruments;
- (b) Research, Extension and Capacity Building;
- (c) Inputs, Joint Programmes and Projects;
- (d) Monitoring, Evaluation, Communication & reporting; and
- (e) Resource mobilization.

Functions of the County Committee’s Technical Working Group

27. The County Committee’s Technical Working Group shall—

- (a) facilitate coordination, harmonization & liaison between Sector departments and partners;
- (b) facilitate monitoring and evaluation of the implementation of sector plans;
- (c) research-extension liason;
- (d) facilitate capacity building of county agricultural stakeholders;
- (e) prepare and follow-up upon events and functions between the departments, partners and stakeholders;
- (f) convene forums for joint planning; and
- (g) establish a comprehensive database of exisiting agricultural projects in the county.

Composition of the County Committee Technical Working Groups

28. (1) County Committee shall nominate ten members based on the five thematic areas and the County Executive Committee Member shall appoint seven out of the ten members to constitute the Technical Working Groups.

(2) In appointing the seven members in Section 5(3) (a), the County Executive Committee Member shall take into consideration youth and gender.

(3) In appointing, the County Executive Committee Member shall ensure he/she appoints four members from County Government Departments and three from development partners to constitute the seven.

(4) On a need basis, the committee may co-opt other relevant technical persons for the time, purposes of the agenda/or activity to be performed.

(5) Each Technical Working Group shall elect a chair and a secretary.

PART III—FINANCIAL PROVISIONS

Funds

29. The funds of the committee shall consist of —

- (a) monies appropriated by the County Assembly for the purpose of Agriculture Sector Co-ordination;
- (b) such monies or assets may be lawfully earned from income generating activities;

- (c) fees and charges for services rendered by the Committee;
- (d) grants and donation to the Committee; and
- (e) Any other lawful source.

Revenue and Expenditure

30. (1) There shall be credited to County Committee—

- (a) annual budget presented to County Assembly for consideration and approval;
- (b) sums which represent the contributions of the member organizations;
- (c) any sums of money borrowed by or for County Committee with the approval of the County Assembly;
- (d) any gifts, donations, grants and endowments made to County Committee by the National Government and/ or external development partners and well-wishers; and
- (e) there shall be made regulations to define the criteria and framework of how the stakeholders will be contributing towards County Committee, in the absence and until such a time, the prevailing County Finance Directive shall provide guidance.

Financial Management Provisions

31. Amongst other financial management protocols in place such as the Public Finance and Management Act and the Annual County Finance Management Paper, County Committee Financial Management shall comply with the following in a format and design spelt by the County Finance Department—

- (a) there shall be a County Committee Special Purpose Bank Account opened as per the county finance procedures in place, in a reputable local banking institution recognized by the County and National Government for the purposes of pooling of and expenditure of resources;
- (b) there shall be a County Committee's Operational Bank Account opened as per the county finance procedures in place, in a reputable local banking institution recognized by the County and National Government for the purposes of pooling of and expenditure of resources;
- (c) the signatories to the Local Operational County Committee's Bank Account shall be the Accounting Officer(s) and the Secretary to the Secretariat;

- (d) the Secretariat shall furnish the Chair of the County Committee, with Annual Budget, Work/Activity and Implementation Plans for approval;
- (e) the Secretariat shall submit to the Chair of the County Committee financial reports to include items in Section 8 (2) (c) and detailed expenditure and financial reports for Quarterly, Bi-annual and Annual County Committee Meetings, which the Chair shall forward to County Executive Committee Member in charge of Finance;
- (f) the participating institutions shall pool resources together for joint activities;
- (g) the Department of Agriculture, Livestock and Cooperative Management shall make provision within their annual budgets to support County Committee activities; and
- (h) the implementation of activities, programmes and operations of the committee shall be funded on terms mutually determined and agreed upon by the stakeholders and shall be subject to the availability of allocated resources.

Financial reporting and Audit

32. In terms of financial reporting and audit —

- (a) County Committee's Secretariat shall be, in financial matters be accountable to the County Executive Committee Member for Finance and in doing so, shall prepare and submit monthly, quarterly and annual financial reports to the County Executive Committee Member for Finance through the County Executive Committee Member;
- (b) the Technical Working Groups shall submit quarterly reports to County Committee's Secretariat by 5th of the 1st Month of the next quarter;
- (c) the Technical Working Groups shall meet to review and compile reports to County Committee's secretariat on a quarterly basis, by 10th of the 1st Month of the next quarter;
- (d) the Sub-County and Ward Committees shall submit monthly reports to the Secretariat by 5th of every month;
- (e) the Secretariat shall prepare and submit biannual reports to the County Committee, which shall then share it with other relevant government agencies and departments;

- (f) the report shall capture key performance indicators as per County Integrated Development Plan and other County Plans; and
- (g) the County Committee shall be audited and reported upon by the Auditor-General in accordance with the provisions of the Public Audit Act, 2013.

PART IV— MISCELLANEOUS PROVISIONS

Regulations

33. (1) The County Executive Committee Member may in consultation with relevant stakeholders, make regulations generally for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the sub-section (1) the County Executive Committee Member shall make regulations to provide for—

- (a) submission of periodic expenditure returns;
- (b) procedures for nomination of members to various committees;
- (c) procedures for collaboration and engagement with support groups;
- (d) procedures for disciplinary measures for non-compliant members/
- (e) conflict resolution;
- (f) procedures for resource mobilization.

Reporting and Returns

34. The County Committee shall annually, submit a report to County Governor and County Treasury on status of Agriculture Sector in the county.

Protection from personal liability

35. Nothing done by a member of the Committee or any officer, employee or agent of the Committee shall, if it is done bona fide for executing the functions, powers or duties of the Committee, render the member, officer, employee or agent or any person acting on the directions of the Committee personally liable to any action, claim or demand whatsoever.

- a) Committee members are not immune from personal liability and if a committee member acts in bad faith or contrary to the rules of Committee, he or she may personally be criminally prosecuted or be the subject of civil proceedings.

General Penalty

36. A person who commits an offence under this Act shall if convicted be liable to a fine not exceeding five Hundred Thousand or to a jail term not exceeding six months imprisonment or both.

Transitional Provisions

37. Any person who at the commencement of this Act is a member of Kericho County Agricultural Sector Steering Committee shall on commencement of this Act continue in office until his or her current term of appointment expires.

MEMORANDUM OF OBJECTS AND REASONS

The principal objective of this Bill is to provide for the establishment of the County Agricultural Sector Steering Committee for the purposes of strengthening mechanisms and systems.

The Bill further seeks to facilitate proficient, prompt and effective coordination, collaboration and consultations on the agriculture sector activities, actors and stakeholder in the county.

Part I of provides for preliminary matters. It provides for the objectives and scope of the Bill.

Part II provides for the establishment and Administration of County Agricultural Sector Steering Committee, Sub-County Agricultural Steering Committees and Ward Agricultural Steering Committees. It further provides for their functions, powers, conduct of its business and affairs. It also provides for the qualification to the membership of the committees as well as their remuneration. This Part also provides for the establishment of the County Committee's Technical Working Groups and their functions.

Part III outlines financial provisions including sources of funds of the committees. It further provides for the financial management including revenue expenditure, financial reporting and Audit.

Part IV outlines miscellaneous provisions that include power to make regulations, General Penalty, protection from liability and Transitional Clause of the Bill.

JULIUS SIELE,
*Chairperson, Agriculture,
Livestock and Fisheries Committee.*