

The Murang'a County Economic and Social Council Bill, 2022.

THE MURANG'A COUNTY ECONOMIC AND SOCIAL COUNCIL BILL, 2022

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A Bill For —

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

ENACTED by the County Assembly of Murang’a, as follows —

I-PRELIMINARY

1. Short title.

This Act may be cited as the Murang’a County Economic and Social Council Act, 2022.

2. Interpretation.

In this Act, unless the context otherwise requires—

“blueprint” means a detailed long term plan and program of action designed for economic growth, poverty reduction and to spur investment;

“Chairperson” means the governor of Murang’a County;

“Council” means the Murang’a County Economic and Social Council established under Section 4 of this Act;

“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;

“Member” means a member of the Council under Section 8 of the Act.

3. Objects and Purpose of the Act.

(1) The purpose of this Act is to give effect to Section 137 of the Public Finance Management Act 2012.

(2) The Objects of this Act are to—

(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 Murang’a County;

(c) Establish a framework for effective engagement and participation of state and non-state actors; and

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(d) Provide for social accountability, monitoring and audit of development in Murang'a County.

II- ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COUNCIL

4. Establishment of the Council

(1) There is established under the office of the Governor an advisory body to be known as the Murang'a County Economic and Social Council.

(2) 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 4 shall be deemed to be legal proceedings against the County Government.

(3) 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 Murang'a.

5. Powers of the Council

5. 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 and economic affairs and shall have the following powers—

- (1) advise the Governor on development planning policy and strategy;
- (2) study and make strategic analyses of macro-economic and structural reform options for the county;
- (3) make proposals for the development of multi-year rolling plans taking into consideration the resource potential and comparative advantage of the different regions of Murang'a County;
- (4) make proposals for the protection of the natural and physical environment with a view to ensuring that development strategies and programmes are in conformity with sound environmental principles; and
- (5) make proposals for ensuring the even development of the wards of the county by the effective utilization of available resources.

6. Functions of the Council.

(1) The functions of the Council shall be to —

- (a) give overall policy direction and a collaborative blueprint for the county's' social and economic development which will be factored when developing the County Integrated Development Plans and Annual Development Plans;
- (b) 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;

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- (c) compile a report on socio-economic development and trends and submit such information to the county government with appropriate recommendations;
- (d) co-ordinate and appraise the socio-economic programmes and activities of the county government;
- (e) develop and recommend to the county government coordinated policies that will promote social equity, economic growth, create employment and reduce poverty and inequality;
- (f) give its opinion, suggestions and recommendations on any matter or question incidental to its mandate;
- (g) 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;
- (h) 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; and
- (i) liaise with existing research institutions, the universities and the Kenya National Bureau of Statistics in the performance of its functions.

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

(3) 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.

7. Partnerships with the other Stakeholders

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The council shall spearhead discussions on economic partnerships and memoranda of understanding with international, national and local entities that will be beneficial to the county.

III-COMPOSITION AND ADMINISTRATION OF THE COUNCIL

8. Composition of the Council.

(1) The Council shall comprise of the following members—

(a) the Governor who shall be the Chairperson;

(b) the Deputy Governor;

(c) All the county executive committee members;

(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;

(f) in the absence of the chair, the members shall nominate a chair from among the members present to chair that meeting; and

(e) the chief officer responsible for accounting services shall be the secretary to the Council.

(2) Members of the Council under paragraph (d) of sub section (1) shall serve for a non renewable period of five years.

9. Qualifications of a member of the Council

In appointing any person as a member of the Council under section 8(d) of the Act the following qualifications will be considered —

(1) is a citizen of Kenya;

(2) the requirements of Chapter Six of the Constitution of Kenya;

(3) possess knowledge, skills and or experience in social and economic development, community service, public policy or expertise in their specific profession; and

(4) has not served as a member of the county assembly or has not been a political appointee for at least 10 years prior to their appointment.

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10. Procedure for appointment

- (1) The procedure for appointment of members of the Council referred to in Section 8 (d) shall be as set out in the First Schedule.
- (2) The Assembly shall approve the names of the nominees by a simple majority, and shall communicate the same to the governor for publication in the *gazette* within 7 days of such approval or rejection.

11. Vacancy in the Office of the Council.

Where a vacancy arises in the Council—

- (1) for a member under Section 8 (c) or (e) the governor shall immediately in writing appoint another officer in that capacity awaiting the substantive appointment; and
- (2) for a member appointed under Section 8 (d) , the County Public Service Board shall, within six months fill the vacancy pursuant to the First Schedule.

12. Oath of office for members of the Council.

- (1) Members shall, before assuming office, take and subscribe to the oath or affirmation of office prescribed in the Second Schedule.
- (2) Where any person required to take an oath has no religious belief or the taking of such oath is contrary to his religious belief, he or she may make and subscribe a solemn affirmation in the form of the oath appointed substituting the words "solemnly and sincerely declare and affirm" for the word "swear" and omitting the words "So help me God".
- (3) Every oath or affirmation taken by any other officer shall be administered by the secretary of the council.

13. Technical Services Secretariat

- (1) There shall be a Technical Services Secretariat to the Council under the office of the Governor.
- (2) The Chief Officer in charge of Economic Planning shall be the head to the Technical Services Secretariat and shall serve as a Secretary of the Secretariat.
- (4) The Technical Services Secretariat shall be composed of such other persons as may be necessary for the support of the functions of the Council
- (5) The County Executive Committee Member in charge of Economic and Planning shall, assign other staff in the County Public Service to serve in the Technical Services Secretariat.

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(6) The Speaker of the County Assembly shall nominate two officers to serve in the secretariat of the Council.

14. Meetings of the Council

(1) The Chairperson shall convene the meetings of the Council at least once every quarter in a financial year.

(2) The quorum for the meetings of the Council shall be one-third of the members, provided that each of the membership under Section 8 (c) and 8 (d) shall be at least one third of its membership.

(3) The Council may establish such committees and sub-committees as are necessary to carry out its work and shall have the following standing committees —

(a) Strategy and Policy Development Committee; and

(b) Project Development and Resource Mobilization Committee;

(4) The Council may co-opt non-members into committees under this act for a defined period and for specific purpose.

15. Conduct of business and affairs of the Council.

The conduct of business and affairs of the Board shall be as set out in the Third Schedule.

16. Finances of the Council

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

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

(3) The funds allocated in 17(1) and (2) shall be expended for the sitting allowances, and day to running of the council.

17. Reporting

(1) The Council shall provide an annual report, within 60 days of the end of the calendar year, to the County Assembly which shall include—

(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;

(e) the Council's plans for the next year in performing its functions and for meeting the challenges identified;

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- (f) the council's future projections in terms of policies and projects that can transform the county and improve its competitiveness; and
- (g) any other relevant information.

(2) Pursuant to Section 30(2) (k) of the County Governments Act, the governor shall include in his annual state of the county address the status of the Council functions.

(3) 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.

IV- MISCELLANEOUS PROVISIONS.

18. Annual Investment Conference.

(1) The county government, in conjunction with the council shall hold an annual economic conference.

(2) This conference shall be designed to engage all the stakeholders mapped for the economic growth of the county and the conference shall be aimed at providing a consultative and interactive forum between all county and intercounty stakeholders.

19. Regulations.

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

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FIRST SCHEDULE.

Section 11.

PROCEDURE FOR APPOINTMENT OF A MEMBER OF THE COUNCIL.

1. Upon the commencement of this Act or when a vacancy occurs under Section 12 of this Act, the Secretary to the County Public Service Board shall, within fourteen days of that occurrence of the vacancy or within such time as would be reasonable, by notice in the County Website and in at least one daily newspapers of national circulation, declare a vacancy and invite interested qualified persons to apply.
2. Any person qualified in accordance with this Act may make an application to the Secretary within fourteen days of the publication of the notice.
3. The County Public Service Board shall, within fourteen days after the last date of submission of applications under paragraph 2, consider the applications, shortlist, conduct interviews and recommend the name of at least 10 applicants qualified for the position.
4. The names of a persons recommended under paragraph 3 shall be submitted to the Governor who shall proceed to appoint 8 members of the Council under Section 8 (d) of the Act.
5. The name of a persons appointed under paragraph 8 shall be submitted to the county assembly for approval and appointment in accordance with the Standing Orders of the assembly.
6. The Secretary of the County Public Service Board, shall, within seven days after the approval, publish the name of the persons in the *Gazette*.
7. Where the assembly rejects the persons recommended under paragraph 4, the Speaker shall communicate the decision of that assembly to the Board and shall request for a fresh nomination by the Board.

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8. If the county assembly rejects any of the subsequent appointees submitted by the Governor for approval under paragraph 5, the provisions of paragraphs 1 to 4 shall apply.

SECOND SCHEDULE.

Section 13

OATH/AFFIRMATION OF OFFICE

Oath/Affirmation of Member of the Council.

I,having been appointed as Member of the Murang'a County Economic and Social Council do swear/solemnly and sincerely declare and affirm that I will without fear or favour, affection or ill-will discharge the functions of the office of Member of the Council, and that I will not, directly or indirectly, reveal any matter relating to such function to unauthorised persons or otherwise than in the course of my duty.

SO HELP ME GOD.

Sworn/Declared by the said.....

before me this day of.....

Secretary

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THIRD SCHEDULE.

section 16

PROVISIONS AS TO THE CONDUCT OF THE BUSINESS AND AFFAIRS OF THE
COUNCIL

1. The Council shall meet as often as may be necessary for the carrying out of its business but it shall meet at least once every quarter of a calendar year.
2. A meeting of the Council shall be held on such date and at such time as the chairperson shall determine.
3. The chairperson or in the absence of the chairperson, the secretary, shall, within seven days of receipt of a written application of at least four members, convene a special meeting of the Council.
4. Unless the majority of the total membership of the Council otherwise agree, at least seven days' written notice of every meeting of the Council shall be given to every member of the Council.
5. The Council may act notwithstanding a vacancy in its membership or absence of a member, and its proceedings shall not be invalidated by the presence or participation of a person not entitled to be present at or to participate in those proceedings.
6. The Council shall endeavour to reach every decision by consensus.
7. Where on any matter consensus cannot be obtained, the decision of the Council shall require the concurrence of a majority of all the members present at the meeting.

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8. The Council shall cause minutes of all proceedings of meetings of the Board to be entered in books for that purpose.
9. Except as provided by this Schedule, the Council may regulate its own procedure.

MEMORANDUM OF OBJECTS AND REASONS

This Bill of the of the County Assembly of Murang'a to provide for the establishment of Murang'a County Economic and Social Council as a high-level advisory and consultative panel to the County Government and for connected purposes.

PART I of the Bill provides for preliminary matters including the short title, commencement and the interpretation of words and expressions used in the Bill and the objects and purpose of the Bill.

PART II of the Bill contains establishment, powers, functions and partnership of the council with other stakeholders.

PART III of the Bill contains provisions for composition and administration of the council, qualifications for appointment, meetings of the council, technical services secretariat and finances of the council.

Part IV of the Bill contains miscellaneous provisions on regulation.

This Bill is NOT a money Bill within the meaning of Section 21(4) of the County Governments Act, 2012 and its enactment shall NOT occasion additional expenditure of public funds.

The Bill does not contain provisions limiting the fundamental rights and freedoms set out under the Constitution.

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HON. JOHN RUOHO

Chair, Finance And Economic Planning Committee,

County Assembly of Murang'a.