

THE NORTH RIFT ECONOMIC BLOC BILL, 2020

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A Bill for

AN ACT of the County Assembly of Baringo to promote intergovernmental relations between counties by creating an institutional framework for the establishment of the North Rift Economic Bloc, to provide for the functions, powers, management and administration of the North Rift Economic Bloc and for connected purposes.

ENACTED by the County Assembly of Baringo as follows:—

PART I—PRELIMINARY

Short title and commencement.

1. (1) This Act may be cited as the North Rift Economic Bloc Act, 2020 and shall come into operation—
 - (a) in accordance with subsection (2); and
 - (b) on a date to be appointed by the Cabinet Secretary.
- (2) This Act shall enter into force upon its adoption and enactment by at least four assemblies of the member counties.

Interpretation. 2. In this Act—

“Bloc” means the North Rift Economic Bloc established by section 4 of this Act;

“Chief Executive Officer” means the Chief Executive officer appointed under sectionof this Act;

“council” means the economic council established by section 12 of this Act;

“Leadership Consultative Forum” means a forum comprising of—

- a) the members of the summit
- b) the member counties members of national assembly in the senate
- c) Member county assembly speakers
- d) Member county assembly house leadership members
- e) County Assembly Forum representatives at the member county assemblies
- f) The chairperson of the bloc’s member of the county assembly representing youth
- g) The Chairperson of the bloc’s member of the county assembly representing person living with disabilities
- h) The chairperson of the bloc’s member of the county assembly representing women caucus
- i) Any other invited guest as may be determined by the summit

“Summit” means the governors and deputy govenors of the member counties;

“Secretariat” means the secretariat established under section 10 of this Act; and

“member counties” means the county governments that—

- (a) have passed the North Rift Economic Bloc Act;
- (b) have been listed as such in the First Schedule of this Act; and
- (c) have been gazetted as members of the economic Bloc by the Cabinet

Secretary in charge of devolution affairs.

“respective county assembly” means a county assembly of the member counties; and

“sector forums” means the sector forums established under section 6.

Object and principles of the Act.

- 3.** (1) The objects of this Act are to—
 - (a) establish the North Rift Economic Bloc;

- (b) establish organs of the Bloc to facilitate consultation and inclusivity in the programmes, activities, management and operations of the Bloc;
 - (c) promote collaboration and cooperation in social and economic development activities by member counties; and
 - (d) facilitate the collection and publication of analysed statistical information relating to the commercial, industrial, social and economic activities and conditions of residents of the member counties.
- (2) The implementation of this Act shall be guided by the following principles—
- (a) adherence of the values and principles enshrined in the Constitution;
 - (b) observation of the objects and principles of devolution prescribed under Article 174 of the Constitution;
 - (c) accountability to the public and in particular, those from the member counties;
 - (d) administrative and technical competence for the better carrying out of functions of the Bloc;
 - (e) adherence to non-partisan and non-political ideals in the management and operations of the Bloc’s programs, projects and activities;
 - (f) equality and an acknowledgement that county governments are equal partners as member counties of the Bloc;
 - (g) social and economic prudence, sustainability and viability in the Bloc’s programmes, projects and activities; and
 - (h) promotion and application of public participation principles.

PART II—ESTABLISHMENT OF THE BLOC AND ITS ORGANS

Establishment of the Bloc.

- 4.** (1) There is established the North Rift Economic Bloc.
- (2) The Bloc shall be a body corporate with perpetual succession and a common seal.
- (3) The Bloc shall in its corporate name be capable of—
- (a) suing and being sued;
 - (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
 - (c) borrowing or lending money; and
 - (d) doing or performing all other things or acts for the furtherance of the provisions of this Act which may be lawfully done or performed by a body corporate.
- (4) The Bloc shall comprise of—
- a) The summit
 - b) The NOREB County Assemblies Forum
 - c) Leaders Consultative Forum
 - d) The Economic Council
 - e) Sector Committees; and
 - f) The secretariat

Headquarters and branches of the Bloc

5. (1) The Headquarters of the Bloc shall be in Eldoret, Uasin Gishu County.
(2) Without prejudice to the section (1), the Summit may at any given time and subject to regulations, set up branches in any other county, city or town.

Membership of the Bloc.

6. (1) The membership of the Bloc shall comprise—
(a) the member counties listed in the First Schedule; and
(b) any other county that may, through consensus by the Summit and subject to meeting set criteria, be admitted as a new member, or associate member.
(2) An associate member is any county government that has not met the criteria for membership but enjoys spectator and consultant status for strategic interest.

Sector committees of the Bloc.

7. (1) The Summit shall constitute, within the secretariat, sector committees to co-ordinate joint programs in areas of cooperation and in performance of functions of a county government which may include—
a) Agriculture
b) Trade investment and industry
c) Wildlife and Tourism
d) Energy
e) Education
f) Health
g) Peace and Security
h) Sports culture and arts
i) Infrastructure, CT and Innovations
j) Youth, Women, people living with disabilities
k) Environment and climate change
l) Any other sector forum as may be necessary for the achievement of the objectives of this act.

Functions of the Bloc.

8. (1) The Bloc shall facilitate the collaboration of member counties in—
(a) formulation of policies and standards;
(b) development of regulatory and statutory frameworks;
(c) harmonisation of strategies and development programmes;
(d) cohesion and integration of communities through innovate alternative dispute management and resolution mechanisms;
(e) disaster and emergency response;
(f) research, resource mapping, innovation, knowledge and databank management;
(g) development of marketing and branding strategies;
(h) renewable energy, water, infrastructure development and natural resources management;
(i) strategies for building resilience, food security and emergency response;
(j) development of investment platforms, partnership strategies and access to credit;
(k) agriculture and livestock marketing;
(l) empowerment of women, youth and persons with disability;
(m) establishment and management of one-stop shops for access to information and licensing to investors; and

(n) rebranding of village polytechnics and establishing digital villages to enhance digital connectivity.

(2) the Bloc shall undertake to adopt adequate measures to promote the achievement of the functions for the benefit of member counties.

Establishment and composition of the Summit.

- 9.** (1) The Summit of the Bloc is hereby established.
- (2) The Summit shall be the executive organ of the Bloc, and shall comprise the Governors of the member counties.
- (3) The Deputy Governors shall, in the absence of the Governor of a member county, serve as a representative of the member counties and shall, in their representative capacity, be capable of making decisions for their respective counties at the Summit.
- (4) The Summit shall elect, amongst themselves, a chairperson and vice-chairperson who shall—
- (a) hold office for a period of three years; and
- (b) serve on a rotational basis.
- (5) The Summit shall meet at least four times in a year.
- (6) The Summit may create committee and organs it may consider necessary to carry out the objectives of the Bloc.
- (7) The decisions of the Summit shall be through consensus.
- (8) The Summit shall be responsible for—
- (a) appointing the chief executive as provided under section of this Act;
- (b) ratifying the admission of new members to the Bloc;
- (c) receiving any grants, gifts, donations or endowments and making legitimate disbursements there from;
- (d) supervising, controlling and administering the assets of the Bloc in such manner and for such purposes as best promotes the objectives of the Bloc;
- (e) establish any organ or office in order to achieve the objects and purposes of the Bloc;
- (f) enter into association with other bodies or organisations within or outside Kenya as the Summit may consider expedient in furtherance of the objectives of this Act;
- (g) opening of a bank account for the funds of the Bloc; and
- (h) performing any other duties that may be necessary or incidental to the effective running or achievement of the objectives of the Bloc.

10. NOREB County Assemblies Forum

- 1) There is established a NOREB County Assemblies Forum which shall consist of all the members of the county assemblies of the member counties
- 2) The leadership of the NOREB County Assemblies Forum of the Bloc shall be elected by its members and reflect the current national county assemblies forum structure.

County Assemblies Forum

- 3) The NOREB county assemblies forum shall meet as and when necessary to deliberate and coordinate on legislative matters affecting the Bloc.
- 4) The NOREB County Assemblies Forum shall be responsible for financing its activities with the Secretariat providing support on coordination.

Functions of the NOREB County Assemblies Forum

1. The NOREB County Assemblies Forum shall be responsible for coordinating the;
 - a. Legislation process by individual member counties as is necessary for the effective performance of the objectives and activities of the Bloc.
 - b. Respect for the principle of separation of powers in the exercising of oversight over the Blocs implementation activities by respective member county committees within the Bloc.
 - c. Consideration and approval of budgets by the member county assemblies the Bloc submitted by the Summit.
 - d. Collectively perform oversight role as ensured in the constitution of Kenya 2010.
 - e. Any other deliberated legislation and where there is no provision of Law, the national legislation shall prevail with necessary modification.

1d. (1) The Chief Executive Officer shall be competitively recruited and appointed by the Summit.

u (2) A person shall qualify for appointment under subsection (1) if such person m has at least—

- s (a) a master's degree from a university recognized in Kenya;
- h (b) Ten years' experience in a senior management position; and

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- (c) satisfies the requirements of Chapter six of the Constitution.
- (3) The Chief Executive Officer shall—
 - (a) serve for a period of three years, renewable once;
 - (b) be the Secretary of the Summit; and
 - (c) be responsible for—
 - (i) administration and management of the Bloc’s Secretariat;
 - (ii) ensuring the implementation of the Summit resolutions;
 - (iii) preparation of the Bloc’s work plans and budgets;
 - (iv) maintaining accurate records on financial matters and resource use; and
 - (v) performing any other duties as may from time to time assigned by the Summit.

Secretariat of the Bloc.

- 12.** (1) There is established a Secretariat of the Bloc which shall be headed by the Chief Executive Officer.
- (2) The Secretariat shall comprise of such other officers—
- (a) representing the diversity of member counties; and
 - (b) holding such qualifications necessary for the effective discharge of the functions of the Bloc.
- (3) The Secretariat shall be responsible for—
- (a) managing the day to day operations of the Bloc;
 - (b) implementation of the objects of the Bloc, as guided by the Summit;
 - (c) development of the Bloc’s governing policies and manuals which may include a—
 - (i) human resource manual;
 - (ii) procurement and asset disposal manual;
 - (iii) economic blueprints;
 - (iv) strategic plans; and
 - (v) any other documents that may aid in the attainment of the objectives of the Bloc.

Membership and composition Economic Council.

- 12.** (1) The Summit shall, within three months of the gazettelement, establish the Economic Council.
- (2) The Economic Council shall comprise the following—
- (a) the County Executive Committee members responsible for finance of the member counties;
 - (b) one professional from each of the member counties who have distinguished themselves in the fields of economics, investments, commerce, industry, law or management who shall serve for a term of three years, renewable once;
 - (c) One County Secretary selected by the bloc’s county secretaries
 - (d) one County Attorney selected by the Bloc’s county attorneys; and
 - (e) one county economic advisor selected by the Bloc’s economic advisors.

(3) The chairperson of the Economic Council shall be selected by the Summit from one of the eight professionals in 2 (b).

(4) The professionals in 2(b) shall be recruited competitively from a pool of candidates agreed to by the Summit and the principle of gender balance shall apply.

(3) The Economic Council shall—

- (a) develop and submit policies, strategies and work programmes of the Bloc to the Summit for approval;
- (b) recommend, for approval to the Summit, the establishment of directorates, committees, other institutions and organs;
- (c) advise the Summit on matters of policy and efficient and harmonious functioning and development of the Bloc;
- (d) create its own committees as necessary;
- (e) report and be accountable to the Summit
- (f) meet at most four times a year.
- (g) arrive at its decisions by consensus or voting; and
- (h) perform such other duties as may be assigned to it by the Summit.

Membership and functions of the Leaders Consultative Forum

13. (1) For purposes of consultation and when expedient to do so, the Summit shall convene a Leaders Consultative Forum which shall compose of—

- a) the members of the summit
- b) the member counties members of national assembly in the senate
- c) Member county assembly speakers
- d) Member county assembly house leadership members
- e) County Assembly Forum representatives at the member county assemblies
- f) The chairperson of the bloc's member of the county assembly representing youth
- g) The Chairperson of the bloc's member of the county assembly representing person living with disabilities
- h) The chairperson of the bloc's member of the county assembly representing women caucus

(2) The Leaders consultative forum shall be convened pursuant to achieving the and complying with the national principles on—

- (a) cooperation and consultation; and
- (b) public participation.

(2) The Economic Council is responsible for—

- (a) building synergies with partners to promote collaboration and coordination of projects and programmes;
- (b) advocating for the development of the member counties;

- (c) identifying common challenges and opportunities for programme design and implementation;
- (d) promotion of shared values and principles; and
- (e) providing a platform for dialogue and dispute resolution for the member counties.

Withdrawal from the Bloc.

- 14.** (1) A member county may, by a resolution of not less than two-thirds majority of the members of its county assembly, withdraw its membership from the Bloc.
- (2) Subject to the provisions of this sections, a written notification from a governor of a member county to the Chief Executive Officer of the Bloc shall constitute a notice of an intention to withdraw from the membership of the Bloc.
- (3) The notice in subsection (2) shall—
- (a) take effect after twelve months of its service to the Bloc, through the Chief Executive Officer;
 - (b) not be effective until an agreement is reached at between the member county government and the Bloc on the transfer of existing assets and liabilities; and
 - (c) be subject to further regulations as may be developed by the Bloc.

PART III—FINANCIAL PROVISIONS

Accounts of the Bloc.

- 15.** (1) The Summit may, whenever it finds it expedient to do, authorise the opening of bank accounts for the Bloc.
- (2) There shall be paid into the accounts—
- (a) annual contributions by the member counties as determined by the Bloc and considered in the member counties annual budgetary estimates as provided for in national legislation;
 - (b) funds that may be payable to the Bloc pursuant to this Act or any other written law;
 - (c) any gifts, trusts or emoluments; and
 - (d) funds from any other source, whether donated or lent to the Bloc.
- (3) There shall be made to the Bloc, out of monies provided by the respective County Assembly for that purpose, grants towards the expenditure incurred by the Bloc in the exercise of its powers or the performance of its functions under this Act.

Investment of funds.

- 16.** The Secretariat may, with the approval of the Summit, invest any of the funds of the Bloc which for the time being may not be required for administrative or programme use in secure bonds, securities or any other form of secured investment.

Financial year.

- 17.** The financial year of the Bloc shall be the period of twelve months ending on the thirtieth day of the month of June in each year.

- Annual estimates** **18.** (1) Before the commencement of every financial year, the Bloc shall cause to be prepared estimates of revenue and expenditure of the Bloc for that year by the Secretariat.
- (2) The annual estimates shall make provision for all the estimated expenditure of the Bloc for the financial year and in particular, the estimates shall provide for—
- (a) payment of the salaries, allowances and other charges with respect to the staff of the Bloc;
 - (b) payment of pensions, gratuities and other charges in respect of the retirement benefits which are payable out of the funds of the Bloc;
 - (c) the administrative and programme based expenses of the Bloc;
 - (d) creation of reserve funds to meet future or contingent liabilities in respect of retirement benefits, insurance or replacement of buildings, equipment or any other matter that the Bloc may deem appropriate.
- (3) No expenditure shall be incurred for the purposes of the Bloc except in accordance with the annual estimates approved under this section or in pursuance of an authorization of the Bloc in accordance with the laid-out procedures.
- Accounts and audit.** **19.** (1) The Bloc shall cause to be kept all proper books and records of account of the income, expenditure and assets of the Bloc.
- (2) Within a period of four months from the end of each financial year, the Bloc shall submit to the Auditor-General the accounts of the Bloc together with—
- (a) a statement of income and expenditure during that year; and
 - (b) a statement of the assets and liabilities of the Bloc on the last day of that financial year.

PART IV—MISCELLANEOUS PROVISIONS

- Regulations.** **20.** The Summit (in consultation with the Cabinet Secretary) may, with the, make regulations for the better implementation of the objects of this Act.
- Transitional and savings provisions.** **21.** The Secretariat of the Bloc including the Chief Executive Officer and members of staff of the Secretariat, immediately before the coming into force of this Act shall—
- (a) continue to serve in the respective positions; and
 - (b) in accordance with the provisions of this Act be subject to any regulations that the Bloc may adopt.
- Delegation by the Summit.** **22.** The Summit may, by resolution, either generally or in any particular case, delegate to any committee of the Bloc or to any member, officer, employee or agent of the Bloc, the exercise of any of the powers or the performance of any of the functions or duties of the Bloc under this Act.

- Common Seal of the Bloc.** 23. (1) The common seal of the Bloc shall be kept in such custody as the Summit directs and shall not be used except on the order of the Bloc.
(2) The common seal of the Bloc when affixed to a document and duly authenticated shall be judicially and officially noticed and unless and until the contrary is proved, any necessary order or authorization of the Summit under this section shall be presumed to have been duly given.
- Protection from personal liability.** 24. No matter or thing done by a member of the Bloc or any officer, employee or agent of the Bloc shall, if the matter or thing is done *bona fide* for executing the functions, powers or duties of the Bloc, render the member, officer, employee or agent or any person acting by his directions personally liable to any action, claim or demand whatsoever.
- Liability of the Bloc for damages.** 25. The provisions of this Act shall not relieve the Bloc of the liability to pay compensation or damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act or by the failure, whether wholly or partially, of any works.
- Sanctions.** 26. A member county that fails to meet its financial or material obligations under this Act shall be subject to such action as the Summit may determine as provided for under such regulations or guidelines that the Bloc may develop.

FIRST SCHEDULE

(S. 4)

MEMBER COUNTIES OF THE BLOC

The Bloc is comprised of the following county governments—

1. Turkana County 023;
2. West Pokot County 024;
3. Samburu County 025;
4. Trans Nzoia County 026;
5. Uasin Gishu County 027;
6. Elgeyo Marakwet County 028;
7. Nandi County 029; and
8. Baringo County 030.

SECOND SCHEDULE

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

Meetings.

1. (1) The Bloc shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

(2) Notwithstanding the provisions of subparagraph (1), the chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the Bloc at any time for the transaction of the business of the Bloc.

(3) Unless three quarters of the total members of the Bloc otherwise agree, at least fourteen days written notice of every meeting of the Bloc shall be given to every member of the Bloc.

(4) The quorum for the conduct of the business of the Bloc shall be five and no meeting shall be held or continued, notwithstanding that there is a quorum, unless the Chief Executive Officer or a person deputed by him is present.

(5) The chairperson shall preside at every meeting of the Bloc at which he is present but, in the absence of the chairperson, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted, have all the powers of the chairperson.

(6) Unless a unanimous decision is reached, a decision on any matter before the Bloc shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote in addition to a deliberative vote.

(7) Subject to subparagraph (4), no proceedings of the Bloc shall be invalid by reason only of a vacancy among the members thereof.

Disclosure of
interest by Bloc
Members.

2. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Bloc and is present at a meeting of the Bloc at which the contract, proposed contract or other matter is the subject

of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter;

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Bloc may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Bloc who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one million shillings, or both.

Execution
instruments.

of **3.** Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Bloc by any person generally or specially authorized by the Bloc for that purpose.

Minutes.

4. The Bloc shall cause minutes of all resolutions and proceedings of meetings of the Bloc to be entered in books kept for that purpose.

THIRD SCHEDULE

OATH/AFFIRMATION OF THE OFFICE OF CHAIRPERSON/MEMBERS/CHIEF EXECUTIVE OFFICER

I..... have been appointed (Chairperson/Members/Chief Executive Officer) to Development Bloc, do swear/solemnly affirm that, I will at all times obey, respect and uphold the Constitution of Kenya and all other laws of the Republic of Kenya; that, I will faithfully and fully, impartially and to the best of my knowledge and ability, discharge trust, perform the functions and exercise the powers devolving upon me by virtue of this appointment without fear, favour, bias, affection or prejudice, (SO HELP ME GOD)

Sworn/Declared by the said

Before me this..... Day.....of 20.....

FOURTH SCHEDULE

BLOC LOGO



BLOC FLAG



MEMORANDUM OF OBJECTS AND REASONS

The objective of this Bill is to provide for the establishment, powers and functions of the Bloc. The establishment and operationalization of the Bloc shall increase the levels of development in the member counties, enhance efficiency in revenue generation, resource mobilization and mapping for the member counties and set standard policies, capacity building, dispute resolution and capacity building within the member counties.

PART I contains the preliminary provisions.

PART II contains provisions on the establishment of Bloc and its organs. Section 4, 5, 6, 7 and 8 establish the Bloc and provide for its powers and functions respectively.

PART III contains financial provisions.

PART IV contains miscellaneous provisions.

The First Schedule sets out the membership of the Bloc.

The Second Schedule set out regulations for the conduct of the business and affairs of the Bloc.

The Third Schedule sets out the oath/affirmation of the office of chairperson/members/Chief Executive Officer.

The Bill does not contain any provisions limiting any fundamental rights or freedoms.

The Bill is a Bill concerning member counties.

The enactment of this Bill will occasion additional expenditure of public funds.

Dated....., 2020.

Dated..... of, 2020

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(Name of Sponsor of the Bill)

