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THARAKA NITHI COUNTY BILLS, 2023

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**THE THARAKA NITHI COUNTY AGRICULTURAL
SECTOR CO-ORDINATION BILL, 2023**

A Bill for

AN ACT of the County Assembly of Tharaka Nithi to provide for the establishment of Tharaka Nithi County Agriculture Sector Steering Committee, to provide for Agriculture sector coordination and for connected purposes

ENACTED by the County Assembly of Tharaka Nithi, as follows—

PART I—PRELIMINARY

Short Title

1. This Act shall be cited as the Tharaka Nithi County Agricultural Sector Co-ordination Act, 2023.

Interpretation

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

“Agriculture” means agriculture as defined by section 2 of the Agriculture, Fisheries and Food Authority Act, 2013;

“Executive Member” means the County Executive Committee Member in-charge of matters pertaining agriculture;

“County” means Tharaka Nithi County;

“County Chief Officer” means the County Chief officer in charge of matters pertaining agriculture;

“Committee” means Tharaka Nithi County Agricultural Sector Steering Committee established under section 5;

“Director” means County director responsible for matters related to agriculture; and

“Sector” means agriculture Department.

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, regulations, plans, legislations relevant to the sector; and
- (d) develop mechanisms for management and dissemination of agricultural information.

Scope

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

PART II—ESTABLISHMENT AND ADMINISTRATION OF THE COMMITTEE

Establishment of the Committee

5. There is established a committee known as Tharaka Nithi County Agriculture Sector Steering Committee (CASSCOM).

Membership of the Committee

6. (1) The Committee shall comprise of the following members—

- (a) executive Member in charge of matters relating to Agriculture, who shall be the chair of the Committee;
- (b) Chief Officer responsible for matters relating Finance;
- (c) Chief Officer responsible for matters relating Agriculture;
- (d) Chief Officer responsible for matters relating livestock and fisheries;
- (e) a person responsible for co-ordinating National Government Projects;
- (f) a representative of National Environment Management Authority (NEMA);
- (g) a representative of Financial Institutions in the County;
- (h) a representative of non-state actors in agriculture sector;
- (i) a representative of development partners supporting agricultural sector in the county;
- (j) a representative from the County Agricultural Projects Co-ordination Unit;
- (k) a representative of special interest groups in the county; and

- (1) a representative of Agricultural Research Institutions present in the County.
- (2) County Directors Agriculture, Livestock, Veterinary services, Fisheries, Social Services, Co-operatives, Youth and Gender, Water and Irrigation and any other member may be co-opted when need arises.
- (3) The Secretary to County Agriculture Sector Steering Committee shall be the Chief Officer in-charge of matters relating to Agriculture.
- (4) The committee members listed in subsection (1) (g) to (l) shall be appointed by the Executive member.
- (5) A person qualifies for appointment as a member of the committee pursuant to provisions of subsection (1) (g) to (l) if such a person—
 - (a) a Kenyan citizen;
 - (b) meets the requirements of Chapter six of the Constitution of Kenya;
 - (c) holds at least a diploma from a recognized institution; and
 - (d) has experience of at least three (3) years in the sector.
- (6) The committee members shall serve for a term of three (3) years and may be eligible for renewal for a further such term on performance basis.
- (7) The donor partners shall be ex-official members and shall not be subject to the three-year term of service.

Functions of the Committee

7. (1) The functions of the committee shall be to—
 - (a) ensure compliance to the constitutional functions of the county government;
 - (b) keep the inventory and details of all sector players in the county;
 - (c) generate reports for the JASSCOM;
 - (d) approve instruments of partnerships;
 - (e) facilitate joint stakeholder ventures;
 - (f) prioritize important thematic areas requiring technical assistance;

- (g) prioritize research and development;
 - (h) harmonise work-plans of all agricultural programmes and projects in the county;
 - (i) ensure quality standards of services are maintained;
 - (j) ensure mutual accountability mechanisms;
 - (k) develop and review strategic descriptive documents;
 - (l) develop resource mobilization plans;
 - (m) develop county agricultural sector monitoring and evaluation systems;
 - (n) develop mechanisms for social inclusivity;
 - (o) develop and update sector operational legal frameworks inventory;
 - (p) review operational instruments;
 - (q) through the Joint Agriculture Sector Steering Committee (JASSCOM) provide advisory support to National and County Governments on agricultural matters;
 - (r) co-ordinate, prepare and compile quarterly and annual reports;
 - (s) develop mechanism for data collection, collation, analysis and dissemination;
 - (t) establish a central agricultural data base at the County; and
 - (u) approve new agricultural programmes and projects before their commencement.
- (2) The committee shall carry out its functions in a manner that upholds the following values—
- (a) diversity and inclusivity;
 - (b) transparency and accountability;
 - (c) integrity;
 - (d) creativity and innovativeness;
 - (e) professionalism;
 - (f) commitment; and
 - (g) teamwork.

Powers of the Committee

- 8.** The committee shall have the powers to—
- (a) consider and approve any sector player who wants to operate within the county;
 - (b) summon any sector player who is suspected to be engaging in unlawful practices;
 - (c) suspend any sector player who is engaged in outlawed practices;
 - (d) approve joint work plans;
 - (e) call upon any sector player to table their project progress report;
 - (f) delegate duties and responsibilities to relevant organs within County Agriculture Sector Steering Committee;
 - (g) set up any *ad hoc* Sub-Committee or task force for the sole purpose of executing a specific assignment on its behalf; and
 - (h) issue guidelines on effective implementation of this Act.

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 the Office of a Committee Member

10. (1) A committee member may resign from office by giving a written notice to the appointing authority.

(2) A committee member may be removed from office due to any of the following reasons—

- (a) is incompetent and/or lacks integrity to hold a public office;
- (b) is adjudged bankrupt or insolvent;
- (c) is convicted of a criminal offence and sentenced to a term of imprisonment of not less than six months;
- (d) is convicted of an offence involving fraud or dishonesty;
- (e) is absent, without reasonable cause, for three consecutive meetings of the Committee;

- (f) is unable to perform the functions of his office by reason of mental or physical infirmity;
- (g) failing to declare his interest in any matter being considered or to be considered by the Committee; or
- (h) any other sufficient reason as may be prescribed.

(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. The allowances and remuneration of the committee members shall be paid by the county treasury as per the approved guidelines issued by the Salaries and Remuneration Commission from time to time.

Organs of the Committee

12. The Committee shall operate through one or all of the following organs—

- (a) secretariat;
- (b) sector working groups;
- (c) sub-county committees; or
- (d) ward sub-committees.

Secretariat

13. (1) There shall be established the Secretariat to the Steering Committee domiciled at the Office of the Executive Member.

(2) The Executive Member may appoint any of the following officers to the Secretariat of the Committee—

- (a) director of Livestock development;
- (b) director of Agriculture;
- (c) director of veterinary services;
- (d) director of Co-operatives;
- (e) director Fisheries;
- (f) director Water; or
- (g) director Irrigation.

(3) The Director of Agriculture shall be the Head of the Secretariat.

- (4) The responsibilities of the secretariat shall be to—
- (a) co-ordinate and follow up on decisions of the Steering Committee and Sub-Steering Committees;
 - (b) offer technical support to the Steering Committee and Sub-Steering Committees;
 - (c) prepare quarterly and annual reports on the activities of the Steering Committee;
 - (d) consolidate sector progressive reports at the county and share with the Joint Agriculture Sector Steering Committee and relevant bodies;
 - (e) follow up implementation of County Agriculture Sector Steering Committee and Thematic Working Group's decisions;
 - (f) facilitate monitoring and evaluation of the implementation of sector plans, programmes and projects;
 - (g) establishing a comprehensive database of projects and programme beneficiaries;
 - (h) develop a resource mobilization strategy to fund the CASSCOM work plans; and
 - (i) handle the joint communication mechanism for County Agriculture Sector Steering Committee.

Sub-county Committees

14. (1) There shall be established for each Sub County a Sub County Committee that shall be known as the Sub County Agriculture Sector Steering Committee.

- (2) The Sub-County Committees shall comprise—
- (a) county Fisheries Officer;
 - (b) a sub County Agriculture Officer, who shall be the Chair of the committee;
 - (c) sub County Administrator;
 - (d) deputy County Commissioner;
 - (e) sub County Livestock Production Officer;
 - (f) sub County Youth Development Officer;

- (g) sub County Veterinary Services Officer;
- (h) sub representative of the key value chains in the sub county;
- (i) a champion or Model farmer or Agriculture innovator;
- (j) a youth representative in Agricultural value chain;
- (k) a representative of Financial Institutions - (appointed from the caucus of the Financial Institutions in the sub county);
- (l) a representative of non - governmental Organizations or Faith Based Organizations (appointed from the caucus of the Non Governmental Organizations or Faith Based Organizations in the sub county);
- (m) a representative from Primary Agricultural Co-operatives (appointed from the caucus of the Primary Agricultural Co-operatives in the Sub-County);
- (n) a representative from special interest groups within the sub county; and
- (o) any other relevant County agency operating in the sub county.

(3) The CECM in charge of agriculture sector shall constitute sub-CASSCOM in all the Sub-Counties in the County.

(4) The CECM shall prescribe the membership, meetings and operations of the Sub- CASSCOM for purposes of aligning to the CASSCOM structure.

(5) A person shall be qualified for appointment if—

- (a) is a Kenyan citizen residing in the Sub-County;
- (b) meets the provisions of Chapter 6 of the Constitution of Kenya, 2010; and
- (c) has a Post-Secondary qualification.

(6) The functions of the Sub-County Committees shall be to—

- (a) co-ordinate all agricultural sector operations within the sub county;
- (b) generate reports for the CASSCOM;
- (c) maintain an updated inventory of agricultural sector partners operating within the sub county;

- (d) facilitate and Promote development of key Value chains within the Sub-county;
- (e) strengthen farmers' organization through agricultural co-operatives, associations, and common interest groups;
- (f) institute data collection and analysis mechanism from the agricultural sector players;
- (g) carry out regular monitoring and evaluation of the agricultural sector programmes and projects within the sub county;
- (h) ensure updated registers of farmers in all key agricultural value chains; and
- (i) create awareness and dissemination of agricultural information and other agricultural related activities.

Ward Committees

15. (1) There established Ward Agriculture Sector Steering Committee in all Wards within the County comprising of—

- (a) ward Administrator;
- (b) assistant County Commissioner;
- (c) agriculture department Section Heads;
- (d) a representative of the key value chains in the ward;
- (e) a model farmer;
- (f) a youth representative in agricultural value chain;
- (g) a representative from primary agricultural co-operatives;
- (h) a representative from special interest groups in agriculture; and
- (i) a representative from Ward Development Committee.

(2) The chairperson of the Ward Agriculture Sector Steering Committee shall be the Ward Agriculture Officer.

(3) Functions of the Ward Agriculture Sector Steering Committee—

- (a) spearhead implementation of all agricultural activities within the ward;
- (b) maintain an updated inventory of all agriculture sector players operating in the ward;

- (c) promote development of key Agricultural Value chains within the ward;
- (d) mobilize agricultural value chain actors to form or join organizations including but not limited to common interest groups, community based organizations, co-operatives or associations;
- (e) mobilize agricultural value chain actors to participate in county government planning and budgeting cycle processes;
- (f) creation co-ordinate data collection from agriculture sector players;
- (g) generate reports for the Sub-CASSCOM;
- (h) of awareness, dissemination and cascading of agricultural information;
- (i) co-ordinate and carry out regular monitoring of implementation progress of all agricultural and agricultural related programmes or projects or activities within the ward; and
- (j) co-ordinate establishment of an updated inventory of the key agricultural value chain actors.

Sector Working Groups

16. (1) There shall be established the County Agriculture Sector Steering Committee Thematic Working Groups at the sector levels which shall operate under the following thematic areas—

- (a) policy, Legislation Standards and Instruments, Research, Extension and Capacity building;
- (b) inputs, Joint Programmes and Projects;
- (c) budget and resource mobilization; and
- (d) monitoring, evaluation, communication and reporting.

Funds

17. (1) The CASSCOM shall be funded as a Sub-Programme-based activity in the annual budgets and as per their work plan.

(2) At least three per cent of the annual County Government agriculture department budget estimates which may be amended from time to time by the County Assembly for that purpose.

(3) The County Departments responsible for agriculture sector and the projects operating therein shall make provision within their annual budgets to support the operationalization of the CASSCOM.

PART III—MISCELLANEOUS PROVISIONS

Regulations

18. (1) The Executive 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 subsection (1) the Executive 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 reporting mechanism and giving returns for any activity undertaken by the relevant committee;
- (e) procedures for provision of office and equipment to be used by County Agriculture Sector Steering Committee Secretariat; and
- (f) procedures of conducting business at the Sub county and Ward committees.

Protection from Personal Liability

19. 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.

Transitional Provisions

20. All existing agriculture sector players including programmes, projects and other county agriculture sector co-ordination mechanisms may adopt County Agriculture Sector Steering Committee structures within six months upon coming into force of this Act.

FIRST SCHEDULE

(s. 9)

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

1. Committee Meetings

- (a) the Committee shall hold ordinary meetings after every three months;
- (b) notwithstanding the provisions of sub paragraph (a), the chairperson may, and upon requisition in writing by at least four members convene a special meeting of the Committee at any time for the transaction of the business of the Committee;
- (c) the chairpersons shall convene ordinary meetings of the Committee as per the approved committee-meeting schedule adopted for the particular Financial Year;
- (d) special meeting shall be convened with a 14 days' notice;
- (e) the quorum for the conduct of the business of the Committee shall be two-thirds of the membership; and
- (f) co-opting of chairpersons from one level to the next level meetings may be considered where necessary for the purpose of strengthening vertical communication and decision making.

2. Record Keeping and sharing of minutes

The committee shall cause minutes of all resolutions to be entered in the books kept for that purpose upon confirmation before sharing to its members.

3. Decision Making

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

4. Conflict of Interest

(1) If any member has a personal or fiduciary interest in any matter before the Committee, and is present at a meeting of the Committee at which that matter is the subject of consideration that member shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any

discussion and /or consideration or vote on any question touching on such a matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

5. Code of Conduct

Within three months of the commencement of this Act, the committee may adopt a code of conduct prescribing standards of behavior to be observed by the members in the execution of their duties.

MEMORANDUM OF OBJECTS AND REASONS

This Bill of the County Assembly of Tharaka Nithi to provide for the establishment of Tharaka Nithi County Agriculture Sector Steering Committee, to provide for Agriculture sector co-ordination 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 purpose and the scope of the Bill.

Part II of the Bill contains provisions for establishment of the County agriculture sector steering committee, membership of the committee, functions of the committee, powers of the committee, conduct of business and affairs of the committee, resignation and removal from office of a committee member, allowance and remuneration of the committee members, organs of the committee, secretariat, sub-county committee, ward committee, sector working groups and funds.

Part III miscellaneous of the Bill contains regulations, protection from personal liabilities and transition provisions.

KIRIKO JACOB MURIMI NDEKE,
Chairperson, Committee on Agriculture, Livestock and Fisheries.