

1st SUMMIT RESOLUTIONS
19th June, 2013
State House, Nairobi

A. Transfer of functions: - Formal processes of transferring all devolved functions to County Governments will be fast tracked and expeditiously concluded in accordance with the law.

B. Pending Legislation on Devolution: - Regulations to elaborate on the statutes supporting the implementation of devolution will be done by the relevant bodies.

C. Perceived control of the transition process: - Governors proposed that the membership of the Transitional Authority should be revised so as to have neutral members who are not drawn from the National Government. The deliberations did not however lead to an outcome resolution.

D. Textual conflict of laws relating to devolution: -The National Government coordination administrative structure would remain in place as is.

E. Budgeting and Public Finance Management: - It was agreed that the issues under the agenda item will be discussed at the Intergovernmental Budget and Economic Council.

F. Staffing and structure: - The resolution on this matter were as captured below: -

1. Counties to address county specific health changes directly with the CS Health.
2. National Government will retain vaccination drug procurement and implementation across the country.
3. National Government to unbundle all devolved function budgets and costing and share the same with respective counties. National Treasury to forward the unbundled budgets to counties by 28th June 2013.
4. Counties to retain and manage all the staff transferred with functions. Counties to undertake their respective rationalization programmes, however framework to be established for a joint rationalization for both National and County Governments.
5. Technical support to be provided by the National Treasury to support County Governments with the preparation of their budgets. Counties would prioritize salaries and other personal emoluments as a first charge on their budgets.
6. National Government would continue to administer payroll functions with regards to health workers if requested by the County Governments in accordance with the law.

G. Operationalization of Inter-governmental relations structures: - The resolution on this matter were as captured below: -

1. Approval granted to form two distinct Intergovernmental Technical Committees, one to support the summit and one to support the council
2. Interim technical committee to be established to begin recruitment and establishment of Intergovernmental Technical Committees.
3. Interim technical committee to review textual conflicts of laws outlined by the Council for responsible amendment.

H. Implementation of the President's Policy agenda in counties: - His Excellency the president would put on pause any national government projects undertaken without due consultation with respective Governors involving county functions.

I. Representation of the presidency in National functions at the County level: - This was already resolved through a circular from the Ministry of Interior and Coordination of National Government used in the preparation of 1st June 2013.

J. Operationalization of the county gazette: - Council of Governors to liaise with the Government Printer.

K. Funding and implementation of educational infrastructure: - Issue deferred pending consultations.

L. County Government Infrastructure (Road maintenance) the resolution on this matter were as captured below:-

1. It was agreed that County Governments will continue to be responsible for class 'D', 'E' and unclassified roads. The National Government is responsible for classes 'A', 'B' and 'C' roads.
2. With regard to the transfer of KURA and KERRA functions and resources to the counties, the Summit resolved that an administrative mechanism be established to guide his transfer. It was also agreed that the transfer should be subject to the resolution of issues regarding on-going contracts which need to be completed and agreements made with development partners and which needed to be honoured. It was agreed that because the personal emoluments of the staff of KERRA and KURA are paid out the Roads Levy Funds, the officers would be transferred to counties, but administratively continue being paid through the fund until a new administrative framework is established.
3. The plans and programmes of the National Government on roads should be communicated to County Governments to facilitate effective co-ordination between two levels of government.
4. Circular to be issued by Ministry of Roads on deployment of transferred function staff of KURA and KERRA.
5. Direct communication encouraged between governors and the Cabinet Secretary Ministry of Roads.

M. Transfer of road maintenance equipment: - The National Government agreed to transfer the ownership of certain roads equipment to County Governments in line with the recommendations of the Task Force on challenges facing devolution.

N. Agriculture Mechanization Equipment: - Agriculture mechanization equipment to be transferred to County Governments through an agreed administrative scheme.

O. Management of water resources: - Governors requested to be included in the decision making frameworks of Water Resource Management Authorities and Water Service Regulations Boards. This would require amendment of relevant laws. His Excellency the president agreed to work with the respective bodies to review the proposal to have counties participate in the Boards of Directors of the Water Resource Management Authorities and Water Service Regulation Boards.

P. Development partner engagement: - A framework for coordination of development partner engagement with counties to be developed in line with the Country's foreign policy, and External Resource Policy.