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KAJIADO COUNTY BILLS, 2020

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CONTENT

Bill for Introduction into the County Assembly of Kajiado—

PAGE

The Kajiado County Pastoralist Development Centres Bill 2020

1

**THE KAJIADO COUNTY PASTORALIST DEVELOPMENT
CENTRES BILL, 2020**

A Bill for

**AN ACT of the County Assembly of Kajiado to provide for the
establishment and administration of Kajiado Pastoralist
Development Centres and for connected purposes**

ENACTED by the County Assembly of Kajiado, as follows,

PART I—PRELIMINARY

Short Title and Commencement

1 This Act may be cited as the Kajiado Pastoralist Development Centres Act, 2020

Interpretation

2 In this Act unless the context otherwise requires—

“Ancillary subject” means a subject that renders support to the core subject,

“PDC” means Kajiado Pastoralist Development Centres,

“Board” means the Board of Management of the Kajiado Pastoralist Development Centres as constituted under Part III of the Act,

“Centres” means the Kajiado Pastoralist Development Centres as established under Part II of the Act,

“County Executive Committee Member” means the County executive committee member for the time being responsible for matters relating to crops and livestock development,

“County Assembly” means the Kajiado County Assembly

“*ex-officio* member” means a member of the Board by virtue of his office,

“Incapacity” means the officer is away from the Centres on cause authorized by the statutes or Government regulations

“Financial year” means the period of twelve months ending on the 30th June of every Calendar year,

“Fund” means the Kajiado PDC Fund,

“Officer administering the Fund” means the General Manager of Kajiado PDC,

“Appointed” means the day appointed as the commencement date for this Act,

“Centres” means the Kajiado PDC established under this Act

PART II—ESTABLISHMENT AND FUNCTIONS OF THE PDC

Establishment of Kajiado Pastoralist Development Centres

3 (1) There is established Centres to be known as the Kajiado Pastoralist Development Centres

(2) The Centres shall comprise of County Livestock farms of which shall be interdependent

(3) The Centres shall be a body corporate of the Government of Kajiado County with perpetual succession and a common seal and shall in its corporate name be capable of—

- (a) suing and being sued,
- (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property,
- (c) borrowing or lending money,
- (d) doing or performing all such other things or acts in furtherance of the provisions of this Act and which may lawfully be done by a body corporate

Broad objective of the Centres

4 The broad objective of the PDC shall be to offer Livestock Value chain Development technical services and facilities for enhancing livestock and other relevant development matters

The specific objectives of the Centres

5 The specific objectives of the PDC shall include—

- (a) to provide quality training facilities for pastoralists in the county on best practices in the livestock value chain
- (b) to expose Pastoralist to relevant technologies and innovations in the livestock Value chain,
- (c) to supply appropriate improved livestock genetic stock to the pastoralists in the County
- (d) to provide non formal training facilities in the form of demonstrations, field days and workshops

- (e) to provide practical training for students from other Livestock Training Institutions
- (f) to offer any other livestock services which will assist the livestock owners, within the county in collaboration with research institutions and academia

The functions of the Centres

6 The functions of the PDC shall be,

- (a) to provide directly or in collaboration with other accredited Livestock institutions relevant livestock technologies and innovations
- (b) to exhibit solely or in collaboration with other development partners and stakeholders practical demonstrations in the livestock value chain
- (c) to preserve and improve access to information and knowledge in livestock development matters
- (d) to provide facilities for and participate in carrying out adaptive on-farm trials of relevant technologies
- (e) to commercialize farm enterprises through multiplication of livestock breeds

PART III—GOVERNANCE AND ADMINISTRATION OF THE CENTRES

Establishment of a Board of Management

7 There shall be a Board of Management to assist in the overall governance and management of the Centres

Membership of the Board of Management

8 The Board of Management shall comprise of the following members—

- (a) a Chairperson who shall be appointed by the County Executive Committee Member for Livestock
- (b) the County Director of Livestock Production,
- (c) the County Director of Veterinary Services
- (d) head of County Treasury,

- (e) five other members, not being public officers, appointed by the County Executive Committee Member for Livestock,
- (f) one member nominated by the Kenya Agriculture and Livestock Research Organization (KALRO) who shall be appointed on a three-year term subject to renewal once,
- (g) the General Manager of the Centres who shall be the Secretary to the Board;
- (h) the members of the Board shall be persons of high moral standards and of proven integrity, who have had a long experience, or with special qualifications in Livestock Production, Range Management, veterinary services, Agribusiness, and related fields of study,
- (i) the County Executive Committee Member shall appoint all members except the General Manager,
- (j) the County Executive Committee Member in appointing members of the Board under 8(1)(e), shall ensure that there is a balance of skills, experience and gender among members of the Board,
- (k) members of the Board shall hold office on terms and conditions to be specified in their letters of appointment

Co-opted members of the Board

9 (1) The Board may from time to time co-opt into its membership such persons as it may be satisfied possess skills and experience to assist in the discharge of the Board's functions

(2) The number of co-opted members shall not exceed three at any particular time and such members shall have no right to vote in any Board meeting

Nomination and appointment of members of the Board

10 (1) The General Manager shall initiate the process of nomination and appointment of the members of the Board in consultation with the relevant authorities

(2) The members of the Board specified in section 8(1) and (2) shall be appointed in a manner that satisfies the two-thirds gender rule as contemplated in Article 27(8) of the Constitution of Kenya, 2010

(3) The chairperson specified in section 8 (2) shall hold a minimum of a Bachelor's degree in agriculture or any other related field

(4) The Board shall elect a vice Chairperson from amongst its members provided that the member so elected shall not be an *ex-officio* member

(5) The Board shall be appointed by the County Executive Committee Member

Functions of the Board

11 Subject to this Act, the Board shall be the governing body of the Centres and shall have the power to—

- (a) promote the public interest for which the Centres is established and ensure its development,
- (b) promote quality development in accordance with laid down regulations
- (c) enter into association with other /stakeholders and development partners as it may deem appropriate and in furtherance of the purpose for which the Centres is established,
- (d) receive any grants, gifts, donations or endowments on behalf of the Centres and make legitimate disbursements there from,
- (e) offer advisory services to the management of the Centres,
- (f) encourage stakeholder participation in the programmes of the Centres and to promote its services and products
- (g) participate in the annual valuation of the assets of the Centres

Tenure of the Board

12 (1) Subject to this Act the term of each Board shall expire after three years from the date of appointment

(2) The Chairperson of the Board shall hold office for a period of three years from the date of appointment and shall be eligible for re-appointment for one further term of a period not exceeding three years

(3) A member of the Board other than an *ex-officio* member shall hold office for a period of three years from the date of appointment and shall be eligible for re-appointment

(4) In re-appointing members of the Board, the County Executive Committee Member shall maintain a proportion of new membership that ensures continuity in the affairs of the Board of Management

Vacancy in the office of a member of the Board

13 The office of a member of the Board other than an *ex-officio* member shall fall vacant—

- (a) if the member resigns his office in writing to the Secretary of the Board
- (b) if the Board is satisfied that the member is, by reason of physical or mental infirmity, unable to execute the functions of his office
- (c) upon his death
- (d) if the member has been absent without leave for three consecutive meetings of the Board
- (e) if the appointment of the member is revoked by the appointing authority in writing
- (f) upon the expiry of three years from the date of appointment

(2) Where the office of a member of the Board falls vacant under the Secretary shall notify the County Executive Committee Member within one month of the occurrence and shall request for the appointment of a replacement

Remuneration of members of the Board

14 The members of the Board of Management shall be paid in respect of services rendered such allowances as may be determined by the Kajiado County Public Service Board in consultation with the Salaries and Remuneration Commission

Conduct of Business and Affairs of the Board of Management

15 The County Executive Committee Member may provide regulations for the better conduct of the business and affairs of the Board of Management

General Manager of the Centres

16 (1) There shall be a General Manager of the Centres who shall be appointed by the Kajiado County Executive Committee Member responsible for matters relating to livestock development

(2) The General Manager shall—

- (a) be the overall head of the Centres,
- (b) exercise overall responsibility over all staff of the Centres,

- (c) have the overall responsibility for the direction, organization, administration and implementation of all activities of the Centres,
 - (d) be the secretary to the Board of Management,
 - (e) be responsible to the Board of Management and the County Executive Committee Member on matters relating to the Centres
- (3) The General Manager shall hold office for such period as may be provided for by the statutes

Staff of the Centres

17 (1) There shall be established technical staff of the Centres and administrative staff of the Centres

(2) The technical staff of the Centres shall consist of the General Manager, Deputy General Manager Centre Managers, Livestock Production officer Veterinary officer and any other member of staff engaged in the provision of Livestock Value Chain development services

(3) The administrative support staff of the Centres shall consist of the Procurement, Stores and Record keeping, Plant operators, herders, and any other member of staff that is required to ensure smooth running of the centres

(4) All members of staff of the Centres shall—

- (a) be subject to the general authority of the General Manager
- (b) be deemed to be employed on a full time basis unless otherwise specifically provided by the terms of a particular appointment

The Centre Managers

18 The Centre Managers shall—

- (a) manage their respective Centres on all technical and administrative functions
- (b) be responsible to the General Manager for planning and implementation of development programmes of the Centres

PART IV— FINANCIAL PROVISIONS

19 In order to provide for the recurrent expenditure of Kajiado PDC and to meet the development expenditure thereof as contemplated by this Act once enacted,

Annual Estimates

20 (1) At least nine months before the commencement of the financial year the General Manager shall cause to be prepared annual estimates of revenue and expenditure for the Centres for the financial year to which they relate

(2) The annual estimates shall make provision for all estimated expenditure of the Centres for the financial year concerned, and in particular shall provide for,

- (a) Payment of salaries allowances and other charges in respect of the activities of the Centres
- (b) The payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Centres
- (c) The proper maintenance of buildings and grounds of the Centres
- (d) The maintenance, repair and replacement of the equipment and other movable property of the Centres
- (e) The funding of the cost of development and demonstration activities of the Centres

(3) The annual estimates shall be consented to by the Board of Management and shall be submitted to the County Executive Committee Member for approval

(4) At least six months before the commencement of each financial year, the County Executive Committee Member shall present the estimates in sub-section (3) to the County Executive Committee for consideration and approval

Adherence to approved Budgetary estimates

21 No expenditure shall be incurred for the purpose of the Centres except in accordance with the annual estimates approved by an Appropriations Act in respect of that financial year

PART V—ESTABLISHMENT OF A REVOLVING FUND

22 In order to establish and run the commercial enterprises at Kajiado PDC as contemplated by this Act once enacted,

Establishment of KAJIADO PDC fund

23 (1) There shall be established a fund for Kajiado Pastoralist Development Centres to be known as the Kajiado PDC Fund

(2) The Kajiado PDC Fund shall be a revolving fund

Objective and purpose of the fund

24 The objective and purpose of the fund shall be—

- (a) to provide funds required for running of the commercial activities of the Centres
- (b) for the development of the PDC

Composition of the Fund

25 (1) The Fund shall consist of—

(2) All moneys appropriated by the County Assembly for the purpose contemplated in (21) above

(3) All moneys realized from—

- (a) The sale of Livestock, livestock produce and products
- (b) Surplus or unserviceable stores or assets of the Centres authorized for disposal by the officer administering the Fund or on his behalf by an officer appointed by him in writing for that purpose
- (c) Hiring out of plant and equipment

Administrator of the Fund

26 The Fund shall be administered by the General Manager of the Centres in consultation with the Chief Officer(s) for the time being responsible for matters relating to livestock development, the County Executive Committee Member and the County Executive Committee Member responsible for public finance

Regulations of the Fund

27 The County Executive Committee member for the time being responsible for matters relating to public finance may make regulations for the better carrying out of the provisions of section 24 of this Act

Initial Capital of the Fund

28 The initial capital of the Fund shall be not less than twenty million shillings (KES 20,000,000) appropriated by the County Assembly

Charges for goods and services

29 The charges for the goods and services shall be reviewed from time to time by the Board of Management with the concurrence of the County Executive Committee Member for the time being responsible for matters relating to public finance

Adherence to Government procurement and disposal procedures

30 The Fund shall strictly adhere to the Government procurement and disposal procedures

Receipts, earnings and accruals of the Fund

31 All receipts, earnings and accruals of the Fund and the balance of the Fund at the close of each financial year shall not be paid into the County revenue account but shall be retained for the purpose for which the Fund is established

PART VI – GENERAL

32 In-order to protect the administration and management of Kajiado PDC from personal liability while executing official duty without prejudice, provide a common seal for the PDC and create a transition for the Centres as established to take charge of the affairs contemplated by this Bill once enacted

Protection of Board of Management and staff from personal liability

33 No act or deed by any member of the Board or any member of staff of the Centres shall be subjected to any liability, action claim or demand whatsoever if the act or deed was made in good faith for the purpose of carrying out the provisions of this Act

Common seal

34 (1) There shall be a common seal of the Centres

(2) The common seal shall be kept in a safe within the Centres and shall be used in the manner authorized by this Act

(3) The common seal of the Centres shall be authenticated by the signature of the General Manager or any other authorized person in the service of the Centres

(4) The common seal of the Centres affixed on a deed, instrument, contract or any other document and duly authenticated under sub-section (3) shall be binding to the Centres and its successors and can be discharged in the same manner as that in which it was executed

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to provide a framework for the Pastoralist Development Centre shall be to offer Livestock Value chain Development technical services and facilities for enhancing livestock and other relevant development matters

Part I of the Bill provides for the preliminary matters such as the short title the interpretation and the objects The main as provided for under clause is to provide for a framework for value chain addition on livestock production

Part II of the Bill addresses the establishment of the Act Clause 4 establishes Kajiado County pastoralist Development Center managed by a board appointed by the County Executive Committee Member for crop and livestock production Clause 5 establishes the management board consisting of nine members appointed by County Executive Committee responsible for crop and livestock production The functions of the center are set out clause 6 and includes, the promotion of livestock production in the county Clause 8 establishes the secretariat consisting of the Director responsible for livestock production and such other staff as may seconded to the Board

Part III of the Bill establishes the Kajiado County Pastoralist Development Center fund consisting of such monies as may be appropriated by the county assembly fees and grants or donations as may be granted to the Center for furtherance of its functions under the Act The funds is to be administered by the person with knowledge and expertise on matters relating to finance appointed by the county executive committee member responsible for finance

Part IV provides for miscellaneous provisions such as the power to make regulations and the requirement for the Board to annually submit a report to the county executive committee member

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