

**TASK 1.3A ■ THE APRIL 2016 GAZETTE NOTICE ON CLARIFICATION OF FUNCTIONS AS EXERCISED BY THE NATIONAL AND COUNTY GOVERNMENT IN ACCORDANCE WITH THE FOURTH SCHEDULE OF THE CONSTITUTION**

**15 MINUTES**

**TASK OBJECTIVE**

- ❖ **FURTHER ENHANCE UNDERSTANDING OF THE EXTENT TO WHICH THE TRANSITION AUTHORITY GAZETTE NOTICE APRIL 2016 CLARIFIES THE ROLES AND RESPONSIBILITIES OF COUNTY GOVERNMENTS.**

**RESOURCES NEEDED**

- ✓ **Transition Authority Gazette Notice on Clarification of Functions as Exercised by the National and County Government in Accordance with the Fourth Schedule of the Constitution, April, 2016 (Annex below).**

**HOW TO RUN THIS TASK**

1. This task is aimed at helping the participants further understand the functions of county and national governments as unbundled by TA Gazette Notice in April, 2016.

**Note: This may be done concurrently with Task 1.3**

2. Give an introduction about the Transition Authority and the April gazette notice, explaining that it is the latest gazette notice.
3. Tell participants to refer to Annex IIIA in their manuals (the April, 2016 Transition Authority Gazette Notice on Clarification of Functions as Exercised by the National and County Government in Accordance with the Fourth Schedule of the Constitution)
4. Ask participants to review the gazette notice and then respond to the discussion questions in small groups.
5. Facilitate a short plenary discussion to summarize the participants' reflections on what the gazette notice says about county functions.

**BACKGROUND INFORMATION**

- ❖ The gazette notice was published in the Kenya Gazette in April 2016.
- ❖ Even though the TA was already defunct at the time of the Gazette Notice was published, the contents therein were agreed on a board meeting held on 22<sup>nd</sup> January, 2016 and the notice itself is dated 2<sup>nd</sup> March, 2016.
- ❖ Just like the previous notices, this gazette notice does clarify and unbundle certain functions that belong to counties. It also unbundles national functions, which is not typical of TA gazette notices. However, there is no explanation for how the unbundling was done in the notice.

- ❖ Generally, the gazette notice is confusing. There is no explanation of what issues it is meant to cover, and it appears to cover some issues more exhaustively than others.
- ❖ One interpretation is that it is meant to clarify functions and roles in key sectors: water, regional development, housing, lands and planning, and public works. For each of these, it does provide some further detail about national and county functions.
- ❖ However, in other places it appears to be less about functional areas than clarifying specific institutions and projects. For example, it focuses on the Water Services Trust Fund, the Regional Development Authorities, and the Kenya Informal Settlements Improvement Projects and seems to be organized around clarifying their roles rather than asking how they fit into the functional assignment in the constitution.
- ❖ In addressing itself to specific institutions, the notice also ignores key agencies and introduces confusion about the agencies it does address. For example, the National Housing Corporation is not discussed at all. Regional Development Authorities are discussed, but while certain functions are said to be devolved to counties on page 1155, they are listed in the subsequent table as national functions.
- ❖ Below are some further notes on how the gazette notice unbundles county governments functions:

## **WATER SECTOR**

- ❖ The notice specifies the functions of key bodies like the Water Resources Management Authority, Water Services Boards and Water Services Regulatory Board.
- ❖ Water Service Boards (WSBs) are retained as national bodies and given responsibility for national public works in the sector. Counties are given responsibility for county public works in the sector. There is no clarity about the difference between national and county public works from the gazette notice.<sup>1</sup> Counties are given the function of appointment and monitoring of Water Service Providers (WSPs) in the notice. The Water Act, 2016 replaces WSBs with Water Works Development Agencies (WWDAs (section 152). WWDAs are responsible for national public works and WSPs in exceptional cases (section 68). The county government has the responsibility of establishing and monitoring WSPs under the Water Act, 2016.
- ❖ The TA Gazette Notice retains the National Water Conservation and Pipeline Corporation, a state corporation, and gives it the role of investing in large dams. Again, it is not clear what a large dam would be and whether counties can invest in smaller dams. Many counties have invested in such dams or have plans to do so. The notice also gives the corporation a very specific role to ensure the utilization of trans-boundary water resources/interbasin water, including Chemususu Dam- cross that cuts Baringo and Nakuru counties and Koru Dam- cross that cuts Kisumu and Kericho counties. It is not clear why the notice goes into this level of detail for specific projects and not others.<sup>2</sup>
- ❖ It is still difficult to distinguish Regional Development Authorities and their water-related functions from other parts of the water sector or to understand what has been delegated to counties.

<sup>1</sup> The Water Act, 2016 defines national public water works only.

<sup>2</sup> The Presidential Taskforce on Parastatal Reforms recommended that this corporation should be done away with and functions transferred to a Government Investment Corporation. See Page 99 of the report available at: <http://www.cofek.co.ke/Report%20of%20The%20Presidential%20Task%20force%20on%20Parastatal%20Reforms.pdf>

## LAND AND HOUSING

- ❖ Some of the functions of the two levels appear to overlap. For example, both levels are given “revenue collection” as a function (1159) but it is not entirely clear what the distinction is between the two levels. Both levels are given responsibility to mobilize resources for settlement of landless. Presumably there is a need for some coordination here, but it is not spelled out. Both levels are given role of establishing Alternative Building Materials and Technology Centres. It is not clear what the basis is for the large national role in housing. National government is also mandated, along with counties, to mobilize funds for housing infrastructure. It is not clear what this means or how coordination is to happen.
- ❖ Some county functions are reasonably clear in relation to land registration, administration and planning, including approval of land development proposals and developing spatial development frameworks.

### TASK 1.3A (QUESTIONS AND ANSWERS)

- *Does the gazette notice clarify what should happen to key state corporations performing regional functions such as the WSBs, the Regional Development Authorities, and so on?*
- *Looking at the Land and Housing sector, are you able to clearly understand what counties are supposed to do and what national government is supposed to do?*

Refer to background notes above task.

### FURTHER READINGS

- i. The Transfer of Functions legal notice, Kenya Gazette Notice No. 2238, Dated 2<sup>nd</sup> March, 2013 (Gazetted on 1<sup>st</sup> April, 2016) available at:  
[http://kenyalaw.org/kenya\\_gazette/gazette/volume/MTMwMA--/Vol.CXVIII-No.32](http://kenyalaw.org/kenya_gazette/gazette/volume/MTMwMA--/Vol.CXVIII-No.32)

GAZETTE NOTICE NO. 2237

## THE KENYA INFORMATION AND COMMUNICATIONS ACT

(Cap. 411A)

## APPLICATION FOR A LICENCE

NOTICE is given that the following applicant have, pursuant to the provisions of the Kenya Information and Communications Act, made an application to the Communications Authority of Kenya for the grant of a license as below:

<i>Company</i>	<i>Business</i>
Wananchi Satellite Distributors Limited, P.O. Box 10286-00100, Nairobi	Satellite subscription broadcasting
Wananchi Satellite Distributors Limited, P.O. Box 10286-00100, Nairobi	Subscription management service
Kirinyaga Multimedia College, P.O. Box 1033-10300, Kerugoya	Commercial free-to-air television on the digital terrestrial television platform
Focus Television Limited, P.O. Box 7132-00100, Nairobi	Commercial free-to-air television on the digital terrestrial television platform
Aviation FM Limited, P.O. Box 2018-00100, Nairobi	Commercial free-to-air television on the digital terrestrial television platform
Just Communications Connections, P.O. Box 88682-80100, Mombasa	Commercial free-to-air television on the digital terrestrial television platform

The reason for the grant of the license is to enable the applicant to operate and provide services as indicated above. The grant of this license may affect public and local authorities, companies, persons or bodies of persons within the country.

Any public or local authority, company, person or body of persons desirous of making any representation on or objection to the grant of such license as aforesaid must do so by letter addressed to the Director-General, Communications Authority of Kenya, Waiyaki Way, P.O. Box 14448-00800, Nairobi indicating the Licence Category on the outside of the cover enclosing it on or before expiry of thirty (30) days from the date of this notice and must forward to the applicant a copy of such representation or objection.

Dated the 22nd March, 2016.

PTG/3039-15-16

LEO BORUETT,  
for Director-General.

GAZETTE NOTICE NO. 2238

## CLARIFICATION OF FUNCTIONS AS EXERCISED BY THE NATIONAL AND COUNTY GOVERNMENT IN ACCORDANCE WITH THE FOURTH SCHEDULE OF THE CONSTITUTION

IT IS notified for the general information of the public that following the meeting and resolution of the Board of Transitional Authority held on the 22nd January, 2016, the board clarifies the functions to be exercised by both the National Government and the County Governments in the following Schedule:

## SCHEDULE

## 1. Natural Resources

## A Water Resources Management Authority

<i>Functions listed as per the Fourth Schedule of the Constitution.</i>	<i>Unbundled ( National)</i>	<i>Unbundled (County)</i>
1. The use of international waters and water resources	Exercised through— (a) developing principles, guidelines, and procedures for allocation of water resources; (b) monitoring and reassess the National Water Resources Management Strategy; (c) receiving and determining water permit applications for ground and surface water abstraction, use and recharge; (d) determining, issuing and varying water permits and enforce permit conditions; (e) issuance of permits for inter-basin water transfer; (f) determining charges to be imposed for the use of water from any water resource; (g) formulating and enforcing standards, procedures and regulations for the management and use of water resources and flood mitigation; (h) coordinating with counties, national and international bodies for the better regulation of the management and use of water resources.	N/A
2. Consumer Protection	Exercised through— (a) regulating and protecting water resources quality from adverse impacts (water quality and pollution control aspects); (b) enforcing of water quality standards; (c) issuance of water abstraction permits to ensure equitable utilization; (d) monitoring, evaluating, varying and enforcing permit conditions.	

<i>Functions listed as per the Fourth Schedule of the Constitution.</i>	<i>Unbundled ( National)</i>	<i>Unbundled (County)</i>
3. National Public Works	Exercised through— (a) issuance of permits for inter-basin water transfer (inter-county); (b) issuance of authorizations and permits for construction of reservoirs for impounding surface run-off and regulating stream flows to synchronize them with water demand patterns; (c) issuance of authorization and permits for water works, bulk distribution and provision of water services; and (d) issuance of permits for development of National Public Water Works for water resources storage.	
4. Water protection, securing sufficient residual water, hydraulic engineering and the safety of dams	Exercised through— (a) regulating and protecting water resources from adverse impacts; (b) managing and protecting water catchments; and (c) issuance of authorizations with conditions for construction of water resources management infrastructure.	
5. Disaster management	Exercised through— (a) capacity building for management of floods and drought; (b) provision of information and advice to the Cabinet Secretary for formulation of policy on national water resources management, water storage and flood management strategies; (c) gathering and maintaining of information on water resources and from time to time publish forecasts, and projections; (d) enhancing water resources knowledge base through acquisition of hydrological, meteorological, water quality, and groundwater monitoring data; (e) developing Basin Planning Decision Support Systems (DSS); (f) developing integrated river basin/sub catchment flood and drought management plans; (g) supporting development of sub-catchment/river-basin Management plans; and (h) automating water resources network, collect, analyze and disseminate data for Decision Support Systems.	

## B Water Services Regulatory Board

<i>Functions as listed as per the Fourth Schedule of the Constitution (Part 1 and 2)</i>	<i>Unbundled</i>
1. Protection of the environment and natural resources with a view to establishing a durable and sustainable system of development. 2. Water protection 3. Hydraulic engineering 4. Consumer protection.	(a) licensing of water utilities; (b) standards setting; (c) monitoring; (d) enforcement; (e) enforcement of social tariffs; (f) standards of goods and services of a reasonable quality; (g) information on the services; (h) protection of health and economic interest; (i) dissemination of standards; (j) monitoring of standards; (k) enforcement of Standards; (l) reporting on the progress in the standards and on the progressive realisation of the right to water as per the National Water Services Strategy; and (m) provision of information to public on their rights.

## C Water Services Trust Fund

<i>Functions as listed as per the Fourth Schedule of the Constitution (Part 1 and 2)</i>	<i>Unbundled</i>
Capacity building and technical assistance	Capacity building to the counties with technical support, mapping, pro poor targeting and management applications for efficiency and effective service delivery.
Public Investment	Resource mobilize from 90 per cent Development Partners for direct project investment and 10 per cent GOK funding for administration. Support being channeled directly to— (a) WRUAs with technical support from WRMA in line with Water Act, 2002;

<i>Functions as listed as per the Fourth Schedule of the Constitution (Part 1 and 2)</i>	<i>Unbundled</i>
	(b) soil and water conservation; and (c) forestry.
	Financial support to rural and urban WSP to develop, manage and implement water and sanitation access.
	Mainstreaming environmental sustainability internally and external operations by operationalizing WSTF Environmental Policy.
Economic and social rights	Financial support to rural and urban WSP to develop, manage and implement water and sanitation access.
Chapter 5 Land and Environment Part 2 Environment and Natural Resources	Financial support to WRUAs to ensure sustainable water resource management through encouraging public participation and prevent degradation.

## D. National Water Conservation and Pipeline Corporation

<i>Functions as Listed as per the Fourth Schedule of the Constitution (Part 1 and 2)</i>	<i>Unbundled</i>
Protection of Environment and Natural Resources with view to establishing durable and sustainable system of development in particular— (a) water protection; (b) safety of dams; (c) securing sufficient residual water; (d) hydraulic engineering.	Exercised through— (a) water harvesting and storage- construction of large dams; (b) ensuring the utilization of trans boundary water resources/interbasin water, including Chemususu Dam- cross that cuts Baringo and Nakuru counties and Koru Dam- cross that cuts Kisumu and Kericho counties. (c) flood control measures such as construction of dykes , canals and river training to mitigate floods; and (d) carrying out research feasibility, project preparation and design towards construction of large and medium size dams and pans.

## E Water Appeal Board

<i>Functions</i>	<i>Unbundled</i>
Consumer protection, including standards for social security and professional pension plans	Exercised through— (a) hearing of appeals arising from disputes in the water sector involving decisions and orders of Water Resources Management Authority, Minister, Water Services Regulatory Board, Water Services Boards, Water Service Providers, Water Resource User Association and other stakeholders; and (b) hearing of disputes/cases on tariffs, licenses, billings, permits, etc.

## F Water Service Boards

<i>Functions as listed as per the Fourth Schedule of the Constitution (Part 1 and 2)</i>	<i>Unbundled (National)</i>
1. The use of international water and water resources	Exercised through— (a) negotiation of co-operation and management agreements for utilization of international waters; (b) formulation of policies governing the use of trans-boundary water resources, including river Nile; (c) negotiation of management agreements for utilization of shared/ trans-boundary water resources, including the Nile Basin; (d) monitoring and reporting on the implementation of the agreements and conventions on the use of international water and trans-boundary water resources; (e) formulation of national policy on the use and management of water resources; (f) negotiation of basin management agreements for utilization of waters resources i.e. water catchment area conservation, control, Management, use and protection, including the Mara Basin; (g) implementation of National Programs for sustainable use of water resources that are basin/cross-county in nature; (h) implementation of basin management agreements; (i) abstraction from water resources; (j) formulation of national waste water management policy including effluent standards, sewage conveyance and treatment and disposal policy; (k) regulation of integrated water resources management and conservation; (l) monitoring and reporting on; (i) abstraction; (ii) implementation of the water resource management policy; (iii) basin management agreements for utilization of waters resources; (iv) restoration of strategic water towers and river/lake basins, including Restoration of Lake

<i>Functions as listed as per the Fourth Schedule of the Constitution (Part 1 and 2)</i>	<i>Unbundled (National)</i>
	<p>Naivasha Basin initiative, Mau ranges, Aberdares etc.;</p> <p>(v) implementation of National water public works for water supply to meet the constitutional requirements for progressive realization of the Right to Water. This includes:</p> <ul style="list-style-type: none"> <li>• national water resources (Dams, intake structures);</li> <li>• national/bulk water Production facilities (treatment);</li> <li>• bulk Water transmission facilities (tunnels and large pipelines); and</li> <li>• bulk storage reservoirs.</li> </ul>
2. National economic policy and planning	<p>Exercised through—</p> <p>(a) development of National Water and Sewerage Master Plans pursuant to the state’s obligation for progressive realization of the Right to Water. These are—</p> <ul style="list-style-type: none"> <li>(i) national water master plans;</li> <li>(ii) national sewerage master plan;</li> <li>(iii) national water resource master plan;</li> </ul> <p>(b) development of basin water and sewerage master plans pursuant to the state’s obligation for progressive realization of the right to Water. These are—</p> <ul style="list-style-type: none"> <li>(i) basin water master plans;</li> <li>(ii) basin sewerage master plan;</li> </ul> <p>(c) implementation of National and Basin Water and Sewerage Master Plans(Concurrent);</p> <p>(d) monitoring and evaluation of sector performance and benchmarks (Concurrent).</p>
3. National Public Works.	<p>Exercised through—</p> <p>(a) planning for National Water and Sanitation Public Works pursuant to the state’s obligation for progressive realization of the right to safe Water and adequate sanitation;</p> <p>(b) mobilization of resources including finances, for Water and Sanitation Public Works;</p> <p>(c) implementation of National Water and Sanitation Public Works;</p> <p>(d) management/supervision and maintenance of National Water and Sanitation Public Works including asset management, asset inventory and valuation; and</p> <p>(e) monitoring, evaluation and reporting on the progress of National Public Works.</p>
4. Protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including water protection, securing sufficient residual water, hydraulic engineering and the safety of dams	<p>Exercised through—</p> <p>(a) National legislation on protection of the environment and sustainable development of natural resources (including benefit sharing);</p> <p>(b) development of a national strategy for protection and management of water resources;</p> <p>(c) implementation of the national strategy for protection and management of water resources including effluents to river courses (Concurrent);</p> <p>(d) controlled and equitable allocation of water abstraction rights and water use (securing sufficient residual water);</p> <p>(e) development of dams and other water storage facilities as water supply sources (hydraulic engineering) (concurrent);</p> <p>(f) Flood control (hydraulic engineering) Build up areas drainage in counties (concurrent);</p> <p>(g) Land reclamation(concurrent);</p> <p>(h) development of national standards for construction, safety and monitoring systems for dams and hydraulic engineering;</p> <p>(i) implementation of national policy and legislation on the protection of the environment and sustainable development of natural resources (concurrent);</p> <p>(j) planning and development of bulk water supply systems (hydraulic engineering ) (concurrent);</p>
5. Disaster management	<p>Exercised through—</p> <p>(a) formulation of a National Disaster Management Policy on water security and management;</p> <p>(b) implementation of the National Disaster Management Policy on water security (damages, shortages, pollution, floods, drought)and management;</p> <p>(c) monitoring water infrastructure systems, ensuring critical infrastructure is secure ( dam safety) and reliability of bulk water supply systems. (concurrent).</p>
6. Capacity building and technical assistance to the counties	<p>Exercised through—</p> <p>(a) development of collaboration and consultation mechanisms to facilitate counties to undertake their mandate;</p> <p>(b) development of benchmarks and standards for performance of county functions;</p> <p>(c) mobilize financing for and implement capacity building activities for counties on water service provision;</p> <p>(d) develop reserve capacity and expertise to step-in and provide technical support to counties;</p> <p>(e) implementation of capacity building programs and activities and provision of technical</p>

<i>Functions as listed as per the Fourth Schedule of the Constitution (Part 1 and 2)</i>	<i>Unbundled (National)</i>
	assistance; (f) monitoring, evaluation and reporting on the performance of county government functions.
7. Residual	Exercised through— (a) implementation of special projects and programs in line with the State's obligation towards progressive realization of the right to water, including drought mitigation, pro-poor initiatives, national water harvesting and storage program; (b) research and development, service innovation; (c) resource conflict management; (d) rain water harvesting and storage; (e) step-in obligation pursuant to Article 190(3) of the Constitution; (f) rapid assessment of projects, initial feasibility and packaging of ready projects.

For avoidance of doubt, the following functions have been transferred to the county governments in the water sector.

<i>Function as listed in Part 2 of the Fourth Schedule</i>	<i>Performed by the county governments through</i>
1. Implementation of specific National Government policies on natural resources and environmental conservation, including soil and water conservation	(a) implementation of specific national government policy related to water conservation; and (b) monitoring and reporting on implementation of specific policies related to natural resources and environment conservation in accordance with national Monitoring & Evaluation framework.
2. County public works and services, including— (a) storm water management systems in built-up areas; and (b) water and sanitation services	(a) development of county policy on water services in accordance with National Water Policy and National Water Services Strategy; (c) development of county legislation on water services in accordance with the national policies, norms and standards; (d) implementation of policy and legislation (both National and County) related to water and sanitation services; (e) appointment and monitoring of Water Service Providers (WSPs) in line with national guidelines; (f) enforcement of legislation, regulations and standards (both at National and County level) related to water and sanitation services; (g) planning for county public works related to water services and sanitation to meet demand; (h) mobilization of resources for county public works related to water and sanitation services; (i) implementation of county public works related to water and sanitation services; (j) implementation of pro-poor interventions in accordance with national guidelines; (k) asset management, maintenance, inventory and valuation of county public works related to water and sanitation; (l) rapid assessment of projects, initial feasibility and packaging of ready projects.

## 2. Functions of Regional Development Authorities

The following functions as captured under the second column hitherto performed by Regional Development Authorities is transferred to all the county governments.

*Note.*—The management of all ongoing projects and programmes covering the stated functions be handed over to the respective county governments together with the staff and other resources undertaking the functions as listed.

<i>Function as listed in Part 1 of the Fourth Schedule</i>	<i>National Government (Unbundled components)</i>	<i>Function as listed in Part 2 of the Fourth Schedule</i>	<i>County Government (unbundled)</i>
1. Paragraph 21 of Part 1 of the Fourth Schedule: General principles of land planning and the co-ordination of planning by the counties	The Regional Development Authorities functions: 1. Prepare and cause implementation of Integrated Regional Development Master Plans.	Agriculture, including— (a) crop and animal husbandry; (b) livestock sale yards; (c) county abattoirs; (d) plant and animal disease control; and (e) fisheries.	(a) establishment of tree nurseries; (b) animal husbandry extension services; (c) agricultural extension services; (d) construction of water pans; (e) horticultural development; (f) farmer Extension components relating to technology transfer in Fish farming; (g) Irrigation components; (h) tree seedlings-production and planting; (i) brick making; (j) beekeeping – (outside buffer zone and riparian zones) and refinery; (k) livestock fattening/finishing and marketing; and (l) AI extension services.



<i>Function as listed in Part 1 of the Fourth Schedule</i>	<i>National Government (Unbundled components)</i>	<i>Function as listed in Part 2 of the Fourth Schedule</i>	<i>County Government (unbundled)</i>
<p>2. Paragraph 9 of Part 1 of the Fourth Schedule: National economic policy and planning.</p> <p>3. Paragraph 22 of Part 1 of the Fourth Schedule: Protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including, water protection, securing sufficient residual water, hydraulic engineering, the safety of dams; and energy policy.</p> <p>Paragraph 33 of Part 1 of the Fourth Schedule: Public investment.</p>	<p>2. Promote and improve economic performance and enhance the regions' competitiveness through identification of regional resources, investment opportunities and development priorities.</p> <p>3. Initiate, plan and Implement basin-based integrated development programmes and projects for sustainable utilization of natural resources in the Area including the abstraction and use of the same</p> <p>4. Develop and manage sustainable multipurpose dams in the Area.</p> <p>5. Monitor and evaluate basin-based integrated development programmes and projects within the Area for effective implementation and future planning.</p> <p>6. Establish and manage an up to-date river basin natural resource data and information system necessary for planning and development of the Area.</p> <p>7. Provide advisory services to the national government and other institutions on the resource based development and investment opportunities in the Area.</p> <p>8. Develop a broad consultative and collaborative framework with the private sector, development partners and other appropriate agencies in the development of the Area through—</p> <p>(a) basin-based resource studies;</p> <p>(b) knowledge and information sharing; and</p> <p>(c) technology transfer and capacity building.</p> <p>9. Initiate, plan, promote, implement and manage sustainable integrated resource based investments.</p> <p>10. Develop a broad consultative and collaborative framework with the private sector, development partners and other appropriate agencies in the development of the Area.</p> <p>11. Undertake resource mobilization and investment through Public Private Partnership, implementation of value addition and income generating projects.</p> <p>12. Co-ordinate, liaise and work with other relevant agencies in the exploration, development and protection of the fishery and other marine resources in the exclusive economic zone of Kenya.</p>		

<i>Function as listed in Part 1 of the Fourth Schedule</i>	<i>National Government (Unbundled components)</i>	<i>Function as listed in Part 2 of the Fourth Schedule</i>	<i>County Government (unbundled)</i>
	<p>13. Advise on, and provide technical support in the implementation of any agreement or other arrangement between Kenya and other states relating to the use of the waters of Lake Victoria or the river Nile.</p> <p>14. Implement National Government Strategic programmes and perform other related functions and activities as may be necessary to promote and sustain the socio-economic development in the Area.</p> <p>15. Undertake programmes and projects that promote resolution of basin-based resource use conflicts.</p> <p>16. Advise and provide technical support to the counties.</p> <p>17. Liaise and work with the counties in the development and implementation of regional development projects and programmes.</p>		
		<p>Implementation of specific national government policies on natural resources and environmental conservation, including—</p> <p>(a) soil and water conservation; and</p> <p>(b) forestry.</p>	<p>(a) terracing;</p> <p>(b) Soil and water conservation;</p> <p>(c) domestic water supply.</p>

## 3. LAND FUNCTIONS

## A PHYSICAL PLANNING FUNCTIONS

<i>Functions as Listed in the Fourth Schedule</i>	<i>National Government</i>	<i>County Government</i>
General principles of Land Planning (Physical Planning)	<p>(a) preparation of Land Use Policy;</p> <p>(b) development of Human Settlements Strategies;</p> <p>(c) preparation of guidelines, manuals and standards;</p> <p>(d) providing guidance on proper Institutional Structures for handling Physical Planning and Urban Development;</p> <p>developing strategies and promotion of eco-planning practices;</p> <p>(e) provide general advisory services on all matters of Physical Planning;</p> <p>(f) conduct research on physical planning matters;</p> <p>(g) developing Strategies and Promotion of eco- planning practices.</p>	Implementation of policies in line with the National Government.
Capacity building and technical assistance	Preparation and dissemination of physical planning manuals and guidelines to standardize the practice of physical planning in all counties. Preparation of physical planning manuals and guidelines to standardize the practice of physical planning in all counties.	
	<p><i>Plan Preparation</i></p> <p>(a) preparation and approval of the National Physical Development Plan;</p> <p>(b) provide a framework for preparation of Regional Physical Development Plans;</p> <p>(c) preparation of physical plan for reserved public land held by national government;</p> <p>(d) preparation of frameworks to guide the siting of Public and Private investment projects of national importance;</p> <p>(e) preparation of Plans to facilitate alienation of land held by the National Government;</p> <p>(f) preparation of physical development plan for special projects,</p>	<p><i>County Physical Development Plans:</i></p> <p>To provide an overall spatial development framework for the county, interpret and localize national and regional policies and strategies and provide a basis for a balanced urban and rural development. It includes,</p> <p>Local physical development plans to provide a framework for development, redevelopment or renewal, guide development of infrastructure, regulates the use and</p>

<i>Functions as Listed in the Fourth Schedule</i>	<i>National Government</i>	<i>County Government</i>
	including, Special Economic Zones, Resort Cities, Techno cities and Industrial parks; (g) preparation of thematic plans to facilitate acquisition of land for National projects including transport corridors.	development of land in a city, municipality, town, rural or market centre.
	<i>ment Control</i> Quality control in line with the defined norms and standards of physical planning.	<i>Development Control</i> Regulate the orderly planning and growth of urban and rural areas.
Regulation of the Physical Planning Profession	(a) register all eligible persons to practice as physical planners; (b) review, harmonize and set guidelines for accreditation of planning curricula in Kenya; (c) set guidelines and conduct continuous professional development for graduates and registered planners; (d) enquire into professional misconduct of a member and institute disciplinary proceedings against such a member.	

## B. LAND ADMINISTRATION FUNCTION

<i>National Government</i>	<i>County Government</i>
<ol style="list-style-type: none"> <li>1. Formulation of land administration and management policy and legislation.</li> <li>2. Administration and management of land in collaboration with the county government and other agencies.</li> <li>3. Collection of land rents, stamp duty, fees and charges.</li> <li>4. Preparation of land leases on behalf of National and County Governments.</li> <li>5. Provision of technical advice on land matters to the Government and other agencies.</li> <li>6. Co-ordinate the implementation of land administration and management related policies.</li> <li>7. Approval of extension and renewal of leases.</li> <li>8. Approval of alienation of National Government land.</li> </ol>	<ol style="list-style-type: none"> <li>1. Formulation of specific county policy on land administration in line with the national government policy.</li> <li>2. Implementation of land policies.</li> <li>3. Approval of land development proposals.</li> <li>4. Recommendation for approval of extension and renewal of leases.</li> <li>5. Enforce compliance with special conditions on land leases.</li> <li>6. Collection of land rates.</li> </ol>

## C LAND REGISTRATION FUNCTION

<i>National Government</i>	<i>County Government</i>
<ol style="list-style-type: none"> <li>1. Registration of all documents for all land transactions, under the various land Registration Statutes including Transfers, Charges and Mortgages, Probate.</li> <li>2. Registration of documents including Deed polls, Floor plans, Deeds of rectification, Powers of Attorney, Agreements, Indemnities.</li> <li>3. Preparation and processing of various registrable documents, issuance of Title Deeds and Certificates of Title for all categories of land registered under the various land registration statutes.</li> <li>4. Issuance of searches.</li> <li>5. Issuance of relevant consents.</li> </ol>	Approval of development proposals, including subdivisions, amalgamations, change of user, partition and compliance certificate.
<ol style="list-style-type: none"> <li>6. Preparation of provisional and replacement titles as by law provided.</li> <li>7. Preparation and issuance of certificates of incorporation under the Trustees (Perpetual Succession) Act (Chapter 164).</li> <li>8. Maintaining manual and electronic records and allowing access on request.</li> <li>9. Assessment and stamping of instruments with the requisite Stamp Duty under the Stamp Duty Act (Chapter 480).</li> <li>10. Inspection and control of Duty Franking Machines.</li> <li>11. Hearing and determining land boundary and other land disputes.</li> <li>12. Hearing of removal of cautions, restrictions and other encumbrances.</li> <li>13. Offering both technical and legal advice to the Attorney- General, Office of the Director of Public Prosecutions, Ethics and Anti-Corruption Commission and other commissions whenever sought.</li> <li>14. Registration of sectional properties.</li> </ol>	

## D VALUATION FUNCTION

<i>National Government</i>	<i>County Government</i>
<ol style="list-style-type: none"> <li>1. Revenue collection.</li> <li>2. Stamp duty.</li> <li>3. Valuation for rental.</li> <li>4. assessment upon subdivision, change of user and lease extension.</li> <li>5. Government purchase/sale/book purposes/ insurance etc) for— <ol style="list-style-type: none"> <li>(a) national government;</li> <li>(b) parastatals/cor-porations;</li> <li>(c) foreign missions including Embassies and High Commissions.</li> </ol> </li> <li>6. Valuation for Government leasing by the National Government, parastatals/ corporations and other state organs as well as the county governments for standardization purposes.</li> <li>7. Management of the Valuers Registration Board established under section 3 of the Valuers Act.</li> <li>8. Management of the Estates Registration Board.</li> <li>9. Valuation for probate purposes.</li> <li>10. Valuation for compulsory land acquisition.</li> <li>11. Valuation of Government assets.</li> </ol>	<ol style="list-style-type: none"> <li>1. Revenue collection by county governments.</li> <li>2. Valuation for rating</li> </ol>

## E LAND ADJUDICATION AND SETTLEMENT FUNCTIONS

<i>National Government</i>	<i>County Government</i>
<p><i>Land Adjudication</i></p> <ol style="list-style-type: none"> <li>1. Mobilization of resources for land adjudication and settlement programmes.</li> <li>2. Provide technical advice on land adjudication and settlement.</li> <li>3. Policy, legal framework and enforcement of regulation and standards for land adjudication and settlement programmes.</li> <li>4. Oversight role on land adjudication and settlement programmes.</li> <li>5. Preparation of national programme for land adjudication.</li> <li>6. Gazettement of Land Adjudication areas and officers.</li> <li>7. Revenue collection.</li> <li>8. Staff recruitment, development and deployment.</li> <li>9. Clearance and issuance of authority to declare adjudication sections.</li> <li>10. Issuance of Certificates of Finality of adjudication sections.</li> <li>11. Registration of adjudication sections for titling.</li> <li>12. Maintenance of national land adjudication information.</li> <li>13. Acquisition of maps, satellite imageries and adjudication records.</li> <li>14. Custody of Final Adjudication Register.</li> <li>15. Preparation of the national status report on land adjudication and settlement programmes.</li> <li>16. Monitoring and evaluation of land adjudication and settlement programmes.</li> <li>17. Implementation of land adjudication programmes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Identification of land for adjudication.</li> <li>2. Mobilization and sensitization of communities for land adjudication.</li> <li>3. Mobilization of additional resources.</li> <li>4. Preparation of the County status report on land adjudication and settlement programmes.</li> <li>5. Administration and management of group ranches.</li> </ol>
<p><i>Settlement of landless</i></p> <ol style="list-style-type: none"> <li>1. Mobilization of resources.</li> <li>2. Staff recruitment, development and deployment.</li> <li>3. Acquisition of land for settlement schemes.</li> <li>4. Approval of beneficiaries, issuance of letters of offer and documentation of settlers.</li> <li>5. Registration of settlement schemes for issuance of title-deeds.</li> <li>6. Collection of Settlement Fund Trustee loans and charges.</li> <li>7. Management of National data on land adjudication and settlement.</li> <li>8. Oversight role on identification and placement of beneficiaries.</li> <li>9. Enforcement of settlement Regulations.</li> <li>10. Planning of settlement schemes.</li> <li>11. Survey and demarcation of settlement plots.</li> <li>12. Identification and placement of beneficiaries.</li> <li>13. Implementation of settlement programmes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Mobilization and sensitization of communities for settlement programme.</li> <li>2. Mobilization of additional resources.</li> </ol>

## F HOUSING FUNCTIONS

<i>National Government</i>	<i>County Government</i>
<p>The Constitution designates the National Government to undertake research and related activities under Articles - 6(3), 11(2)(b)(c); and specifically the Fourth Schedule (Part1 – 12, 14, 16, 20, 24, and 32).</p> <p>The ABMT (Appropriate Building Materials and Technology) function at the National Government level entails—</p> <p>(a) development and promotion of affordable housing policy;</p> <p>(b) facilitation and coordination of actors towards delivery of affordable and adequate housing;</p> <p>(c) promote appropriate forms of housing delivery through Public Private Partnership and other emerging housing finance models;</p> <p>(d) formulation and continuous updating of the regulatory framework on ABMT;</p> <p>(e) establishment of ABMT centres to facilitate—</p> <ul style="list-style-type: none"> <li>• capacity building;</li> <li>• collaborative research and documentation;</li> <li>• technology incubation and enterprise development; and</li> <li>• technology transfer through capacity building trainings and dissemination;</li> </ul> <p>(f) preparation of Memorandum of Understanding (MoU) on collaborative research, technology incubation and enterprise development and capacity building with various strategic partners;</p> <p>(g) incubation of viable local technologies and reverse engineering of other technologies;</p> <p>(h) facilitating branding, standardization and quality control on application of ABMT;</p> <p>(i) co-ordination and management of inventory for accredited ABMT professionals, technicians and artisans;</p> <p>(j) development of curriculum and manuals on ABMT trainings and user application processes;</p> <p>(k) development of short courses on ABMT and green building application;</p> <p>(l) monitoring and evaluation for feedback.</p>	<p>(a) provision of land for ABMT development;</p> <p>(b) participating in the management of ABMT Centres;</p> <p>(c) establishment of ABMT Centres.</p> <p>(d) localization of ABMT training manual;</p> <p>(e) mobilization of local trainees; and</p> <p>(f) facilitate dissemination and uptake of researched and incubated technologies.</p>
<p><i>Housing Policy Management</i></p> <p>(a) policy formulation;</p> <p>(b) monitoring and auditing the implementation of the policy;</p> <p>(c) conducting and dissemination of national housing survey findings;</p> <p>(d) periodic review and evaluation of national housing policy;</p> <p>(e) development of a framework and support to counties in cascading of National Housing Policy;</p> <p>(e) formulation of housing standards;</p> <p>(f) provision of housing basic services to support national projects;</p> <p>(g) mobilize funds for infrastructure development.</p>	<p>(a) domesticate the National Housing Policy ;</p> <p>(b) implement the Housing Policy;</p> <p>(c) conduct county specific housing surveys;</p> <p>(d) institute mechanisms for availing land for housing development including land banking;</p> <p>(e) planning and development of housing;</p> <p>(f) housing infrastructure development; and</p> <p>(g) mobilize funds for infrastructure development.</p>
<p><i>Management of Building and Construction standards and codes</i></p> <p>Formulation of building Regulations and standards.</p>	<p>Monitoring the compliance of regulations and standards in their respective counties.</p>
<p>National Secretariat for Human Settlement</p> <p>(a) co-ordination of national secretariat for human settlement;</p> <p>(b) co-ordinate the implementation of the UN-Habitat resolutions and agenda;</p> <p>(c) co-ordinate Kenya's input in housing and human settlements issues in Africa through the AU STC No. 8.</p> <p>(d) facilitate Kenya's contribution towards the work of Shelter Afrique in Africa.</p>	<p>Implement the habitat agenda and other international decisions and conventions on human settlement to which Kenya is party.</p>
<p><i>KISIP</i></p> <p>(subject to the existing conditions in the financing agreement with World Bank)</p> <p>Co-ordination of projects in 15 selected municipalities as per the existing terms of agreement.</p>	<p>Implementation of projects in the selected 15 municipalities.</p> <p>(a) identification, implementation and management of projects in slums;</p> <p>(b) prevention of slum proliferation and up-grading of existing slums;</p> <p>(c) up-date county slum registry;</p> <p>(d) formation and management of housing co-operatives in slums.</p>

<i>National Government</i>	<i>County Government</i>
<p>Slum upgrading</p> <p>(a) co-ordinate formulation, implementation, review and monitoring of National Slum Up-grading and Prevention Policies;</p> <p>(b) co-ordinate the formulation and implementation of regulatory, institutional framework and standards to guide the slum upgrading and prevention initiatives;</p>	
<p>(c) co-ordinate establishment and maintenance of national database of slums and informal settlements;</p> <p>(d) co-ordination of multi-stakeholder support groups on slum upgrading initiatives;</p> <p>(e) spearhead research on best practices through international collaboration and benchmarking;</p> <p>(f) co-ordinate local partnerships and lobby international actors in slum upgrading initiatives;</p> <p>(g) co-ordinate fund mobilization and management from development partners;</p> <p>(h) capacity building of the counties and stakeholders and offer technical assistance in slum upgrading and prevention initiatives;</p> <p>(i) co-ordinate the development and implementation of cross cutting intervention projects in slums and informal settlements;</p> <p>(j) co-ordinate implementation of relevant SDG goals, particularly Goal 11 target 1.</p>	
<p>Management of Housing for Civil Servants and Disciplined Forces</p> <p>(a) maintenance and management of National Government houses—</p> <ul style="list-style-type: none"> <li>• state houses and lodges; and</li> <li>• institutional houses;</li> </ul> <p>(b) management and maintenance of Civil Servants and Disciplined Forces houses (security buildings);</p> <p>(c) development of houses for Civil Servants and Disciplined Forces;</p> <p>(d) Security of Government houses;</p> <p>(e) registration of Government houses;</p> <p>(f) rental income management;</p> <p>(g) allocation of houses in consultation with the County Government;</p> <p>(h) placement of civil servants.</p>	<p>(a) Management and maintenance of houses that belonged to county, municipal and city councils;</p> <p>(b) management of County Government houses (management of institutional houses that are attached to devolved functions);</p> <p>(c) management of rental income for County Government houses;</p> <p>(d) placement of tenants in County Government houses;</p> <p>(e) rent submission to the national government for the National Government pooled houses (until assets are shared between the two levels of Government).</p>
<p>Management of Civil Servants Housing Scheme—</p> <p>(a) development of housing projects for sale/rent;</p> <p>(b) management of fund's estates;</p> <p>(c) mobilization of funds for housing development.</p>	<p>(a) counties to initiate independent mortgage schemes;</p> <p>(b) identification of suitable land for housing development;</p> <p>(c) development of housing projects for sale/rent;</p> <p>(d) mobilization of funds for housing development.</p>
<p>Public office accommodation and lease management—</p> <p>(a) formulation of office accommodation and leasing policy;</p> <p>(b) leasing office and residential accommodation for National Government;</p> <p>(c) management of office accommodation;</p> <p>(d) audit office accommodation;</p> <p>(e) lease management.</p>	<p>(a) maintaining inventory of owned and leased office accommodation;</p> <p>(b) implementation of office accommodation and leasing policy; management of office accommodation;</p> <p>(c) audit office accommodation;</p> <p>(d) lease management.</p>
<p>Maintenance of Inventory of Government Property—</p> <p>(a) maintain an inventory of national government owned houses;</p> <p>(b) maintain inventory of leased houses and buildings;</p> <p>(c) set and ensure quality maintenance standards for all Government houses;</p> <p>(d) mobilize funds for housing development;</p> <p>(e) creation of housing funds.</p>	<p>(a) maintain an inventory of county owned houses; and</p> <p>(b) maintain inventory of leased houses and buildings by county.</p>

## F URBAN DEVELOPMENT FUNCTIONS

<i>National Government</i>	<i>County Government</i>
<p>National Urban Policy—</p> <p>(a) policy formulation and review;</p> <p>(b) development of legislation for Urban areas and Cities;</p> <p>(c) develop Regulations on criteria for and the classification, governance and management of urban areas and cities (urban planning, research, development programmes and management);</p> <p>(d) develop regulations for participation of residents in the governance of urban areas and cities;</p> <p>(e) develop regulations on principles of governance and management of urban areas and cities;</p> <p>(f) develop regulation on, standards and guidelines for planning, development control, and urban management standards of urban areas and cities;</p> <p>(g) conduct monitoring and auditing of urban development agenda to guide;</p> <ul style="list-style-type: none"> <li>• benchmarking urban development best practices; and</li> <li>• dissemination of national urban policy surveys and findings;</li> </ul> <p>(h) development and operationalization of urban observatory/databank.</p>	<p>(a) implementation of the National Urban Policy;</p> <p>(b) develop county urban legislation for Urban areas and cities;</p> <p>(c) ensure quality control and standardization of urban planning and programmes implementation;</p> <p>(d) implement best practices in urban development;</p> <p>(e) implementation of regulations on criteria for and the classification, governance and management of urban areas and cities;</p> <p>(f) facilitate coordination framework meetings to strategize the urban development agenda;</p> <p>(g) facilitate conducting monitoring and auditing of urban development agenda to guide:</p> <ul style="list-style-type: none"> <li>• benchmarking urban development best practices;</li> <li>• dissemination of national urban policy surveys and findings;</li> </ul> <p>(h) facilitate collection of urban data.</p>
<p>National Urban Public Works—</p> <p>(a) formulate strategies for National Urban Public Works;</p> <p>(b) implement the strategies for National Urban Public Works for Nairobi and special urban cities, including Konza, Kilifi and Isiolo</p>	<p>Implementation of the strategies for National Urban Public Works, including market hubs, lorry parks, strategic urban roads, strategic bus parks, water schemes, stadia and urban roads.</p>
<p>Environmental Protection—</p> <p>(a) formulate strategies on environmental protection. Target areas being, solid waste management, stormwater drainage and urban sanitation programmes;</p> <p>(b) formulate and implement strategies on urban areas and cities environmental protection;</p> <p>(c) monitoring and auditing the implementation of the national urban development policy</p>	<p>(a) implementation of the strategies for environmental protection; and</p> <p>(b) facilitate monitoring and auditing of environmental protection programmes.</p>
<p>Disaster Management—</p> <p>(a) formulate and implement disaster management policy;</p> <p>(b) urban safety profiling at the national level for Nairobi and other special urban areas and cities;</p> <p>(c) monitoring and auditing the implementation of the national urban development policy.</p>	<p>(a) implementation of strategies on disaster management;</p> <p>(b) facilitate profiling of urban safety areas; and</p> <p>(c) support monitoring and auditing of implementation programmes.</p>
<p>Capacity and Technical Assistance to counties—</p> <p>(a) formulate and implement capacity building and technical assistance to counties urban development and urbanization issues. (both soft and hard component on urban infrastructure development);</p> <p>(b) monitoring and auditing the implementation of capacity building and technical backstopping to counties on urban development and urbanization issues.</p>	<p>(a) implementation of the strategies for capacity building and technical backstopping to counties urban development and urbanization issues; and</p> <p>(b) facilitate monitoring and auditing of capacity building and technical backstopping to counties on urban development and urbanization issues.</p>
<p>Public Investments—</p> <p>(a) formulate public investment strategies for urban areas and cities (These covers the entire urban agenda);</p> <p>(b) co-ordinating development partner supported activities in urban and cities;</p> <p>(c) facilitate co-ordination of inter-sectoral investment in urban areas.</p>	<p>(a) implementation of the strategies for public investment for urban areas and cities; and</p> <p>(b) facilitate monitoring and auditing of the strategies for public investment for urban areas and cities.</p>

## 4. LAND SURVEYING AND MAPPING FUNCTIONS

## County Planning and Development

- (a) Land Survey and mapping
- (b) Boundaries and fencing
- (c) Housing

<i>National Government</i>	<i>County Government</i>
<p>1. Formulation of survey policy and legislation.</p> <p>2. Regulation of survey activities.</p> <p>3. Co-ordinating and overseeing statutory bodies established to regulate surveyors and related professionals.</p>	<p>Implementation of policies and guidelines on survey and mapping activities at the county as per the legislation.</p>

<i>National Government</i>	<i>County Government</i>
<p><i>Provision of survey controls</i></p> <ol style="list-style-type: none"> <li>1. Definition, establishment and maintenance of Kenya Geodetic Reference Frame (KENREF) in line with the International Terrestrial Reference Frame (ITRF), and as part of the African Geodetic Reference Frame (AFREF).</li> <li>2. Establishment of a National Geodetic Control Network from 1st to 3rd order.</li> <li>3. Establishment of Real-time Kinematic Continuous Operating Reference Stations Network (RTK CORS Network) and the CORS Centre.</li> <li>4. Establishment of Very Long Baseline Interferometry (VLBI).</li> <li>5. Astronomical observations for positioning purposes,</li> <li>6. Definition, establishment and maintenance of the National Vertical Datum.</li> <li>7. Gravity and magnetic measurements.</li> <li>8. Establishment of a national geoidal model.</li> <li>9. Carrying out crustal deformation monitoring.</li> <li>10. Photo control for use in preparation of base maps.</li> <li>11. Provision of fundamental vertical controls.</li> </ol>	<ol style="list-style-type: none"> <li>1. Establishment of a 3rd – 4th order geodetic controls.</li> <li>2. Provision lower order vertical controls.</li> <li>3. Utilization of modern state of the art National Positioning System (X,Y,Z and t).</li> </ol>
<p>International boundary surveys— Survey, inspect and maintain international boundaries.</p>	<p>County governments bordering neighboring countries to submit reports on status of the international boundaries to the National Government.</p>
<p>Provision and maintenance of up to date cadastre</p> <ol style="list-style-type: none"> <li>1. Formulation of cadastre policies and Regulations.</li> <li>2. Develop and maintain national cadastral standards.</li> <li>3. Undertake cadastral surveys.</li> <li>4. Establish cadastral information system.</li> <li>5. Registration, checking and authentication of surveys,</li> <li>6. Preparation of survey manuals.</li> <li>7. Processing, analysis and dissemination of geospatial data.</li> <li>8. Verification and maintenance of property registration maps.</li> <li>9. Custodianship of all property registration maps.</li> <li>10. Resolution of property boundary disputes.</li> </ol>	<ol style="list-style-type: none"> <li>1. Determination and identification of property boundaries.</li> <li>2. Inspection and verification of fencing.</li> <li>3. Setting out of buildings.</li> <li>4. Setting out of road reserves, riparian reserves, etc.</li> <li>5. Application of survey standards;</li> <li>6. Providing access to georeferenced survey and mapping data to private and public institutions such as financial institutions, educational institutions, directorate of public works.</li> <li>7. Resolution of property boundary disputes (concurrent).</li> <li>8. Revenue collection.</li> <li>9. Preparation of survey plans and documents.</li> </ol>

<p>Calibration of survey equipment</p> <ol style="list-style-type: none"> <li>1. Establishment of national calibration bases for all survey and mapping equipment.</li> <li>2. Certification of survey and mapping equipment.</li> </ol>	<p>Ensure survey equipment procured by the county are calibrated.</p>
<p>County Boundaries</p> <p>Survey, inspection and maintenance of county boundaries in collaboration with the county governments.</p>	<p>Submit status reports on the national boundaries to the National Government</p>
<p>Land Development</p> <p>Provide advice on land development matters.</p>	<p>Approval of land development proposals.</p>
<p>Hydrographic Surveys</p> <ol style="list-style-type: none"> <li>1. Formulation of hydrographic survey policies and Regulations.</li> <li>2. Develop and maintain national hydrographic survey standards.</li> <li>3. Preparation of hydrographic survey manuals.</li> <li>4. Carry out hydrographic surveys.</li> </ol> <p>Checking and authentication of hydrographic surveys</p> <ol style="list-style-type: none"> <li>5. Custody of all hydrographic survey data.</li> <li>6. Processing, analysis and dissemination of hydrographic data.</li> <li>7. Preparation and maintenance of bathymetric charts.</li> <li>8. Dissemination of hydrographic data.</li> <li>9. Delineation and delimitation of Kenya's maritime boundaries and zones.</li> <li>10. Co-ordination of national and international hydrographic survey activities.</li> <li>11. Calibration, certification and maintenance of hydrographic surveys equipment.</li> <li>12. Advising the County Government on Hydrographic surveys.</li> <li>13. Provides secretariat to the National Hydrographic and Oceanographic Committee.</li> <li>14. Carrying out marine crustal deformation monitoring survey.</li> </ol>	<ol style="list-style-type: none"> <li>1. Collect hydrographic data on internal waters within the county.</li> </ol> <p>Submit hydrographic data to the Director of surveys.</p> <ol style="list-style-type: none"> <li>2. Disseminate hydrographic data to the public.</li> <li>3. Costing of hydrographic mapping projects at the county level.</li> <li>4. Production of inundation maps for flood monitoring and decision-making.</li> <li>5. Survey of water bodies for recreational purposes and monitoring of siltation levels.</li> <li>6. Capacity building on hydrography.</li> </ol> <p>Implementation of guidelines, standards and policies on hydrography.</p> <ol style="list-style-type: none"> <li>7. Sensitization of the public on maritime safety within the county.</li> <li>8. Management of riparian reserves (rivers, lakes) in line with National Government policy.</li> </ol>



<i>National Government</i>	<i>County Government</i>
15. Implementation of United Nations Law of the Sea and other related international maritime laws. 16. Measurement of ocean dynamics including Tidal data, currents, pressure and salinity. 17. Establishment and maintenance of tidal gauges. 18. Harmonization of the hydrographic datum with the national geodetic datum. 19. Estimation and costing of hydrographic mapping projects. 20. Shoreline surveys for oceans and lakes.	1.
<i>Photogrammetry</i>	
1. Formulation of photogrammetry policies and Regulations. 2. Develop and maintain national photogrammetry standards. 3. Preparation of photogrammetric manuals. 4. Carry out national photogrammetric works. 5. Checking and authentication of photogrammetric works. 6. Preparation and maintenance of photogrammetric datasets. 7. Processing, analysis and dissemination of photogrammetric datasets. 8. Research, acquisition, calibration, maintenance and upgrades of photogrammetric instruments. 9. Research, development, maintenance and revision of photogrammetric production standards in line with national and international photogrammetric standards. 10. Developing, maintaining and enforcing imagery specifications.	1. Implementation of photogrammetry policies, standards and Regulations at county level. 2. Carry out photogrammetric activities at county level. 3. Submission of photogrammetric datasets to the national database for authentication and archival. 4. Dissemination of photogrammetric data sets at county level. 5. Implementing imagery specifications for county photogrammetric works. 6. Carrying out aerial triangulation and adjustment. 7. Budgeting and costing of county photogrammetric projects.
11. Clearance and Authorization of aerial imagery. 12. Carrying out flight planning, aerial photography and satellite imagery acquisition for international boundary corridors. 13. Preparation and determination of photo control within international boundary corridors 14. Carrying out flight planning, aerial photography and satellite imagery acquisition for national photogrammetric works. 15. Carrying out aerial triangulation and adjustment.	
16. Photogrammetric data coding and classification. 17. Budgeting and costing of photogrammetric projects. 18. Monitoring and evaluating the photogrammetric activities at national level. 19. Certification of Photogrammetric equipments at national level. 20. Controlling dissemination of photogrammetric data sets at national level. 21. Certification of Photogrammetric equipments at national level.	
<i>Cartography</i>	
1. Formulate and review of cartographic policies and Regulations. 2. Develop and maintain national cartographic standards. 3. Preparation of cartographic manuals. 4. Processing, analysis and dissemination of cartographic data. 5. Preparation of county boundary maps. 6. Production, charting and updating of National Maritime boundary maps and aeronautical charts for safe navigation. 7. Participate in international research projects. 8. Collect, record, analyze, summarize and map statistical information on disaster preparedness and disseminate occurrences, impacts and losses, on a regular basis. 9. Production and updating of utility infrastructure maps for purposes of installation of sewers, power lines, water pipes etc.	1. Design, production and updating of inundation maps for flood monitoring and decision-making. 2. Implementing the County Postal codes. 3. Production and updating of utility infrastructure maps for purposes of installation of sewers, power lines and water pipes. 4. Collection of primary and secondary data for preparation of topographical base maps. 5. Drawing of Survey plans and cadastral maps. 6. Sale of maps to members of the public. 7. Sensitization of the public on matters relating to boundary maps and cadastral plans. 8. Co-ordination of cartographic activities within the county.
10. Contribution to the production of the Global and other international maps.	
11. Overseeing of research on new and emerging technologies.	
12. Production and updating of International and National series of navigation charts.	
13. Contribution to the Regional Marine Spatial Data Infrastructure.	

<p>14. Collaboration and co-ordination of the activities of the International Cartographic Organization.</p> <p>15. Harmonization of the National Gazetteer on Geographic Names with the International Gazetteers.</p>	
<p>16. Scheming of both International and National Series of charts- Determination of scales.</p>	
<p>17. Mapping and maintenance of Kenya's Maritime boundaries and Zones including Territorial Waters, Exclusive Economic Zone and Extended Continental Shelf.</p> <p>18. Develop and implement the World Postal codes to speed the sorting and processing of mail by assigning unique numeric or <a href="#">alphanumeric</a> codes to each <a href="#">geographical</a> locality.</p>	
<p>19. Dissemination of Maritime safety information to Mariners in form of up to date Navigational Charts.</p> <p>20. Collaboration with other international Charting Organizations.</p> <p>21. Production of the National Atlas.</p> <p>22. Design, production and updating of National Topographic, Thematic and Special Maps.</p>	9.
<p>23. Compilation, Publication, Co-ordination and Implementation of the National Gazetteer on Geographical Names.</p> <p>24. Co-ordination, Verification and Standardization of data produced by both the public and private organizations for onward transmission to the Kenya National Spatial Data Infrastructure. (KNSDI).</p> <p>25. Design, approval and costing for implementation of national Cartographic projects.</p>	
<p><i>Photolithography</i></p> <p>1. Formulate and review of map printing policies and Regulations.</p> <p>2. Develop and maintain national map printing standards.</p> <p>3. Preparation of map printing manuals.</p> <p>4. Reproduction of Global map used to monitor climate change and global disaster management among other purposes to facilitate the implementation of global agreements and conventions for environmental protection, for monitoring of major environmental phenomena and to encourage economic growth within the context of sustainable development, as part of this objective.</p> <p>5. Reproduction, publishing and dissemination of topographical, basic, base and thematic maps.</p>	<p>1. Reproduction and sale of county maps.</p> <p>2. Production of stationery for county consumption, including compliments for the county officers.</p> <p>3. Commercial production of magazines, brochures, books and posters so as to generate revenue for the county.</p> <p>4. Printing of county tourist and road maps to show roads and county attraction sites, historical sites and shrines.</p> <p>5. Physical development plans, including roads, buildings printing.</p> <p>6. Dye-line printing of county plans.</p>
<p>Research of new and emerging printing technologies.</p> <p>6. Production and publishing of Kenya National Atlas and regional Atlases.</p> <p>7. Printing of tourist maps for use by local and international tourists.</p> <p>Printing of stationery for the various Government ministries e.g folders, calendars, mutation forms, survey checking forms, field notes, cadastral maps.</p> <p>8. Printing of development plans.</p> <p>9. Commercial printing, including magazine, poster charts, brochures to generate revenue for the Government.</p> <p>10. Publishing and production of maps for examinations e.g. educational maps.</p> <p>11. Enlarging and reducing of imageries, maps, plans and charts.</p>	<p>7. Colour separations, proofing and maintaining survey and mapping equipment.</p> <p>8. Preparing machines for press printing and sorting.</p> <p>9. Text generations, plate making and trimming.</p> <p>10. Binding outputs, updating printing records and controlling dissemination of printed outputs.</p> <p>11. Enlarging and reducing of imageries, maps, plans and charts.</p> <p>12. Preparing processing solutions image capture, processing of films, planning and designing of manuscripts and layouts.</p>
<p>12. Preparing processing solutions image capture, processing of films, planning and designing of manuscripts and layouts.</p> <p>13. Binding outputs, updating printing records and controlling dissemination of printed outputs.</p>	
<p><i>Geospatial data Management</i></p> <p>1. Developing of geospatial processing systems, spatial information policies, GIS software, standards, procedures and user needs.</p> <p>2. Design and maintenance of standards for spatial data capture, processing and analysis in conformity to ISO standards.</p> <p>3. Integration, verification and approval of spatial data from other providers both at the national and international level to avoid data conflicts resulting from wrong data interpretation.</p> <p>4. Advising the service providers on matters related to spatial data capture, availability and access.</p>	<p>1. Collecting, co-ordinating and harmonizing all data captured locally and forwarding to the KNSDI for national/international distribution.</p> <p>2. Advising the county authorities on the usage of geospatial data for regional development and planning.</p> <p>3. Provision of geospatial data to public and professional users.</p> <p>4. Liaising with the National team for upcoming modern technologies with respect to geospatial data management.</p> <p>5. Creation, processing, cataloguing and up-dating of</p>

<p>5. Provide data access controlling usage of all spatial data to international and national use.</p> <p>6. Assessment, converting, analyzing and modeling geospatial data.</p> <p>7. Creating geospatial database and metadata, maintaining, updating and publishing of metadata.</p> <p>8. Development, maintenance and control of National Spatial Data Infrastructure (NSDI).</p> <p>9. Designing of clearinghouse and internet mapping, and manage geospatial information access; securing, sharing, estimating, costing and provision of geospatial information.</p> <p>10. Collecting, maintaining, harmonizing, archiving and controlling access of all geo-referenced geospatial data gathered nationally and locally with respect to infrastructure, cadastre, Topography and topology, Hydrography, Oceanography and Celestial.</p> <p>Researching and initiating new geospatial data management techniques and publishing metadata.</p> <p>11. Supervising the creation and up-dating of geospatial files, cards and registers.</p> <p>Maintaining and updating of clearing house and backup records.</p> <p>12. Supervising transformations, analysis and modeling of geospatial data and advising on the same for better interpretation of spatial data.</p> <p>13. Overseeing servicing, maintenance and up-grade of geospatial data equipment (computers, softwares and servers) for quality control of data.</p> <p>14. Validating the creation and up-dating of spatial data files, cards and registers, cataloguing; maintaining and up-dating of clearing house and backup.</p> <p>15. Ensuring safe and secure data storage, archiving and retrieval of geospatial data to avoid corruption.</p> <p>16. Estimating and costing of spatial data projects.</p> <p>17. Advising the National and County physical planners and stake holders on data usage and availability.</p> <p>18. Receiving, registering, capturing, processing, and indexing of Cadastral and utilities geospatial data from public and private producers.</p> <p>19. Maintenance of national survey data backup.</p>	<p>6. geospatial data records; overseeing research of new and emerging technologies and equipments.</p> <p>7. Setting out of spatial data systems and LSDI (local spatial data infrastructure).</p> <p>8. Digitization, indexing and preservation of geospatial data.</p> <p>9. Cataloguing, querying, developing metadata, and preserving all geospatial records for public consumption.</p> <p>10. Creating and up-dating geospatial files, cards and registers; indexing, and maintaining backup records and submit to the National Government for inclusion in the KNSDI.</p> <p>11. Carrying out geospatial data conversion, checking and archiving of geospatial data from producers.</p> <p>12. Recording, converting, analyzing and modeling of geospatial data.</p> <p>13. Servicing and maintaining geospatial records equipment.</p> <p>14. Supervising the processing, preservation, maintenance, cataloguing, storage, archiving and retrieval of geospatial records; and ensuring the preservation of geospatial records from public and private producers.</p>
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<p><i>National Spatial Data Infrastructure (KNSDI)</i></p> <p>1. Establishment of KNSDI.</p> <p>2. Development of legislation, policy and guidelines on KNSDI.</p> <p>3. Development of National Spatial Database Systems.</p> <p>4. Co-ordination of KNSDI activities.</p> <p>5. Establish KNSDI Centre.</p> <p>6. Develop Standards.</p> <p>7. Develop and maintain Clearing House.</p> <p>8. Develop Metadata Standards.</p>	<p>1. County Governments to establish SDI with guidelines from the National Government.</p> <p>2. Connectivity Networking in County/ Sub-County Offices.</p> <p>3. Data collection for upload to KNSDI.</p> <p>4. Establishment of County SDI Centres.</p> <p>5. Spatial Data Collection, processing, maintenance and dissemination to KNSDI centre.</p>
<p>Regulation of survey and mapping practice.</p> <p>To regulate survey and mapping professionals to ensure quality control (Land surveying, Cadastral surveying, Geodesy, Cartography, Photogrammetry and remote sensing, Photolithography, Hydrography, Geospatial data management systems, Geographical information systems and Astronomy).</p>	<p>1. Ensure compliance with the regulation.</p> <p>2. Carry out regular surveillance operation of the county survey offices and submit a report to the board.</p>

## 5. METROPOLIS

<i>National Government</i>	<i>County Government</i>
<p>Metropolitan policy and legal framework formulation</p> <p>Development of policies, strategies and guidelines.</p>	<p>Implementation of metropolitan policy in the counties.</p>
<p>Metropolitan boundary delineation</p> <p>1. Set up criteria for identification of metropolitan in consultation with the county governments.</p> <p>2. Facilitate establishment of metropolitan regions in the country in consultation with the county governments.</p>	<p>1. Identify the boundaries of the metropolis.</p> <p>2. Creation of the metropolitan region.</p>

Transforming metropolitan regions into world class metropolis 1. Establish world class governance systems. 2. Ensuring a safe and secure region. 3. Enhancing the quality of life. 4. Delivering a unique image and identity through place branding.	1. Establish metropolitan governance systems. 2. Metropolitan safety and security. 3. Enhanced quality of life in the metropolitan region. 4. Unique image branding in the metropolitan region.
Metropolitan mobility and transport Formulate Policy for the mobility and connectivity within Metropolitan areas and Inter-county connectivity.	1. Implementation of policy. Building of mobility infrastructure.
Metropolitan social-Infrastructure and enhancing quality of life Planning for an integrated of Metro- wide Water and sewerage system.	Ensuring compliance at the county level with Integrated Metro-wide plans.
Metropolitan spatial planning Preparation of metropolitan spatial planning framework.	1. Preparation of action area plans in conformity with metro wide spatial plans. 2. Implementation of metropolitan spatial planning framework.
Metropolitan spatial data infrastructure Development of a framework for the management of a metropolitan spatial data infrastructure.	Maintenance and management of spatial and GIS data.

## 6. PUBLIC WORKS FUNCTIONS

## National Public Works

## County Public Works

<i>National Government</i>	<i>County Government</i>
Public Works Policy 1. Formulation of Public Works policy. 2. Monitoring and management of implementation of the policy.	
Public Works Policy 3. Formulation of Public Works policy. 4. Monitoring and management of implementation of the policy. 5. Conducting and dissemination of public works survey findings. Facilitate effective coordination between County Public Works policy and National Public Works policy.	1. Implementation of County and National Public works policy. 2. Maintain a database on public works survey findings at county level. 3. County public works planning for county specific projects. Maintain and monitor register of planned public works projects in counties.
6. National Public works planning for National Government MDAs. 7. Maintain and monitor register of planned public works projects in Government MDAs.	
Maintenance of Inventory of Government Buildings and other Public Works 1. Maintain an inventory of national government buildings and other national public works. 2. Monitor inventory at National level to advice on future public works and maintenance. 3. Maintain records and drawings of all National public works and buildings.	1. Maintain and inventory of County Government buildings and other county public works. 2. Monitor inventory of county public works and their adequacy. 3. Maintain records and drawings of all county public works.
Development and management of Public Buildings and other Public Works. 1. Offer technical consultancy services to national government MDAs in the following areas— <ul style="list-style-type: none"> <li>• Architecture;</li> <li>• Quantity surveying;</li> <li>• Structural Engineering;</li> <li>• Civil Engineering;</li> <li>• Electrical and Electronics Engineering;</li> <li>• Mechanical Engineering;</li> <li>• Land Surveying;</li> <li>• Fire protection;</li> <li>• Project Management;</li> </ul>	1. Offer technical consultancy services to county departments in the following areas: (a) Architecture; (b) Quantity surveying; (c) Structural Engineering; (d) Civil Engineering; (e) Electrical and Electronics Engineering; (f) Mechanical Engineering; (g) Land Surveying. 2. Provide project management services during construction.
2. Assist National MDAs and county governments in procurement of the technical services. 3. Provide project management services during construction of public works and buildings.	

<p>Refurbishment and maintenance of public buildings and other public works</p> <ol style="list-style-type: none"> <li>1. Offer technical services.</li> <li>2. Manage refurbishment process.</li> <li>3. Engage in procurement of the technical and construction services.</li> </ol>	<ol style="list-style-type: none"> <li>1. Offer technical service.</li> </ol> <p>Procurement of construction services.</p> <ol style="list-style-type: none"> <li>2. Certify safety of county buildings in accordance with national standards.</li> </ol>
<ol style="list-style-type: none"> <li>4. Certify safety of National buildings for maintenance services.</li> <li>5. Develop and build capacity in maintenance standards.</li> <li>6. Develop the legal framework for maintenance personnel.</li> </ol>	<ol style="list-style-type: none"> <li>3.</li> </ol>
<p>Development and enforcement of building standards for public works and the building industry</p> <ol style="list-style-type: none"> <li>1. Spearhead development of National public works code/building code in liaison with other industry players.</li> <li>2. Operationalize review of existing standards.</li> <li>3. Set standards for registration and management of contractors through National Construction Authority (NCA).</li> </ol>	<ol style="list-style-type: none"> <li>1. Ensure adherence to set standards and code.</li> <li>2. Report incidences of public works undertaken without conformity to standards through NCA.</li> </ol>
<p>Provision of electrical and mechanical public works services</p> <ol style="list-style-type: none"> <li>1. Development and maintenance of standards in the fields of Electrical and Mechanical public works construction.</li> <li>2. Offer consultancy services to National and County MDAs in areas of electrical and mechanical public works services.</li> </ol>	<ol style="list-style-type: none"> <li>1. Offer electrical and mechanical public works services in the counties in liaison with the National Government.</li> <li>2. Build capacity in electrical and mechanical services through employment of staff in liaison with National Government.</li> </ol>
<ol style="list-style-type: none"> <li>3. Develop capacity in the fields of electrical and mechanical public works.</li> <li>4. Assist in procurement of electrical and mechanical elements for public buildings/works.</li> <li>5. Develop standards for employment of electrical/mechanical management/maintenance personnel countrywide.</li> <li>6. Prepare and revise schemes of service for electrical/mechanical officers in consultation with the county governments.</li> </ol>	
<p>Occupation Health and Safety standards for public works</p> <ol style="list-style-type: none"> <li>1. Develop and manage policy for occupation health and safety.</li> <li>2. Enforce procedure for safe infrastructure development and application of Environmental Impact Assessment.</li> <li>3. Build capacity on disaster management (planners, designers, fire fighters, engineers, health workers and other stakeholders).</li> <li>4. Conduct Monitoring and Evaluation of all public works as a means of response and use lessons learnt from past disaster audits to take advance preventive measure.</li> </ol>	<ol style="list-style-type: none"> <li>1. Manage all records of buildings for disaster management.</li> <li>2. Maintain a disaster management unit in each county.</li> <li>3. Maintain a fire fighting unit in each county.</li> <li>4. Enforce health and occupation standards on construction of county public works and buildings.</li> </ol>
<p>Research and development in the public construction industry</p> <ol style="list-style-type: none"> <li>1. Conduct research in matters of accessibility, availability, affordability and appropriateness of materials, technologies, processes and methods of construction (innovation).</li> </ol>	<ol style="list-style-type: none"> <li>1. Disseminate research findings.</li> <li>2. Liaise with National government in research on locally available materials.</li> </ol>
<ol style="list-style-type: none"> <li>2. Develop capacity for research through Kenya Building Research Centre (KBRC).</li> <li>3. Establish a National research secretariat to coordinate research and dissemination of findings.</li> <li>4. Initiate research through staff, commissioned agents or in collaboration with accredited research institutions.</li> <li>5. Publish reports containing research activities from time to time.</li> </ol>	<ol style="list-style-type: none"> <li>3.</li> </ol>
<p>Regulation of Architects and Quantity Surveyors</p> <p>Board of Registration of Architects and Quantity Surveyors (BORAQS) maintains and updates register for Architects and Quantity Surveyors.</p>	NONE
<p>Supplies Branch</p> <p>Coordinate procurement of common user items for Government Ministries by procuring term contracts on behalf of the Ministries.</p>	Co-ordinate procurement of common user items for county departments
<p>State functions</p> <p>Co-ordination of provision of infrastructure for national state functions.</p>	Co-ordination of provision of infrastructure for state functions in counties.

Dated the 2nd March, 2016.

KINUTHIA WAMWANGI,  
Chairman.