

**REPUBLIC OF KENYA**

**GOVERNMENT OF MAKUENI COUNTY**



**DEPARTMENT OF LANDS, MINING, PHYSICAL PLANNING AND URBAN DEVELOPMENT**

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PERFORMANCE CONTRACT BETWEEN

THE GOVERNOR

GOVERNMENT OF MAKUENI COUNTY

AND

EXECUTIVE COMMITTEE MEMBER

DEPARTMENT OF LANDS, MINING, PHYSICAL PLANNING AND URBAN DEVELOPMENT

**FOR THE PERIOD FROM 1<sup>ST</sup> JULY 2019 TO 30<sup>TH</sup> JUNE 2020**

## **PERFORMANCE CONTRACT**

This Performance Contract (hereinafter referred to as “Contract”) is entered into between the Makueni County Government represented by H.E the Governor of P.O. Box 78-90300 Makueni (together with its assignees and successors) of the one part, and the County Department of Lands, Mining, Physical Planning & Urban Development represented by the County Executive Committee Member (hereinafter referred to as (“CECM”) (together with its assignees and successors) of P.O. Box 78-90300 Makueni of the other part.

### **WHEREAS;**

The County Government is committed to ensuring that public offices are well managed and they are cost effective in delivering quality service to the public in line with provisions of the Constitution of Kenya;

The County Government recognizes that Departments hold a vital key in the implementation of County priority programmes and projects, other national priorities including the “Big Four” Initiatives in order to improve the quality of lives of the people of Makueni County and make the County competitive;

The purpose of this performance contract is to establish the basis for ensuring that efficient and effective services are delivered to the people of Makueni County in line with the provisions of the Constitution and by requiring Departments to adapt systems that enable innovativeness and adaptability of public services to the needs of users.

This Performance Contract therefore represents a basis for continuous performance improvement that meets the needs and expectations of the county residents.

**Therefore,** the parties hereto agree as follows:

### **Part I: Statement of Responsibility by the ECM**

The Mandate of the Department is to secure land tenure through planning of Urban Centres, survey to facilitate issuance of title deeds, processing of land transactions and provide facilitative role for sustainable use of land resource.

It is my responsibility to provide the required leadership in designing suitable plans and strategies that will contribute to high and sustainable socio-economic development. It is my undertaking to ensure that the Department has a credible strategic plan and performance contract that will deliver the desired goals.

It is also my undertaking that I will perform my responsibilities diligently and to the best of my abilities to support the achievement of the agreed performance targets.

## **Part II: Vision, Mission and Strategic Objectives**

### **(a) Vision**

A leader in the provision of efficient, sustainable, equitable use of County land resources

### **(b) Mission**

To deliver optimal and sustainable utilization of Makueni County land to achieve a high quality of life for every household.

### **(c) Strategic objectives**

1. Enhanced land tenure security and utilization of land resources;
2. To improve infrastructural development, connectivity and accessibility, safety and security within urban areas through informed planning;
3. To ensure efficient and effective management and administration of land for sustainable development and improved security of tenure;
4. To provide a spatial framework that shall guide urban and rural socio-economic development of the County;
5. To undertake mineral resources mapping and development, geological surveys and feasibility study for existing minerals for wealth creation;
6. To develop a land information management system that shall integrate all attribute data pertaining to all properties in Makueni.

## **Part III: Statement of Strategic Intent by the ECM**

In carrying out my duties, I intend to put all my efforts towards contributing effectively and efficiently to the achievement of the county development agenda as espoused in the Kenya Vision 2030, Makueni Vision 2025, County Integrated Development Plan 2018-2022 and ADP, keeping in mind the specific priorities of the Department.

Bearing in mind the imperative of inclusivity, I will implement the following Strategic Intentions during the Financial Year 2019/2020

1. Ensuring that systems are established for equality for all land related issues;
2. Ensuring impartiality and fairness in the process of delivery of land related services;
3. Ensuring promotion of National Cohesion and National Values;
4. Ensuring continuity of public services under all circumstances;
5. Establishing systems to enable innovativeness and adaptability of public services to the needs of users;
6. Ensuring professionalism and ethics in Public Service is achieved and maintained;
7. Institutionalizing a culture of accountability, integrity, transparency and promotion of values and principles of public service;
8. Ensuring a corruption free in service delivery;
10. Ensuring effective, efficient and responsible use of public resources;
11. Ensuring responsiveness by public servants in delivery of public services; and
12. Ensure implementation of this performance contract.

#### **Part IV: Commitments and Obligations of the County Government**

1. Support the implementation of County Integrated Development Plan.
2. Establish and operationalize service delivery, financial and related management systems for the county.
3. Establish a culture of service and accountability in the county public service, including working styles, attitudes and work ethics.
4. Ensure that appropriate measures are instituted to mitigate against corrupt practices in the county public service.
5. Ensure timely approval of departmental requests.
6. Ensure timely availability/provision of necessary resources based on approved budget.

#### **Part V: Reporting Requirements**

I will submit Quarterly performance reports as per schedule below


<b>Quarter 1</b>	<b>Mid - year</b>	<b>Quarter 3</b>	<b>Annual</b>
5/10/2019	15/01/2020	5/04/2020	15/07/2020

#### **Part VI: Duration of the Performance Contract**

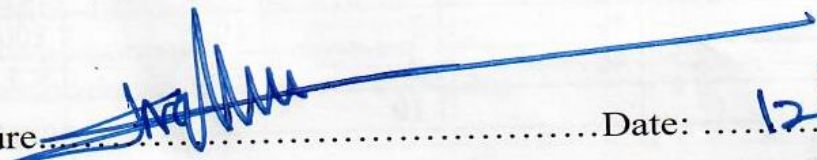
The Performance Contract will run for one financial year, from 1<sup>st</sup> July 2019 to 30<sup>th</sup> June 2020.

**Part VII: Signatories to the Performance Contract**

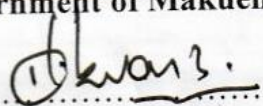
**For County Department of Lands, Mining, Physical Planning and Urban Development**

Signature.......... Date: 12/07/2019  
Julius M. Kaloi  
Executive Committee Member  
**Department of Lands, Mining, Physical Planning and Urban Development**

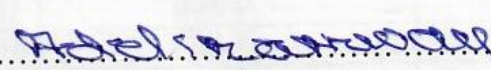
**Witnessed by:**

Signature.......... Date: 12/7/2019  
Alex Nthiw'a  
Chief Officer  
**Department of Lands, Mining, Physical Planning and Urban Development**

**For Government of Makueni County**

Signature.......... Date: 12/7/2019  
H.E. Kivutha Kibwana  
**Governor**  
**Government of Makueni County**

**WITNESSED BY**

Signature.......... Date: 12-7-2019  
H.E Adelina Mwau  
Deputy Governor  
**Government of Makueni County**

**ANNEX I: PERFORMANCE CONTRACT MATRIX**

	<b>CRITERIA CATEGORY</b>	<b>UNIT OF MEASURE</b>	<b>WEIGHT</b>	<b>CURRENT STATUS FY 2018/19</b>	<b>TARGET FY 2019/20</b>
<b>A</b>	<b>FINANCIAL STEWARDSHIP AND DISCIPLINE</b>				
1.	Absorption of Allocated Funds	%	4	65	100
2.	Development Index	%	2	47	81.3
3.	A-in-A	Kes		N/A	N/A
4.	Asset Management	%	2	100	100
5.	Pending bills	%	2	≤ 1	≤ 1
	<b>Weight Sub Total</b>		<b>10</b>		
<b>B</b>	<b>SERVICE DELIVERY</b>				
1.	Develop and Implement the Citizens' Service Delivery Charter	%	2	100	100
2.	Customer Satisfaction	%	2	100	100
3.	Service delivery Innovations	%	2	100	100
4.	Resolution of Public Complaints	%	2	100	100
5.	Automation	%	2	100	100
	<b>Weight Sub Total</b>		<b>10</b>		
<b>C</b>	<b>INSTITUTIONAL TRANSFORMATION</b>				
1.	Development of County Planning Framework (Departmental Strategic Plans)	%	3	100	100
2.	Youth Internships/ Industrial Attachments/Apprenticeships	No	1	10	10
3.	Access to Government Procurement Opportunities (AGPO)	Kes	2	7,340,405	42,828,480
4.	Promotion of Local Content in procurement	Kes	1.5	83,924,621	57,104,640
5.	Competence Development	%	2	100	100
6.	Knowledge Management	%	2	80	100
7.	Work Environment	%	1	100	100
8.	Safety and Security Measures	%	1	100	100
9.	Cascading of Performance Contracts	%	1.5	100	100
	<b>Weight Sub Total</b>		<b>15</b>		
<b>D</b>	<b>CORE MANDATE</b>				
1.	County Department's priority projects/ programmes ("Big Four" Initiatives,				
2.	Implementation of the 10 year Spatial Plan	%	10	100	100

	<b>CRITERIA CATEGORY</b>	<b>UNIT OF MEASURE</b>	<b>WEIGHT</b>	<b>CURRENT STATUS FY 2018/19</b>	<b>TARGET FY 2019/20</b>
3.	Cities and Urban Areas Plans	No	8	11	6
4.	Partnership with National Lands Commission on County Land Issues	%	4	80	100
5.	Facilitation of Lands Applications Processing Committee	%	4	100	100
6.	Land Information Management System – LIMS and GIS	%	4	60	
7.	Mining Mapping & Development	%	3	40	
8.	Town/markets Survey & mapping	No.	4	6	
9.	Urban Planning - (Valuation rolls )	%	4	100	100
10.	Estate Administration	%	4	100	100
11.	Implementation of resolutions of the first Makueni Annual Peoples' Land Conference	No.	3	100	100
12.	Title deeds	%	3	100	100
13.	Purchase of land	No.	3	4	3
14.	Ease of Doing Business	%	2	100	100
15.	Compliance With Statutory Obligations	%	2	100	100
16.	Project Completion Rate	%	2	100	100
	<b>Weight Sub Total</b>		<b>60</b>		
<b>E</b>	<b>CROSS-CUTTING ISSUES</b>				
1.	Prevention of Alcohol and substance Abuse	%	0.5	100	100
2.	Prevention of HIV Infections	%	0.5	100	100
3.	Environmental Sustainability	%	1	100	100
4.	Disability Mainstreaming	%	0.5	100	100
5.	Gender mainstreaming		0.5	100	100
6.	Corruption Prevention	%	1	100	100
7.	National Cohesion and Values	%	1	100	100
	<b>Weight Sub Total</b>		<b>5</b>		
	<b>OVERALL TOTAL WEIGHT</b>		<b>100</b>		

## EXPLANATORY NOTES

<b>A. FINANCE AND STEWARDSHIP:</b>											
<b>Performance Objective 1: To Enhance Optimal Utilization and Mobilization of Resources</b>											
Absorption of Allocated Funds	<p>The department commits to absorb all allocated funds for recurrent and development expenditure subject to availability of funds.</p> <table border="1"> <thead> <tr> <th>Item</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Recurrent budget</td> <td><b>44,696,912.18</b></td> </tr> <tr> <td>Development budget</td> <td><b>49,700,000</b></td> </tr> <tr> <td>IDA (World Bank) credit</td> <td><b>145,061,600</b></td> </tr> <tr> <td>Total</td> <td><b>239,458,512.18</b></td> </tr> </tbody> </table>	Item	Amount	Recurrent budget	<b>44,696,912.18</b>	Development budget	<b>49,700,000</b>	IDA (World Bank) credit	<b>145,061,600</b>	Total	<b>239,458,512.18</b>
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IDA (World Bank) credit	<b>145,061,600</b>										
Total	<b>239,458,512.18</b>										
Development Index	The department commits to achieve development index of 81.3%										
Asset Management	<p>The Department commits to:</p> <ul style="list-style-type: none"> <li>i) Maintain the established catalogue of the assets and properties in terms of their working conditions 30%</li> <li>ii) Profile all government land 70%</li> </ul>										
Pending bills	The department commits to ensure that the pending bills do not exceed 1% of actual budgetary allocation for the financial year.										
<b>B: SERVICE DELIVERY:</b>											
<b>Performance Objective 2: To Manage Citizens Expectations through Effective, Efficient and Sustainable Service Delivery</b>											
Develop and Implement the Citizens' Service Delivery Charter	<p>The department commits to:</p> <ul style="list-style-type: none"> <li>i) Sensitizing employees on the charter 50%</li> <li>ii) Displaying the charter prominently at the point of entry/service delivery points in both English and Kiswahili. 50%</li> </ul>										
Customer Satisfaction	<p>The department commits to implement the following recommendation from the customer satisfaction survey report. 100%</p> <ul style="list-style-type: none"> <li>i) Create an online platform for customer feedback channels for all land related matters</li> </ul>										
Service delivery Innovations	The department commits to roll out a fully functional Land Information Management System. 100%										
Resolution of Public Complaints	<p>The department commits to:</p> <ul style="list-style-type: none"> <li>i) Document and address public complaints referred directly 100%</li> </ul>										
Automation	<p>The department commits to:</p> <ul style="list-style-type: none"> <li>i) Automate Wote land use plan to a web map 100%</li> </ul>										
<b>C. INSTITUTIONAL TRANSFORMATION</b>											
<b>Performance Objective 3: To Strengthen the Rule of Law and Inclusion of Vulnerable Groups in Socio-Economic Development</b>											
Development of County Planning Framework	The department commits to prepare the following documents:										



	<ul style="list-style-type: none"> <li>i) Finalize preparation of 5-year Departmental Strategic Plan 10%</li> <li>ii) Prepare Annual Development plan based on CIDP and strategic plan 20%</li> <li>iii) Prepare Annual departmental work plans 20%</li> <li>iv) Prepare Individual work plans 10%</li> <li>v) Evaluate the ADP and Departmental Work plan 40%</li> </ul>
Youth Internships/ Industrial Attachments/Apprenticeships	The department commits to accommodate 10 attachees
Access to Government Procurement Opportunities (AGPO)	The department commits to maintain award of 30% of the total procurable budget to AGPO – 100%
Promotion of Local Content	The department commits to maintain award of 40% of the total procurable budget to Local Content – 100%
Competence Development	<p>In the FY 2018/2019, the Department through a competence development survey established a GIS gap and intends to train 2 staff to fill the gap.</p> <ul style="list-style-type: none"> <li>i) Training 2 staff on GIS technology to Improve the departmental capacity to deliver its mandate- 50%</li> <li>ii) Prepare a program where the 2 trained staff will pass the knowledge to the others 50%</li> </ul>
Knowledge Management	<p>The department commits to manage and transfer knowledge by:</p> <ul style="list-style-type: none"> <li>i) Hold regular departmental meetings to review staff progress on delivery of departmental projects 40%</li> <li>ii) Hold barazas to educate our citizens on succession issues 30%</li> <li>iii) Hold barazas to educate our people on the importance implementing land use plans 30%</li> </ul>
Work Environment	<p>The department commits to undertake implementation of the recommendations of the survey report.</p> <ul style="list-style-type: none"> <li>i) To have all the offices in the department supplied with clean water dispensers 50%</li> <li>ii) Ensure that all staff in the department have a computer and a place to sit 50%</li> </ul>
Safety and Security Measures	<p>The department commits to:</p> <ul style="list-style-type: none"> <li>i) Put in place safes and server with security passwords to mitigate against technological hazards. (100%)</li> </ul>
Cascading of Performance Contracts	<p>The department commits to fully cascade this performance contract to all the staff members as follows:</p> <ul style="list-style-type: none"> <li>i) Cascade PC signing from the ECM, Chief Officer and the Directors. 30%</li> <li>ii) Signing of PAS by all other staff members 30%</li> <li>iii) Annual Evaluations and reporting of departmental performance 40%</li> </ul>
<b>D: CORE MANDATE</b>	
<b>Performance Objective 4: To Ensure Timely Implementation of Development Projects and</b>	

**Programs in an Efficient and Effective Manner**

<b>Flagship Projects</b>	
Implementation of the 10 year Spatial Plan	<p>The department commits to the following in order for the implementation of the County Spatial Plan.</p> <ul style="list-style-type: none"> <li>i) Receipt of the Approved County Spatial Plan from the County Assembly. 10%</li> <li>ii) Launch of the Approved County Spatial Plan.30%</li> <li>iii) Sensitization of specific departments on CSP 40%</li> <li>iv) Write to the departments to implement CSP recommendations .20%</li> </ul>
Cities and Urban Areas Plans	<p>The department commits to implement the approved Land use plans for</p> <ul style="list-style-type: none"> <li>i) Mtito Andei – KE</li> <li>ii) Kambu – KE</li> <li>iii) Kikima – Mbooni</li> <li>iv) Wote - Makueni</li> <li>v) Kasikeu - Kilome</li> <li>vi) Nunguni - Kaiti</li> </ul> <ul style="list-style-type: none"> <li>- Details of plot owners: Verification and establishment of database- 25%</li> <li>- Measurement and marking of public land and roads 25%</li> <li>- Issuance of enforcement notices of the encroachment 25%</li> <li>- Mobilization of equipment – 25%</li> </ul>
Partnership with National Lands Commission on County Land Issues	<p>The department commits to partner with the National Lands Commission to deliver on the resolution of pending land issues</p> <p>Preparation of Ziwani and Ikoyo Development Plans</p> <p>Finalisation of Nguu and Wayani settlement scheme</p> <p><b><u>Ikoyo</u></b></p> <ul style="list-style-type: none"> <li>i. Consensus building with leaders and stakeholders 5%</li> <li>ii. Data collection and preparation of basemaps 10%</li> <li>iii. Presentation of basemaps to stakeholders 5%</li> <li>iv. Inputting comments from stakeholders and preparation of draft plan 5%</li> <li>v. Presentation to stakeholders and preparation of the final plan 5%</li> </ul> <p><b><u>Ziwani</u></b></p> <ul style="list-style-type: none"> <li>i. Finalization of the Ziwani report 15%</li> <li>ii. Submission to the cabinet for adoption 5%</li> </ul> <p><b><u>Nguu</u></b></p> <ul style="list-style-type: none"> <li>i. Preparation of mutation survey 10%</li> <li>ii. Follow-up on amendment of RIMs 5%</li> <li>iii. Finalisation of List of beneficiaries 5%</li> <li>iv. Sensitization of affected land owners 5%</li> <li>v. Follow up on issuance of title deeds 5%</li> </ul>

	<p><b>Wayani</b></p> <ul style="list-style-type: none"> <li>i. Holding of public barazas 10%</li> <li>ii. Facilitate issuance of the title deeds 10%</li> </ul>
Facilitation of Lands Applications Processing Committee	<p>The department commits to oorganise and hold monthly LAPC meetings at each Sub-county</p> <p>The following are the weighted activities:</p> <ul style="list-style-type: none"> <li>i) Prepare a program for each sub-county LAPC meetings 10%</li> <li>ii) Convene the meetings at each Sub-county 5%</li> <li>iii) Prepare minutes for the meetings 5%</li> <li>iv) Prepare and implement action plans resulting from the meetings 80%</li> </ul>
Land Information Management System – (LIMS) and Geographic Information System (GIS)	<p>The department commits to</p> <ul style="list-style-type: none"> <li>i) Prepare a concept note on GIS and present to the Cabinet 30%</li> <li>ii) Prepare an implementation plan 40%</li> <li>iii) Carry out GIS Training for staff 30%</li> </ul>
Mining Mapping & development	<p>The department commits to</p> <ul style="list-style-type: none"> <li>i) Develop a mining and minerals policy proposal 40%</li> <li>ii) Forward the proposal to the Legal Department for drafting 10%</li> <li>iii) Public Participation for all the artisanal miners 30%</li> <li>iv) Establishment of the Artisanal Mining Committees 20%</li> </ul>
Town/Markets Survey & Mapping	<p>The department commits to undertake cadastral survey of Wote town</p> <ul style="list-style-type: none"> <li>i) Establishment of public land perimeter boundary 20%</li> <li>ii) Zoning and establishment of ground controls of the zones 30%</li> <li>iii) Beaconing of the zones 30%</li> <li>iv) Preparation of Survey File and Computations 20%</li> </ul>
Urban Planning (Valuation rolls )	<p>The department commits to launch and implement the Approved Valuation Roll by the County Assembly of Makeni subject to no public objection or memoranda submitted to the valuation court.</p> <ul style="list-style-type: none"> <li>i) Receipt of the Approved Valuation Roll from the County Assembly. 10%</li> <li>ii) Launch of the Approved Valuation Roll 30%</li> <li>iii) Sensitizing Revenue Department on Valuation Roll 40%</li> <li>iv) Write to the department to implement the Valuation Roll recommendations .20%</li> </ul>
Estate Administration	<p>The department commits to support Estate Administration by:</p> <ul style="list-style-type: none"> <li>i) Prepare the agenda and publicize - 20%</li> <li>ii) Hold 1 public barazas in each sub-county to sensitize the public on Land succession matters - 30%</li> <li>iii) Prepare an action plan and implement - 50%</li> </ul>
Implementation of resolutions of the first	<p>The department commits to the following in order for the implementation of the Resolutions of the First Annual Makeni</p>

Makueni Annual Peoples' Land Conference	<p>peoples' and Conference.</p> <ul style="list-style-type: none"> <li>i) Holding stakeholders' meetings in the sub-counties on public land 30%</li> <li>ii) Identify grabbed public land per sub-county 40%</li> <li>iii) Write to NLC on repossessing of grabbed land 30%</li> </ul>
Title Deeds	<p>The department commits to Fast-tracking &amp; issuance of freehold title deeds for Ngai Ndethya schemes; Mbetwani (673 titles), Ngiluni (247 titles) &amp; Ngai Ndethya (953 titles) by:</p> <ul style="list-style-type: none"> <li>i) Follow up on finalization of maps with the Ministry 20%</li> <li>ii) Follow-up with NEMA on the processing of Ngai Ndethya EIA License 20%</li> <li>iii) Follow up with Ministry of Lands and Physical Planning on processing of title deeds 20%</li> <li>iv) Public participations, mobilization and follow up of issuance of the title deeds to the respective land owners 40%</li> </ul>
Purchase of land	<p>The department commits to purchase 3 parcels of land for use by GMC (Nduumoni, Itangini and Mukuyuni)</p> <ul style="list-style-type: none"> <li>i) Advertising for the parcels to be purchased 10%</li> <li>ii) Evaluation and award of the bids 30%</li> <li>iii) Land valuation Report 30%</li> <li>iv) Preparation and signing of sale agreements 20%</li> <li>v) Payment and transfer of the land parcels 10%</li> </ul>
Ease of Doing Business	<p>The department commits to create a conducive environment for starting, operating and sustaining a business by:</p> <ul style="list-style-type: none"> <li>i) Holding monthly sub-county LAPC meetings to process development applications 60%</li> <li>ii) Issuance of notifications of approval of building applications within 7 days of approval 40%</li> </ul>
Compliance With Statutory Obligations	<p>The department commits to comply with the following 100%</p> <ul style="list-style-type: none"> <li>i) Public Procurement and Disposal Act, regulations and rules 20%</li> <li>ii) Payment of statutory fee to professional bodies 10%</li> <li>iii) Conducting EIA for our projects 5%</li> <li>iv) Urban areas and cities act 10%</li> <li>v) Physical planning act 10%</li> <li>vi) PFM Act 10%</li> <li>vii) Mining Act, 2016 5%</li> <li>viii) County Government Act 20%</li> <li>ix) Survey Act, 2012 10%</li> </ul>
Project Completion Rate	<p>The department commits to maintain the project completion rate at 100%</p>
<b>CROSS-CUTTING ISSUES</b>	
Prevention of Alcohol and Drug Abuse	<p>The department commits to prevent alcohol and drug abuse 100% by:</p> <ul style="list-style-type: none"> <li>i) Staff sensitization on prevention of Alcohol and substance</li> </ul>

	<p>abuse 50%</p> <p>ii) Sensitize members of public on ADA in our public barazas. 50%</p>
Prevention of HIV Infections	<p>The department commits to create awareness to its staff on prevention of HIV infections. 100%</p> <p>i) Sensitizing staff on the HIV Aids awareness 50%</p> <p>ii) Sensitize members of public on HIV Aids during our public barazas. 50%</p>
Environmental Sustainability	<p>The department commits to:</p> <p>i) Domesticate the environmental policy in all our projects.</p> <p>ii) Protecting river banks by issuing enforcement notices for riparian reserves in Kaiti river</p> <p>iii) Ensure building plans have EIA before approval as per the law</p> <p>iv) Ensure reclamation of mining sites in Kilungu and Tulimani after mining closure</p>
Disability Mainstreaming	<p>The department commits to:</p> <p>Ensure approvals of built environment for ease of access by PLWDs through ensuring that all building plans have provisions for lifts, ramps and parking as appropriate</p>
Gender mainstreaming	<p>The department commits to ensure that there is gender balance in the establishment of PMCs, and other committees. 100%</p>
Corruption Prevention	<p>The department commits to implement sub indicators emanating from the corruption risk assessment reports by:</p> <p>i) Sensitizing members of public on corruption matters during our public barazas. 100%</p>
National Cohesion and Values	<p>The department commits to:</p> <p>Sensitize the public on the following National Values and attributes – 100%</p> <p>i) Patriotism</p> <p>ii) Equity – women and girl-child rights on land ownership</p> <p>iii) Sustainable development on land use</p>