SPECIAL ISSUE

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REPUBLIC OF KENYA

MURANG’A COUNTY GAZETTE SUPPLEMENT

BILLS, 2014

NAIROBI, 19th September, 2014

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THE MURANG’A COUNTY SYMBOLS BILL, 2014

A Bill for

AN ACT of the County Assembly of Murang’ a to give effect to section 4 of the County Governments Act, 2012 and for the development and use of the County flag, county coat of arms, county public seal and other symbols of the county government, to prevent the improper use of the county symbols and for connected purposes

ENACTED by the County Assembly of Murang’a as follows:

PART I—PRELIMINARY

1. This Bill be cited as the Murang’a County Symbols Bill, 2014 and shall come into operation on the fourteenth day after publication in the Gazette.

2. This Bill shall apply to Murang’a County as provided in Article 6 (1) of the Constitution, and the First Schedule to the Constitution.

3. In this Bill unless the context otherwise requires—

“the County flag” means the type of county symbol developed under the Authority of the County Executive through the consultative process provided for under section 4 (1) (a) of the County Governments Act.

“the County Coat of Arms” means the type of county symbol developed under the Authority of the County Executive through the consultative process provided for under section 4 (1) (b) of the County Governments Act.

“the County Public Seal” means the type of county symbol developed under the Authority of the County’s Executive through the consultative process provided for under section 4 (1) (c ) of the County Governments Act.

“the County Symbol” means any image, object, mark, sign emblem, pennant, insignia or ensign developed under the Authority of the County Executive and shall include flag, County coat of arms and county seal.

“the County Executive” means the County Executive Committee of the County Government established in accordance with Part IV of the County Governments Act.
PART II—DESCRIPTION OF THE COUNTY SYMBOLS

4. (1) The flag of which the design and description are set out in Part I of the Schedule to this Bill is hereby declared to be the county Flag of Murang’a County.

(2) The heraldic device of which the blazon and description are set out in Part II of the Schedule to this Bill is hereby declared to be the county Coat-of-Arms of Murang’a County.

(3) The seal of which the design is set out in PART III of the Schedule to this Bill is hereby declared to be the county Public Seal of Murang’a County.

PART III—DEVELOPMENT OF THE COUNTY SYMBOLS

5. (1) The Authority to develop the county symbols shall vest in the County Executive.

(2) County symbols shall be developed with citizen participation through a consultative process.

(3) The County Executive shall cause to be published in a daily newspaper of national circulation and in any other manner, notice inviting citizen participation, at least thirty days prior to the date set for the sampling of the County Symbols.

(4) Samples of the County Symbols developed with the citizens participation shall be submitted to the panel appointed for the purpose within the period specified in the notice.

(5) If at the close of the period specified in the notice under this section, no submissions are received or those received are not of the specified standard and quality, the County Executive may—

(a) invite fresh submissions for the second and third time by way of notice issued in similar manner and where such other notice or notices fail to result in the required samples.

(b) use the service of an expert secured in accordance with the provisions of the Public Procurement and Disposal Act or the relevant procurement legislation to develop the county symbols.
(6) The panel shall analyze the samples submitted pursuant to this section and select from the list the best three samples from each category of symbols in the order of merit and submit to the County Executive.

(7) All samples submitted by any person for selection as county symbol shall, on being submitted, become the sole property of the County Government.

(8) The County Executive may select the county symbols from the list submitted by the panel in accordance with this section.

(9) The County Executive may, in its sole discretion give a reward or monetary appreciation to any person or body for the winning samples of the county symbols submitted pursuant to this Bill.

(10) Any dispute arising from the development of the county symbols under the this Bill shall be resolved by the County Executive whose decision shall be final.

6. (1) There is established a panel to be called the Murang’a County Symbols Selection Panel.

(2) The panel shall comprise of:

(a) The relevant County Executive Member who shall be the Chairperson

(b) Not less than four and not more than six members appointed in writing through a competitive process and in accordance with regulations by the relevant County Executive Committee Member.

(3) Not more than one third of the members of the Panel shall be of the same gender, at least one person shall be a person living with disability and at least one person shall be a youth.

(4) (a) The Panel shall, at its first meeting, elect a secretary from amongst the persons appointed.

(b) The person elected under subparagraph (4) (a) shall not be of the same gender as the Chairperson of the Panel.

(5) In the absence of the Chairperson, the Panel shall designate one among themselves to chair the meeting.
(6) The quorum at every meeting of the panel shall be at least one half of all the Members.

(7) The resolution of the Panel shall be by simple majority of Members present and voting.

(8) The responsibilities of the Panel shall be—

(a) to set the standards and quality of the samples to be submitted for selection as county symbols.

(b) to receive, analyse and select the symbols for the consideration of the County Executive.

(c) to perform such other duties as may be allocated by the County Executive.

(9) save as herein provided, the panel shall regulate its own affairs.

(10) The panel members shall be paid such allowances as may be determined by the County Executive in consultation with the County Public Service Board.

(11) Members of the panel shall hold office until the proposed county symbols have been approved by the County Assembly in accordance with section 4 (2) of the County Government Act.

PART IV—PROHIBITIONS ON THE USE OF THE COUNTY SYMBOLS, OFFENCES AND PENALTIES

7. (1) The County Executive shall be the custodian of all symbols of the county and shall prescribe the fee at which the county symbols other than the County Public Seal may be made available for the use of the public.

(2) County Symbols shall not be used except with the permission of the County Executive in a manner authorized by this Bill or any other law.

(3) Any person who shows disrespect, in speech, manner or writing, to or with reference to any symbol of the county shall be guilty of an offence.

(4) No person shall, except with the written Permission of the County Executive—

(a) use any symbol of the county or any imitation thereof in furtherance of, or display the same as an advertisement for any trade, business, calling or profession.
(b) use any symbol of the county or imitation thereof, in the title of any patent, or in any trade mark or design.

(c) manufacture or import any article or goods bearing any symbol of the county or any title, trade mark or design is used is used in contravention of this Bill.

(5) A publication of a bona fide news item whether in a newspaper of any article connected with any bona fide news item other than a news item in the furtherance of, or as advertisement for, any trade, business, calling or profession shall, under this section, be lawful.

(6) No Authority shall register any company, firm or other body of persons or any trade mark or design or grant a patent where such registration or grant of patent would violate the provisions of this Bill.

(7) Any registration made or patent granted in violation of this Bill shall be null and void.

(8) No person shall display at any place or on any premises or permit to be so displayed any item or imitation which was not developed as a symbol of the county in accordance with the provisions of this Bill.

(9) Save as provided in Part VI of the Schedule to this Bill, the County Executive may, by notice, specify the places at which and the manner by which the county symbols shall be used or displayed.

(10) The fee payable for the use of a county symbol shall be that provided in Part IV of the Schedule to this Bill.

8. A police officer or an officer of the county Government duly authorized in writing by the County Executive, may, upon obtaining a search warrant from the court, enter any premise where he or she reasonably believes something which has been used, displayed, manufactured or imported contrary to this Bill is kept and seize the same and where he does so, shall bring it before the magistrate who issued the search warrant, for order of its disposal.

9. Any person who violates any provision of this Bill shall be guilty of an offence and liable on conviction to a
fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

PART V—MISCELLANEOUS

10. The County Executive may make Regulations generally for carrying this Bill into effect and may by notice amend the Schedule to this Bill.
SCHEDULE
PART I—The County Flag
Design [S. 4 (1)]

KEY DESCRIPTION

The overarching theme of the County Symbol is anchored on the fact that Murang’a is predominately an agricultural county with rich volcanic soils, abundant rivers and favourable weather in most parts of the county. The base of the emblem reflects the topological diversity of the county ranging from the flat low lying areas of Ithanga to the high mountain ranges of Aberdares.

The emblem also captures the main agricultural produce in the county, namely; coffee, tea, dairy, bananas, fruits and vegetables.

The rivers on the emblem depict the fact that the county has enormous potential to utilize the abundant water resources to improve agricultural production, primarily through irrigation farming instead of relying on unreliable rain fed agriculture.

The use of the shield is to reiterate the sovereignty of the Murang’a county citizens and the commitment of the County Government to harness, protect and exploit the huge national resources for the benefit of all Murang’a citizens.
The colors of the flag carry the following meanings

<table>
<thead>
<tr>
<th>Color</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GREEN</strong></td>
<td>Symbolizes the rich agricultural potential of Murang’a County. Most of Murang’a County is green, having a high forest cover. It also portrays rebirth and environmental friendliness.</td>
</tr>
<tr>
<td><strong>GOLD</strong></td>
<td>Gold is the color of success, achievement and triumph. It’s associated with abundance and prosperity. This underpins our slogan, “GROWING TOGETHER” which calls upon the Murang’a citizens to joins hands for the holistic development of the whole County.</td>
</tr>
<tr>
<td><strong>WHITE</strong></td>
<td>Signifies optimism, imagination, hope, philosophy, peace and friendship.</td>
</tr>
<tr>
<td><strong>BLACK</strong></td>
<td>Symbolizes our heritage, matching boldly towards our economic emancipation and empowerment. It also signifies the main stay of Murang’a people which is coffee, the black gold, which made Murang’a famous in the 70s and 80s.</td>
</tr>
</tbody>
</table>

PART II – The County Coat-of-Arms

[S.4 (2)]

Growing together
### The colors and images depicted have the following meanings

<table>
<thead>
<tr>
<th>Color</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue</td>
<td>We have plenty of rivers and therefore water is an available resource.</td>
</tr>
<tr>
<td>Food crops</td>
<td>We are an agricultural community and this is our backbone mainly with maize, bananas, avocados, mangoes, tomatoes etc.</td>
</tr>
<tr>
<td>Cash crops</td>
<td>We also grow cash crops including tea and coffee.</td>
</tr>
<tr>
<td>Animal</td>
<td>It is our culture to own livestock like cows, goats etc.</td>
</tr>
<tr>
<td>Green</td>
<td>Symbolizes the rich agricultural potential.</td>
</tr>
<tr>
<td>Gold</td>
<td>Symbolizes success, achievement and triumph.</td>
</tr>
<tr>
<td>White</td>
<td>Signifies optimism, imagination, hope, philosophy, peace and friendship.</td>
</tr>
<tr>
<td>Black</td>
<td>Symbolizes our heritage.</td>
</tr>
</tbody>
</table>

### PART III – The County Public Seal

![County Public Seal](image)
PART IV — THE FEES PAYABLE FOR USE OF THE COUNTY SYMBOLS

The fees payable for County Symbol shall be:

(a) The County Flag                           KSh. 2000.00.
(b) The County Coat of Arms                   KSh. 5000.00.
(c) The County Portrait                       KSh. 500.00.

PART V — COUNTY OFFICIALS WHO MAY USE THE FLAG

(a) Governor.
(b) Speaker of the County Assembly.

PART VI — HOISTING OF THE COUNTY FLAG

Save as may otherwise be provided, the county flag shall be hoisted as follows:

(a) At the county headquarters, County Assembly and sub-county offices on everyday of the week.
(b) At other County Government offices, departments or agencies on Mondays and Fridays of every week.
MEMORANDUM OF OBJECTS AND REASONS

PART I—PRELIMINARY

Contains sections 1, 2 and 3 which provides for the short title of the Bill, the application and the date of commencement. It also contains the definition of the technical terms used in the Bill.

PART II—DESCRIPTION OF THE COUNTY SYMBOLS

Contains section 4 which is divided into five subsections that defines the county flag; coat of arms, county public seal and county portrait names, offices and dignities.

PART III—DEVELOPMENT OF THE COUNTY SYMBOLS

Contains sections 5 and 6 which provides for the establishment of the panel charged with the development of the County Symbols and the process of development of the symbols through citizen participation.

PART IV—PROHIBITIONS ON THE USE OF THE COUNTY SYMBOLS, OFFENCES AND PENALTIES

This part contains sections 7, 8 and 9 which provides the use of the county symbols and prevention of abuse. The part also provides fees to be charged for use of the county symbols, the offences for non-compliance with the Bill and the penalties.

PART V—MISCELLANEOUS

The part contains section 10 which provides for the County Executive to make regulations that may be required under the Bill.

THE SCHEDULE

The Schedule is divided into three parts each part contains the description, explanation and physical look of the county flag, coat of arms and public seal and Part IV and which contains the name of the Governor for the purposes of the county portrait and the scales of fees to be charged for use of County Symbols, other than the county public seal.

REASONS—The requirement for a Bill of the County Government to regulate the development and use of county symbols is a requirement of section 4 of the County Governments Act.

FINANCIAL IMPLICATION—Other than for the cost of the rewards to be given for the best symbol submitted through citizen participation, and the initial cost of development of the symbols, the Bill has no other financial expenditure on the part of the County Government. In fact the Bill it will raise revenue through the sale of the symbols.
The Murang'a County Symbols Bill, 2014

ORIGIN—The Bill is from the Committee Education, Information Technology and Tourism.

JOHN NJOROGE GITAU,
Chairman,
Education, Information Technology and Tourism.