



COUNCIL OF GOVERNORS

PRESS STATEMENT ON 10TH NOVEMBER, 2020 IN NAIVASHA

1. Following the resolutions arising from the 6th Extra Ordinary Summit held on 4th November, 2020, the Council of Governors held a consultative meeting with various devolution stakeholders, including the County Assemblies Forum to strategize on how to maximize on the containment measures and mobilize resources to flatten the curve.
2. The massive rise in the confirmed COVID-19 positive cases in the past few days have clearly shown us that we live in a new normal and we need to adjust accordingly. The responsibility has moved from government to individuals and therefore we need to exercise extra vigilance in protecting ourselves. Wear your masks, social distance, wash your hands consistently during the day. We will not tire in reminding you this.
3. We are a resilient nation and we will conquer this disease for as long as we abide by the protocols provided by the Ministry of Health.
4. We also wish to take this opportunity to deeply thank all partners who have continued to support us in responding to the pandemic.

5. Following consultations held by the Council of Governors, we propose the following amendments to improve the BBI draft;

Governance

- i) Senate should be strengthened by ensuring that it has veto powers on all bills.
- ii) The position of Deputy Ministers to be introduced and they should be picked from parliament.
- iii) The Summit, the National Council for County Legislatures, the Council of County Governors should be entrenched in the Constitution.
- iv) Regional Economic Blocs to be entrenched in the Constitution.

Disbursement of funds

- i) That in order to ensure timely release of funds to be disbursed to Counties, the disbursement schedule as prescribed by legislation should be submitted to the Central Bank of Kenya by the Speaker of the Senate for implementation within 14 days of the passage of the Division of Revenue Act. We propose that in addition to the 35% all monies held by parastatals in national government departments performing devolved functions be transferred to Counties.
- ii) We also propose that the County Governments ensure that not less than 10% of the total budget is allocated to agriculture, livestock and fisheries function and that not less than 30% of the total budget is allocated to the health function and 2.5% to the youth function.
- iii) To speed up the flow of funds to the Counties, we propose that the Office of the Controller of Budget is

decentralized to all the 47 County Governments. Additionally, the role of the controller of budget should only be limited to ensuring that funds disbursed are in conformity with the budget, and that the Controller of Budget does not perform the functions of the Auditor General or any other investigative agencies.

- iv) National Treasury be established as an independent institution to serve both levels of government. Two IFMIS systems should be adopted; one for the National Government and another for County Governments.
- v) County Governments should be authorised to borrow for development purposes.

Elections

- i) The Independent Electoral and Boundaries Commission should be devolved to the 47 Counties.
- ii) In public appointments, in order to implement the principle of inclusivity focusing on ethnic, cultural, geographical and gender.
- iii) Deputy Governors should remain as running mates to the Governor and should be of either gender.

Security

County Governments to be involved in security matters at both national and county level in the National Security Advisory Council and implement the County Policing Authority

Independent Commissions

The office of the Director of Public Prosecutions and the Police Service Commission to continue operating as is in the current

constitution while the recommendation in the BBI document on the Judiciary Ombudsman should be deleted

Pension

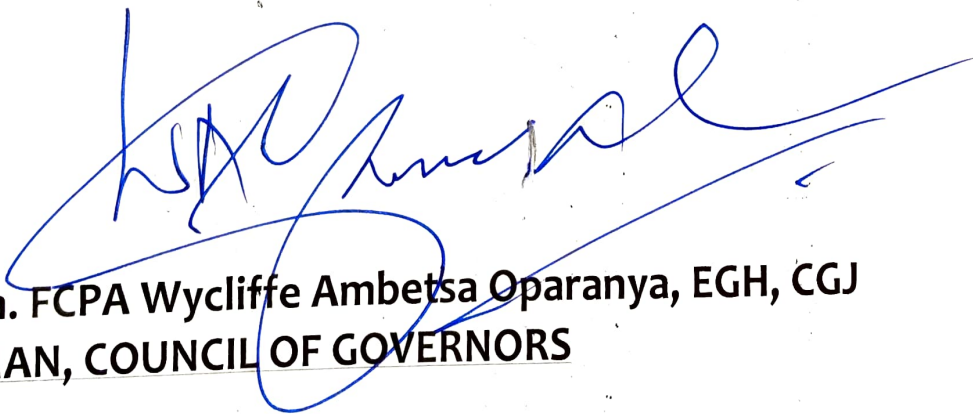
We propose that a pension fund is established for Governors, Deputy Governors, County Speakers and Members of County Assemblies and other County State Officers as is the case with the President, Deputy President, Speakers, Members of Parliament and state officers at the national level.

Criminal Liability

We propose the removal of collective criminal responsibility in management of resources at the county government level to align with the principle of personal criminal culpability.

The above proposals, alongside those from the County Assemblies will be shared with the two Principals and the secretariat of the Building Bridges Initiative for further consultation.

Signed



H.E. Hon. FCPA Wycliffe Ambetsa Oparanya, EGH, CGJ
CHAIRMAN, COUNCIL OF GOVERNORS