



## COUNTY ASSEMBLIES FORUM (CAF)

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**REF: CAF/27/2/2020(134)**

18<sup>th</sup> November 2020

To: All Members of County Assemblies (MCAs)  
 Through: The Speakers of the 47 County Assemblies

### **RE: THE POSITION OF THE CAF ON THE BBI**

Following the launch of the Report of the Steering Committee on the implementation of the Building Bridges Initiative (BBI) by the two Principals on 26<sup>th</sup> October 2020 at the Bomas of Kenya, the CAF Governing Council (GC) during its quarterly meeting held on 30<sup>th</sup> -31<sup>st</sup> October 2020, deliberated on the contents of the report and discussed key issues of concern to County Assemblies. Consequently, the Governing Council formed a Taskforce to consider the BBI proposals and propose a common stand to guide CAF's engagement in the process moving forward.

The Taskforce tabled its report for adoption by the GC on 12<sup>th</sup> November 2020, and it was adopted.

Thereafter, Chapters of the Deputy Speakers, Leaders of Majority & Minority Party and Whips of Majority & Minority Party in their meeting of 17<sup>th</sup> November, 2020 deliberated on the report and appreciated the importance of having a common stand on matters in the BBI report impacting Devolution and strengthening of County Assemblies.

From the deliberations of the GC and the house leadership chapters, the following are some of the issues that ought to be addressed in the BBI report in the interest of promoting the principles of devolution and strengthening County Assemblies:

#### **1. THE WARD DEVELOPMENT FUND**

The Ward Development Fund (WDF) should be at least 30% of the County development revenue. The County Wards Development Fund Bill, 2020, should provide for the administration of the WDF in a similar manner as the fund under the National Government Constituency Development Fund (NG-CDF). Parliament should pass the County Wards Development Funds Bill, 2020 within 6 months of the passing of the constitutional amendments

under the BBI failing which the respective County Assemblies to legislate on the same.

## **2. EMPOWERMENT OF ALL LEGISLATURES FOR EFFECTIVE OVERSIGHT**

There should be equitable empowerment of County Assemblies to effectively undertake their oversight mandate. Equity should be the guiding principle in the mandate, functions and benefits in both the National Parliament and County Assemblies. The operational framework of the County Assemblies should be harmonised with that of the National Parliament to ensure effective and efficient oversight for development in the counties.

## **3. INCLUSIVITY AND SHARED PROSPERITY**

The protection of special interest groups such as the Persons with Disabilities, marginalised communities, under-served and the poor should be prioritised. The proposed amendments to the Persons with Disabilities Act no. 14 of 2003 should be expedited.

Further, the proposal to amend Article 177 of the Constitution to introduce a sunset clause to the nomination of Women MCAs in County Assemblies should be dropped for affirmative action in County Assemblies.

## **4. FINANCIAL AUTONOMY OF COUNTY ASSEMBLIES**

Financial Independence of County Assemblies is key to effective oversight and service delivery in the counties. There should be an immediate enactment of the proposed Section 24A on the Public Finance Management Act, 2012 to create the proposed County Assemblies Fund to secure financial autonomy for County Assemblies. The amendment has no Constitutional implication hence should be fast tracked.

## **5. QUALIFICATIONS FOR ELECTION AS AN MCA**

Parliament should amend by deletion of Section 22 of the Elections Act with immediate effect, failure to which CAF shall seek for court intervention. Under Article 1 of the constitution, sovereign authority domains in the people and they should therefore be granted unlimited freedom to elect their leaders.

## **6. STRUCTURE OF THE COUNTY EXECUTIVE COMMITTEE**

That at least 50% of the Members of the County Executive Committee should be appointed from among Members of the County Assembly.

## **7. ENTRENCHMENT OF CAF IN LAW**

Parliament to amend the Intergovernmental Relations Act to provide for entrenchment of CAF otherwise to be known as the National Council of County Legislatures (NCCL) in to law. This is to strengthen Intergovernmental relations by providing legal framework for the

coordination of County Assemblies (CAF -National Council for County Legislatures).

## **8. OPERATIONALIZATION OF THE COUNTY ASSOCIATIONS & PARTNERSHIPS**

The proposed amendment of the County Governments Act, 2012 to insert a Section 23A for the creation of County Associations and Partnerships should be dropped and the County Assemblies to legislate on all matters relating to Regional Economic Blocs in exercise of their constitutional legislative mandate.

For the achievement of the above, it is advised that County Assemblies maintain active consultations with the County Assemblies Forum as the leadership of the Forum continues to engage the two Principals of the BBI process, relevant government agencies and other stakeholders.

Dated at Nairobi this 18<sup>th</sup> day of November, 2020



Hon. Ndegwa Wahome, MCA, MBS  
**CAF CHAIRPERSON**

- cc: Hon. Kipkurui Chepkwony, **Secretary General**  
All Members of the CAF Governing Council  
All Deputy Speakers of the 47 County Assemblies  
All Leaders of Majority Party in County Assemblies  
All Leaders of Minority Party in County Assemblies  
All Whips of Majority Party in County Assemblies  
All Whips of Minority Party in County Assemblies  
All Clerks of the 47 County Assemblies