

SPECIAL ISSUE

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SENATE BILLS, 2024

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**THE COUNTY GOVERNMENT LAWS
(AMENDMENT) BILL, 2024**

A Bill for

AN ACT of Parliament to amend: The County Governments Act to provide for specific functions for the office of the deputy Governor; the Intergovernmental Relations Act; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows

1. This Act may be cited as the County Government Laws (Amendment) Act, 2024.

Short title.

2. The County Governments Act is amended by deleting section 32 and substituting therefor the following new section—

Deletion of section 32 of Cap. 265

Functions of a deputy Governor.

32. (1) The deputy Governor shall—

- (a) deputize the Governor in the execution of the Governor's functions including the general administration of the county government and overseeing the implementation of county executive committee decisions;
- (b) undertake the functions of a specified appointed position in the county's executive committee as may be assigned by the Governor;
- (c) represent the Governor and the county government in various official capacities at the national and county levels of government;
- (d) facilitate and maintain effective intergovernmental relations between the county government and the national government to promote the interests of the respective county and ensure effective service delivery;

- (e) engage with the public and various stakeholders on issues affecting the respective county and put in place measures to address concerns and promote transparency and accountability in the governance process;
- (f) where appointed as a county executive committee member under sub-section (b), make recommendations to the Governor on matters relating to the specific appointed position in the county executive;
- (g) attend county executive meetings as a member of the county executive committee pursuant to Article 179 (2) of the Constitution and be entitled to reasonable notice of county executive meetings;
- (h) from time to time appear before the county assembly to respond to questions regarding the implementation of county development projects by the county executive committee;
- (i) assist the Governor in the implementation of the county budget, including monitoring expenditure, ensuring fiscal responsibility and promoting financial accountability as directed by the Governor and in line with relevant national and county regulations; and
- (j) serve as an executive liaison office with the county assembly for purposes of facilitating and fostering positive relations between the county assembly and the county executive committee and enhancing

the smooth implementation of the county government's development agenda and policies.

3. Section 9 of the Intergovernmental Relations Act is amended by—

Amendment of
Section 9 of Cap.
265

(a) Re-numbering the existing provision as subsection (1) and

(b) inserting the following new subsection immediately after subsection (1) –

(2) A governor may, where unable to attend a meeting of the Summit, nominate the respective deputy governor to attend and represent them in the meeting.

MEMORANDUM OF OBJECTS AND REASONS**Statement of the Objects and Reasons for the Bill**

The principal object of this Bill is to amend the County Governments Act (Cap. 265) to provide for a definitive role for the deputy governor. This amendment bill has been drafted in response to the current legislative framework that is ambiguous on the specific role of a deputy governor.

It is imperative to note that Section 32 of the Act simply provides that the deputy governor shall deputize the governor in the execution of the governor's functions and may be assigned any other responsibility or portfolio as a member of the county executive committee.

The lack of definitive functions of the deputy governor under section 32 has led to various administrative and inter-personal challenges between governors and deputy governors. The resultant effect is a fractured political relationship that then causes systemic strife in the county administrative and legislative structures.

This Bill seeks to introduce definitive roles for the deputy governor with a bid to clarify and streamline responsibilities of the office and therefore also foster harmonious relations with the office of the governor in a county.

The Bill proposes to amend the County Governments Act by deleting section 32 and inserting a new section therein that sets out clear and specific functions of the deputy county governor. These functions include exercising administrative oversight over the county's executive, budget oversight, undertaking stakeholder engagement, facilitating good relations between the county executive and the county legislature, facilitating intergovernmental relations with the national government and appearing before the legislature to respond to matters regarding policy implementation by the executive.

The Bill further seeks to amend the Intergovernmental Relations Act Cap. 265F to provide for the representation of governors by deputy governors in the meetings of the National and County Government Coordinating Summit.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate any legislative power and further does not limit any fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The office of the deputy governor is a critical component of the administrative and governance structure in a county. It is imperative that the role of a deputy governor in a county is defined for ease of administration and accountability.

The Bill therefore concerns county governments in terms of Articles 110(1)(a) of the Constitution in that it contains provisions that affect the functions and powers of the county governments as set out in the Constitution.

Statement that the Bill is not a money Bill within the meaning of Article 114 of the Constitution

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 14th May, 2024.

MURUNGI KATHURI,
Senator.

Section 32 of Cap. 265, Laws of Kenya which it is proposed to amend

32. Functions of the deputy Governor

- (1) *Deleted by Act No. 4 of 2019, s. 22 (b).*
- (2) The deputy Governor shall deputize for the Governor in the execution of the Governor's functions.
- (3) The Governor may assign the deputy Governor any other responsibility or portfolio as a member of the county executive committee.
- (4) When acting in office as contemplated in Article 179(5) of the Constitution, the deputy Governor shall not exercise any powers of the Governor, to nominate, appoint or dismiss, that are assigned to the Governor under the Constitution or other written law.
- (5) The Governor shall not delegate to the deputy Governor any of the functions referred to in subsection (4).

Section 9 of Cap. 265F, Laws of Kenya which it is proposed to amend

9. Meetings of the Summit

The Summit shall—

- (a) meet at least twice a year; and
- (b) conduct its meetings in the manner provided under the Schedule to this Act.