



COUNCIL OF GOVERNORS

DEVOLUTION: ATTEMPTS TO CLAW BACK DEVOLUTION

PRESS STATEMENT FROM THE CHAIRMAN COUNCIL OF GOVERNORS ON 7TH JANUARY 2016 AT DELTA HOUSE COG PRESS CENTRE.

Legal Matters:

Roads

- The Decision by the court to transfer roads under classification D, E and all other unclassified roads respected the Constitutional Provision under Schedule 4. KURA and KeRRA MUST stop advertising for these classes of roads with immediate effect. All contractors are advised to engage with County Governments directly on matters of these roads.

Judicial Service Commission:

- The amendment of the JSC Act compromises the doctrine of separation of powers negating what Kenyans endorsed with the 2010 Constitution

Water:

- This is a devolved function. The inherited water companies are defunct. The Ministry of Water cannot use water boards to implement county



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functions. The 38 Billion Shillings for water provision should be channeled through the County Revenue Accounts as a conditional grant like the Maternity Fund.

The framework for conditional grants is being developed to address this issue with finality.

Borrowing:

- County Governments are now ready to borrow. We urge CRA to issue guidelines so that County Governments can borrow to supplement infrastructure development which has stalled due to lack of funds.

Governor of Embu:

- The intention by the Parliamentary Service Commission to go remove Governor Wambora perpetuates the notion of destabilization of this county retrogressing development. The Courts have pronounced themselves thrice on this matter and it is clear the threshold for removal of Governors has been set. All the County to concentrate on its development agenda.



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We want to emphasize that County Governments are not at all departments of the National Government and therefore Ministries have no role at all in the oversight and implementation of their functions. Both levels of government need to embrace the spirit of Article 6.

Signed

HE Peter Munya

Chairman CoG