



COUNCIL OF GOVERNORS

PRESS STATEMENT ON THE COUNTY GOVERNMENTS (AMENDMENT) (NO. 2) ACT, 2014

The Council of Governors, a statutory intergovernmental relations body, is instrumental in this transition process. The Council is keen to respect and protect Constitutional principles and provisions relating to devolution. In doing so, the Council serves as a platform for the 47 County Chief Executives to come together and consider matters affecting counties.

It is on this premise that we hereby strongly object to the passage into law the County Government Amendment Act 2014 which seeks to introduce County Development Boards chaired by the Senator. The Council would like to state as follows on the matter:

1. That the Act is unconstitutional. The Constitution is clear that the Governor is the Chief Executive of the County Government.
2. That the Act is a blatant violation of the County Governments Act. Section 30 (3) of the County Government Act is unequivocal in stating that the Governor provides leadership in the county's governance and development. It is therefore gravely prejudicial to create a body dealing with development and such body fails to recognize the development role of the Governor at the county level.
3. That the Act interferes with the principle of separation of powers. The spirit and the letter of the Constitution as provided Article 96 to the effect that the Senate is a legislative body, not an implementing body. The involvement of the Senate in matters of development at the county level poses as an unnecessary interference and clouds the separation of powers principle.
4. That the Act violates Article 255 (i) of the Constitution which stipulates that, where there is a proposed amendment relating to the **objects, principles and structure of devolved government**, a referendum is

required. Since the amendments provided in the County Government Amendment Act 2014 relate to the structure of the county governments, then the Act is essentially a nullity.

5. That the County Government Act has already provided for the mechanisms being sought in the proposed amendments. Section 54 of the County Governments Act has already created a county intergovernmental forum chaired by the Governor, for harmonization and coordination of development activities.
6. That the proposed law negates the role of the Members of the Country Assembly.

We maintain that the Governor, as the Head of the Executive and the members of the County Assemblies, shall be the main drivers of development in the County and any attempt to weaken that role is a clear violation of the will of the people.

Signed

Council Of Governors