



REPUBLIC OF KENYA

PARLIAMENT

SENATE BILLS

(Bill No. 38 of 2021)



**THE COUNTY GOVERNMENTS (AMENDMENT)
BILL, 2021**

(A Bill published in the Kenya *Gazette* Supplement No. 111 of 27th May, 2021 and passed by the Senate, with amendments, on Wednesday, 23rd February, 2022.)

THE COUNTY GOVERNMENTS (AMENDMENT) BILL, 2021

A Bill for

AN ACT of Parliament to amend the County Governments Act; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows —

Short title.

1. This Act may be cited as the County Governments (Amendment) Act, 2021.

Amendment of
section 12 of
No. 17 of 2012.

2. Section 12 of the County Governments Act, in this Act referred to as “the principal Act” is amended by inserting the following new subsection immediately after subsection (4) —

(4A) At any time when the office of the Speaker is vacant or the holder of the office is unable for any reason to carry out the duties and exercise the powers and functions of that office, the deputy speaker acting as Speaker shall not assume the office of chairperson of the Board.

(4B) In the absence of the chairperson, the vice-chairperson shall preside over the meetings of the Board, and in the absence of the chairperson and the vice-chairperson, the Board shall elect a member to chair the meeting.

Amendment of
section 47 of
No. 17 of 2012.

3. Section 47 of the principal Act is amended—

(a) by deleting subsection (3) and substituting therefor the following new subsection (3) “The Governor shall, within three months of the close of the financial year, submit the annual performance reports of the county executive committee and public service to the County Assembly and the Senate for consideration”.

Amendment of
section 91A of
No. 17 of 2012.

4. The principal Act is amended by deleting section 91A and substituting therefor the following new section—

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County leaders' forum.

91A. There is established, in each county, a County Leaders Forum, consisting of the following persons:

- (a) the Governor who shall be the chairperson of the forum;
- (b) the Senator of the respective county elected under Article 98(1)(a) of the Constitution and who shall be the vice-chairperson of the forum;
- (c) members of National Assembly elected under Article 97(1)(a) of the constitution representing constituencies within the county;
- (d) the woman member of the National Assembly representing the county elected under Article 97(1)(b) of the Constitution;
- (e) the Speaker of the County Assembly;
- (f) the Leader of the Majority Party in the County Assembly;
- (g) the Leader of the Minority Party in the County Assembly;
- (h) the County Attorney, who shall be an ex-officio member;
- (i) the Chairperson of the County Public Service Board, who shall be an ex-officio member;
- (j) the County Commissioner, who shall be an ex-officio member; and
- (k) the County Secretary who shall be the Secretary to the Forum.

Functions of the forum.

91B. The Forum shall-

- (a) consult on issues of engagement between the national and county governments and propose a common legislative and development agenda.

(b) consider and advise on any issues of concern that may arise within the county and that may require cooperation, consultation and coordination between the two levels of government.

(c) consider the views of the county government on-

(i) the Budget Policy Statement before it is adopted by Parliament in line with Article 221 of the Constitution;

(ii) the formula for revenue allocation before it is adopted by Parliament in line with Article 217 of the Constitution;

(iii) the Annual Division of Revenue Bill and County Allocation of Revenue Bills before adoption by Parliament in line with Article 218 of the Constitution;

(iv) appropriations from the Equalization Fund before adoption by Parliament in line with Article 204 of the Constitution.

Quorum.

91C. (1) The forum is properly constituted when the Governor, the Senator, the County Assembly Speaker and at least one third of members of the National Assembly from the county are present.

(2) The forum shall convene at least twice in every year.

(3) The first meeting of the Forum shall be held within sixty days following a General Election.

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Management of
the forum.


91D. The office of the Governor shall
provide administrative support to the Forum.

I certify that this printed impression is a true copy of the Bill as passed by the Senate on
Wednesday, 23rd February, 2022.



Clerk of the Senate

Endorsed for presentation to the National Assembly in accordance with the provisions of standing
order 156 of the Senate Standing Orders.



Speaker of the Senate

PRINTED BY THE CLERK OF THE SENATE

