

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 6<sup>th</sup> November, 2019

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Speaker (Hon. Lusaka) in the Chair]*

### PRAYER

### MESSAGE FROM THE NATIONAL ASSEMBLY

#### PASSAGE OF BILLS BY THE NATIONAL ASSEMBLY

beg to move.

**The Speaker** (Hon. Lusaka): Proceed, Sen. Faki.

#### NOTING OF REPORT OF PARLIAMENT OF KENYA DELEGATION TO THE 64<sup>TH</sup> CPC

**Sen. Faki:** Thank you, Mr. Speaker, Sir. I beg to give notice of the following Motion:-

THAT, the Senate notes the Report of the Parliament of Kenya Delegation to the 64<sup>th</sup> Commonwealth Parliamentary Conference (CPC) held in Kampala, Uganda from 22<sup>nd</sup> to 29<sup>th</sup> September, 2019.

**The Speaker** (Hon. Lusaka): Let us move to the next Order.

**Sen. Olekina:** Mr. Speaker, Sir, we agreed.

**The Speaker** (Hon. Lusaka): Okay, Sen. Olekina. We are back to Order No.6.

#### EXERCISE BY DEPUTY GOVERNORS OF POWERS AND FUNCTIONS VESTED IN THE OFFICE OF THE COUNTY GOVERNOR IN THE ABSENCE OF THE GOVERNOR

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. I beg to give Notice of the following Motion:-

THAT, COGNIZANT that Article 179(4) of the Constitution designates the county governor and the deputy governor as the chief executive and the deputy chief executive of the county respectively;

FURTHER, COGNIZANT that Article 180(6) of the Constitution, a county governor and deputy governor are elected on a joint ticket, with

Article 179(5) providing that whenever the county governor is absent, the deputy county governor shall act as the county governor;

AWARE THAT in several counties, deputy county governors have had to serve as county governors due to the absence of a substantive county governor arising from ill health, incapacity or orders emanating from the courts barring the substantive governor from accessing office;

ACKNOWLEDGING that Section 32(4) of the County Governments Act places limitations on the exercise by the deputy county governor while acting as governor, any powers of the governor to nominate, appoint or dismiss that are assigned to the governor under the Constitution or other written law;

NOTING THAT other than the said limitation under Section 32(4) of the County Governments Act, no other restraints are placed in law on the exercise by deputy governor of the powers and functions of the governor whenever the governor is absent;

AWARE THAT in exercising the powers and functions of the county governor pursuant to Article 179(5) of the Constitution, deputy county governors face a myriad of legal, operational and administrative challenges, which hinder the effective functioning of county governments and the efficient delivery of services to the public;

NOW THEREFORE, the Senate recommends that the national Treasury, the Controller of Budget (CoB), the Auditor-General and the respective county assemblies and the County Executive Committee (CEC) members to work directly with the deputy county governor while exercising the functions of the county governor in order to facilitate the effective functioning of county governments and the efficient delivery of services in the public.