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ELEVENTH PARLIAMENT –THIRD SESSION  
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REPORT OF THE MEDIATION COMMITTEE ON THE CONSIDERATION OF THE  
COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 1 OF 2014)

CLERKS' CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI-KENYA

NOVEMBER, 2015

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# REPORT OF THE MEDIATION COMMITTEE ON COUNTY GOVERNMENTS (AMENDMENT) BILL, (SENATE BILL NO. 1 OF 2014)

## 1.1 Introduction

The Mediation Committee on County Governments (Amendment) Bill, (Senate Bill No. 1 of 2014) was appointed by Speakers of the two Houses of Parliament pursuant to Article 112(2)(b) of the Constitution following the rejection of the Bill on 6<sup>th</sup> August, 2015 by the National Assembly at Second Reading.

Subsequently, four Members were appointed to the Committee from each House with a view to attempt to develop a version of the Bill that both Houses would pass.

## 1.2 Composition of the Mediation Committee

Through a letter Ref. No. KNA/2/4/2015(310) dated 19<sup>th</sup> August, 2015, the Clerk of the National Assembly informed the Clerk of the Senate that, the Speaker of the National Assembly, in consultation with the Leaders of Majority and Minority Parties of the National Assembly had appointed the following Members to represent the National Assembly in the Mediation Committee on County Governments (Amendment) Bill, (Senate Bill No. 1 of 2014) to consider the Bill:-

1. Hon. Wanjiku Muhia, MP
2. Hon. Daniel Maanzo, MP
3. Hon. Timothy Bosire, MP
4. Hon. Joseph Limo, MP

In acknowledging the above letter from the Clerk of the National Assembly, the Clerk of the Senate vide letter Ref. No. SEN/BILLS/2015 dated 23<sup>rd</sup> September, 2015, informed the Clerk of the National Assembly that, pursuant to Article 113 of the Constitution, the Speaker of the Senate had appointed the following Senators to represent the Senate in the Mediation Committee on County Governments (Amendment) Bill, (Senate Bill No. 1 of 2014) to consider the Bill:-

1. Sen. (Dr.) Boni Khalwale
2. Sen. Billow Kerrow
3. Sen. Janet Ong'era
4. Sen. Kipchumba Murkomen

Following the appointment of the Mediation Committee, the two teams representing the two Houses held separate debriefing meetings to acquaint themselves with their mandate.

### 1.3 Election of the Chairperson and Vice-Chairperson of the Committee

The Committee held its first meeting on Thursday, 15<sup>th</sup> October, 2015 and Senator (Dr.) Boni Khalwale and Hon. Wanjiku Muhia were elected as the Chairperson and Vice-Chairperson respectively.

### 1.4 Objectives of the Mediation

The objective of the mediation is to attempt to develop a version of the Bill that both Houses will pass in accordance with Article 113(1).

### 1.5 The County Governments (Amendment) Bill, Senate Bills No. 1 of 2014

The County Governments (Amendment) Bill, Senate Bills No. 1 of 2014 sponsored by Sen. (Dr.) Boni Khalwale seeks to amend the County Governments Act, No. 17 of 2012 by designating, in law, the respective headquarters of the forty-seven counties. The Bill also provides that in cases of transfer of county headquarters, the transfer should be done by a resolution by a County Assembly supported by at least two-thirds of the members of the County Assembly and with the approval of the Parliament.

#### 1.5.1 Consideration of the Bill by the Senate

The Bill was published on 28<sup>th</sup> February, 2014 and read a First Time in the Senate on 12<sup>th</sup> March, 2014 and committed to the Senate Standing Committee on Legal Affairs and Human Rights. The Standing Committee conducted public hearings on the Bill on 9<sup>th</sup> and 10<sup>th</sup> April, 2014. The following is a summary of the views submitted by the stakeholders during the public hearings-

##### (a) The Independent Electoral and Boundaries Commission (IEBC)

The IEBC supported the Bill and submitted that the ~~setting out~~ of the physical location of the seat of each county government would minimize ~~dispute~~ among out of the physical locations of headquarters of county governments ~~as witnessed~~ in Kirinyaga and Meru counties, among other counties.