



REPUBLIC OF KENYA

**THE 10TH ORDINARY SESSION OF THE NATIONAL AND
COUNTY GOVERNMENTS COORDINATING SUMMIT
MEETING COMMUNIQUE**

18TH DECEMBER, 2023

As the apex Intergovernmental Relations body established under section 7 of the Intergovernmental Relations Act, 2012, the Summit met this morning and deliberated on critical issues affecting the two levels of governments.

Most importantly, we have all acknowledged and agreed to continuously cooperate and consult with each other in the performance of our functions. This is a Constitutional requirement which we have committed to adhere to.

As dictated by the law, today's meeting has offered us with an opportunity to take stock of our collective achievements and to make decisions that will allow the two levels of governments to unlock potential threats to our development agenda.

Having had fruitful deliberations between the two levels of government, we therefore submit the meeting's resolutions:

- 1. THE Intergovernmental Relations Technical Committee (IGRTC)** shall comprehensively engage with all the key stakeholders for a further period of two months to ensure that the exercise of Transfer of Functions is completed and pending functions due to the county governments are gazetted for transfer. The Attorney General's Office shall offer technical support to the exercise.

2. **THAT** the exercise leading to the completion of the valuation of assets shall be fast tracked and completed within the next two months to necessitate the legal transfer of the assets to the County Governments.
3. **THAT on County Industrial and Aggregation Parks (CAIPS)**, Every County Government shall sign all the necessary Intergovernmental Agreements (IAs) with the National Treasury within fourteen days to activate the disbursement of the allocated National Government counterpart funding to the county governments. The Attorney General shall provide legal advice on the structure of the Intergovernmental Agreement (IA) to be signed by the two levels of government.
4. Similarly, through the Supplementary Budget 2023/2024 financial year, the National Government shall provide budgetary allocation to the remaining 29 county governments that are yet to benefit from the programme.
5. **THAT on Roads Maintenance Levy Fund (RMLF)**, a consultative process shall be instituted involving both levels of governments and Parliament to unlock the existing legislative gaps to necessitate equitable distribution of the Roads Maintenance Levy Fund (RMLF) between the two levels of government. His Excellency the President shall lead the mediation process.
6. **THAT on Community Health Promoters (CHPs);**
 - i. support to the county governments by the national government, the national government's stipend support shall be extended from the current three (3) years to five (5) years.
 - ii. **The Ministry of Health (MOH)** shall also support the county governments with an additional seven thousand eight hundred and nine (7809) CHP kits and stipends by the end January 2024.
 - iii. **The Ministry of Health (MOH)** shall develop a framework to necessitate embedding a common pool of resources earmarked for the payment of the CHPs to be managed by the two levels of government.
7. **THAT on the Managed Equipment Service (MES)**, the Ministry of Health (MOH) jointly with the Council of Governors (COG) through a select technical committee of seven drawn from both parties, shall

develop a strategic roadmap that shall guide the two levels of government in transition from MES without disruption of services. The County governments shall be required to initiate a transparent process for procurement of their own Equipment where the national government has offered a collaborative engagement with willing county governments in which they will provide:

- i. **To** guarantee the county governments during the procuring process of their respective equipment.
- ii. **To offer** financial support County Governments with up to thirty (30) percent of the purchasing amount of the equipment.
- iii. **To** support the county governments through collective market price negotiations, enabling the county governments to procure directly.
- iv. As a stop gap measure, the **existing contractual obligations shall be negotiated for extension up to the end of March 2024.**

8. THAT the office of the Deputy President shall fast track the process leading to the amendment of the Intergovernmental Relations Act, 2012 to anchor the Council of Governors (COG) secretariat into law.

- i. That the Council of Governors shall receive funding from both the National Government and County Governments;
- ii. That the sections on cabinet secretary to be amended to capture the officer in charge of devolution.

9. THAT the Attorney General shall take up and fast-track the proposed amendments to repeal the provisions of Section **191 A-E** of the Public Finance Management Act, 2012 to enable county governments to access conditional grants without any hindrances.

Additionally, the Attorney General shall seek through parliament, to unlock the stalemate on the County Governments Additional Allocation of Revenue Bill 2023.

10. THAT the National Treasury shall engage with the Council of Governors (COG) and the respective line Ministries to develop an

effective institutional structure for management of conditional grants related to programme support from development partners.

11. THAT His Excellency the President shall institute a process leading to further consultation on allocations towards the transferred library function with the relevant stakeholders.

- i. **Similarly, IGRTC** shall institute a consultative process bringing together the Kenya National Library Services (KNLS), Nairobi City County and Nakuru County on the three libraries currently under the management of KNLS.

12. THAT County Governments will be the first point of call in distribution of fertilizer to the farmers under the last mile program.

13. THAT the Intergovernmental Relations Act, 2012 shall be amended to strengthen IGRTC's convening mandate on matters relating to Alternative Dispute Resolution (ADR).

14. THAT the Intergovernmental Sector Forum Regulations shall be reviewed further by both the State Department for Devolution and the Council of Governors (COG) and an update shared through the office of the Deputy President.

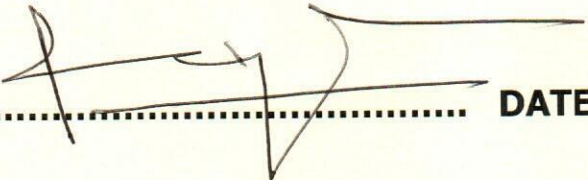
15. THAT Salaries and Remuneration Commission (SRC) jointly with IGRTC and COG shall convene the third Wage Bill Conference. The National Government shall finance the conference.

- i. The national government has committed to reduce their wage to thirty five percent in line with the provisions of the Public Finance Management Act, 2012 by 2028 and urges the county governments to align.

15. THAT an accountability system will be set up to ensure that distribution of supplies to those affected by Elnino is monitored and evaluated.

**COMMUNIQUE SIGNED BY HIS EXCELLENCY THE DEPUTY
PRESIDENT OF THE REPUBLIC OF KENYA.**

H.E HON. RIGATHI GACHAGUA, EGH.

 DATE 18/12/23

**COMMUNIQUE SIGNED BY HER EXCELLENCY THE VICE
CHAIRPERSON OF THE SUMMIT.**

H.E GOVERNOR ANNE MUMBI WAIGURU, EGH.

 DATE 18/12/23