

REPUBLIC OF KENYA



COUNTY ASSEMBLIES FORUM (CAF)

COUNTY ASSEMBLIES FORUM CONSTITUTION

Revised April 2019.

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PREAMBLE

WE the members of the Forty-Seven County Assemblies established under Articles 174, 176 and 185 of the Constitution of the Republic of Kenya and listed in Schedule 1 to this Constitution

DESIROUS of a more coordinated voice for the County Assemblies

DETERMINED to Promote

1. consultation and cooperation among counties on political and socio- economic relations for the welfare of the people of Kenya; and
2. engagement of the people with their legislatures at the county level

HEREBY constitute the County Assemblies Forum.

ARTICLE 1: DEFINITIONS

In this Constitution, unless the context otherwise requires:

Auditor means a person or firm who is qualified and certified to conduct audits of accounts in Kenya;

Auditor General means the Auditor General appointed in accordance with Article 229 of the Constitution and Section 11 of the Public Audit Act, 2015;

Chapter means a group of members of the Forum who have a common special interest and have been formally recognized by the Forum;

Cluster means a number of County Assemblies grouped together for purposes of consultations and effective discharge of the affairs of the Forum;

County Assembly means a County Assembly established under Article 176 of the Constitution;

County Assembly Service Board means the Board established under section 12 of the County Governments Act with respect to each County Assembly;

Deputy Speaker means the member elected to deputise the Speaker and who is serving in that position in respect of every County Assembly;

Executive Committee means the organ established under Article 9 of this Constitution with the overall mandate of managing the affairs of the Forum;

Ex officio means a member by virtue of serving as the clerk of a County Assembly;

Governing Council means the organ established under Article 8 of this Constitution comprising representatives from every county assembly and overseeing the Executive Committee in managing the Forum

Forum means the County Assembly Forum established under this Constitution as the umbrella body for all 47 county assemblies in Kenya;

Member of County Assembly means an elected or nominated member of a County Assembly;

Majority Party means the party with the single largest members in the County Assembly;

Minority Party means the party with the second largest members in the County Assembly;

Majority Whip means the whip of the party with the single largest members in the County Assembly;

Minority Whip means the whip of the party with the second largest members in the County Assembly;

Speaker means the speaker of a County Assembly elected under Article 178 of the Constitution and any other written Law;

Youth means a member of a County Assembly who has not attained the age of thirty-five years.

ARTICLE 2: ESTABLISHMENT

- 1) There is hereby established a forum for ALL 47 County Assemblies as listed in Schedule 1 to be known as the ‘County Assemblies Forum’ (herein after referred to as CAF or the Forum).
- 2) The Headquarters of the Forum shall be in Nairobi or at such other place as shall be decided by the General Assembly of the Forum.

ARTICLE 3: OBJECTIVES

- 1) The objectives of the Forum shall be to:
 - a) promote the objects and principles of devolution as recognized in the Constitution of Kenya through legislation, representation and oversight at the county level;
 - b) act as a coordinating body for County Assemblies and facilitate capacity building, undertake research and policy advocacy to enable members effectively discharge their constitutional mandate;
 - c) provide a platform for consultation amongst members and champion for their welfare;
 - d) promote consultation and cooperation with national government, constitutional commissions, independent offices and other agencies at the national level;
 - e) act as a collective voice for County Assemblies in engagement with county executives and other stakeholders at the county level;
 - f) act as a link between County Assemblies and the Senate on protection and functioning of counties;
 - g) engage citizens on the roles and functions of County Assemblies; and
 - h) facilitate networking with other stakeholders in devolution with common objectives at the national, regional and international level.

ARTICLE 4: MEMBERSHIP OF THE FORUM

- 1) The Forum shall have four categories of members, being:
 - a) all the 47 County Assemblies in the Republic of Kenya;
 - b) all Speakers of County Assemblies;
 - c) all elected and nominated members of County Assemblies; and
 - d) all Clerks of County Assemblies.
- 2) All members under clause (1) (a) shall be deemed to be automatic members of the Forum and shall be required to pay a one-off membership fee of Ten Thousand Kenya Shillings (KSh. 10,000) and such annual subscription fees as shall be determined by the Governing Council from time to time.
- 3) A member under clause (1) (b) and (c) shall automatically become a member of the Forum upon being sworn in as a member of their respective County Assembly.
- 4) A member under clause (1) (d) above shall become a member of the Forum upon appointment by the respective County Assembly Service Board.
- 5) All members under clause (1) (d) shall be ex-officio with no powers to vote on matters of the Forum.
- 6) Any member under clause 1 (a) that fails to pay the prescribed annual subscription fees may, on the resolution of the Governing Council, be suspended together with its members from participating in the affairs of the Forum.
- 7) Cessation of membership to the Forum
 - a) for members under clause 1 (b) and (c), upon ceasing to be members of their respective County Assemblies in accordance with the Constitution of Kenya and any other written law; and
 - b) for a member under (1)(d), upon retirement, resignation, termination of service at the respective County Assembly or death.

ARTICLE 5: OFFICIALS OF THE FORUM

- 1) The Forum shall have the following officials:
 - a) The Chairperson
 - b) The Deputy Chairperson
 - c) The Secretary General

- d) The Deputy Secretary General
 - e) The Organizing Secretary
 - f) The Deputy Organising Secretary
 - g) The Treasurer
- 2) Each of the Deputies under clause (1) above shall be of the opposite Gender from the persons who have been elected as the officer holders for Chairperson, Secretary General and Organising Secretary respectively.
- 3) The roles and responsibilities of the officials shall be as follows:
- a) The Chairperson shall convene, chair and preside over all meetings, and represent the Forum.
 - b) The Deputy Chairperson shall deputize the Chairperson and chair and preside over meetings in the absence of the Chairperson.
 - c) The Secretary General shall communicate the decisions of the Forum.
 - d) The Deputy Secretary General shall deputise the Secretary General and assist him/her in the performance of the duties of that office.
 - e) The Organizing Secretary shall be the whip and coordinate the participation of members in affairs of the Forum.
 - f) The Deputy Organizing Secretary shall deputise the organising Secretary and assist him/her in the performance of the duties of that office.
 - g) The Treasurer shall be the chair of the finance sub-committee of the Executive Committee and be responsible for presenting financial reports to the members of the Forum.
- 8) An official of the Forum may by notice in writing to the Chairperson, or the Vice Chairperson in the case of the Chairperson, resign from their position.
- 9) A member may, by notice to the Executive Committee supported by at least a third of all the members of the Governing Council, move a motion for the removal of any/all of the officials of the Forum on any of the following grounds;
- a) Gross violation of this Constitution and any other law;
 - b) Where there are serious reasons for believing that the chairperson or member has committed a crime under national or international law;
 - c) Abuse of office or gross misconduct; or

- d) Physical or mental incapacity rendering him/her unable to perform the functions of office held by that member.
- 10) If the Governing Council finds that the motion is not frivolous, it shall form an Ad Hoc Committee of not more than nine (9) members to investigate the matter and present a report within 21 working days.
- 11) The official shall be accorded an opportunity to appear before the Ad Hoc Committee and respond to the allegations raised against them.

ARTICLE 6: ORGANS OF THE FORUM

- 1) The Forum shall have the following organs:
 - a) The General Assembly
 - b) The Governing Council
 - c) The Executive Committee
 - d) CAF Chapters
- 2) The General Assembly, upon the recommendation of the Governing Council, may establish such other organs of the Forum as may be necessary.

ARTICLE 7: THE GENERAL ASSEMBLY

- 1) The General Assembly shall consist of all members of the Forum.
- 2) (a) The General Assembly shall be the main policy-making and deliberative body of the Forum.
(b) Notwithstanding the generality of clause (a), the functions of the General Assembly shall be to:
 - i). consider and approve the annual audited accounts of the Forum;
 - ii). approve any amendments to this Constitution; and
 - iii). consider and approve any proposals for dissolution of the Forum.
- 3) There shall be two categories of meetings of the General Assembly, being:
 - a. Annual General Meetings
 - b. Special General Meetings
- 4) The Annual General Meeting shall be held once every year to deliberate on matters affecting the Forum.

- 5) The General Assembly may hold such number of special meetings as may be necessary.
- 6) All decisions of the General Assembly may be on the basis of consultation, consensus or voting.
- 7) The quorum for all meetings of the General Assembly shall be a majority of all the 47 County Assemblies.
- 8) The notice period for all Annual General Meetings of the General Assembly shall be at least twenty-one days.
- 9) The notice period for all Special General Meetings of the General Assembly shall be at least seven days.
- 10) The Agenda for every AGM shall be prepared by Executive Committee, approved by the Governing Council and circulated to members at least fourteen days before the date of the meeting.
- 11) A special general meeting may be called by the Chairperson, or a member with the support of at least a majority of the County Assemblies.
- 12) A member intending to call for a meeting under clause 10 above shall submit a written petition for the convening of the meeting to the Chairperson at least twenty-eight days to the date of the proposed meeting, detailing the proposed agenda for the meeting and accompanied by evidence of support required from a majority of the County Assemblies.

ARTICLE 8: THE GOVERNING COUNCIL

- 1) The Governing Council shall consist of:
 - a) Three members from every County Assembly, being the Speaker and two other members elected by the County Assembly, ensuring that of the three member's one is from the opposite gender.
 - b) One representative of each of the CAF Chapters recognised under Article 10 of this Constitution.
- 2) The functions of the Governing Council shall be to:
 - a) elect officials of the Forum;
 - b) elect members of the Executive Committee;
 - c) pass a vote of no confidence in a member of the Executive Committee;

- d) consider and approve the annual budget of the Forum;
 - e) appoint an auditor for each financial year on the recommendation of the Executive Committee;
 - f) consider and make recommendations on policies, strategies and work programmes of the Forum;
 - g) convene an annual conference for the purpose of promoting the objectives of the Forum and assessing the progress of implementation of devolution; and
 - h) perform oversight over the Executive Committee by considering and adopting progress reports from the Executive Committee.
- 3) The Governing Council shall have the following Standing Committee comprising of eleven(11) members:
- a) Alternative Dispute Resolution Committee which shall promote harmonious relations between members through alternative dispute resolution mechanisms, under the direction of Governing Council and/or Executive Committee.
- 4) The Governing Council may establish such Ad Hoc Committees from time to time as may be necessary to ensure effective and efficient discharge of its mandate under clause (2) above.
- 5) The Governing Council shall meet for business at least four (4) times in a year.
- 6) Decisions at meetings of the Governing Council shall be arrived at by consensus, failing which by a majority of County Assemblies present and voting; with each County Assembly casting a delegate vote.
- 7) Notwithstanding clause (6) above, all members of the Governing Council shall cast an individual vote in the elections of Officials of the Forum under Article 5 provided that each member shall be entitled to one vote.
- 8) A member of the Governing Council may be recalled by the members of the County Assembly through a resolution approved by the County Assembly at a meeting convened in accordance with the standing orders of the respective County Assembly.
- 9) No member may recalled until a period of one year has expired from the date of their election to the Governing Council.

- 10) The motion for recall, once adopted will be submitted to the Executive Committee for their implementation.

ARTICLE 9: EXECUTIVE COMMITTEE

- 1) There shall be an Executive Committee of the Forum which shall consist of:
 - a) Seven (7) officials of the Forum as per Article 5;
 - b) Sixteen (16) other members elected by the Governing Council from the clusters of the Forum in Schedule 2, with each cluster represented by two members each(one being a Speaker and the other an MCA);
 - c) One (1) representative of the Clerks' cluster, as an ex-officio member..
- 2) The Executive Committee shall:
 - a) be responsible for the management of the affairs of the Forum;
 - b) ensure that the decisions of the General Assembly are implemented;
 - c) recruit and supervise the Chief Executive Officer of the Forum;
 - d) oversight the operations of the secretariat;
 - e) prepare an annual budget, to be presented to the Governing Council for approval; and
 - f) prepare quarterly progress reports of the Forum for consideration and adoption by the Governing Council.
- 3) The Executive Committee shall have the following standing sub-committees for effective and efficient discharge of their mandate under clause (2) above:
 - a) Finance subcommittee which shall develop the annual budget of the Forum and undertake financial oversight of expenditure by the secretariat.
 - b) Members' Services subcommittee which shall coordinate welfare related issues of the members.
 - c) Inter-governmental Relations subcommittee which shall spearhead engagements with national government, Constitutional Commissions and Independent offices.
 - d) Legal Affairs subcommittee which shall consider and advise on legal matters affecting the Forum and its members.

- 4) The Executive Committee shall be answerable to the Governing Council and the General Assembly.
- 5) The Executive Committee shall meet for the transaction of business at least six (6) times a year.
- 6) The quorum for all meetings of the Executive Committee shall be the chairperson and a third (1/3) of members.
- 7) Decisions at meetings of the Executive Committee shall be arrived at by consensus, failing which by a majority of Members present and voting; provided that each member shall be entitled to one vote.
- 8) In case of a tie, the Chairperson shall either cast the deciding vote or defer the vote.
- 9) The procedure for resignation or removal of a Member of the Executive Committee shall be similar to that of resignation or removal of an official.

ARTICLE 10: CHAPTERS OF THE FORUM

- 1) CAF shall have the following chapters to provide different interest groups a platform to discuss matters of mutual interest:
 - a) A chapter for all County Assembly Speakers
 - b) A chapter for all County Assembly Deputy Speakers
 - c) A chapter for all leaders of Majority Parties in the County Assemblies
 - d) A chapter for all leaders of Minority Parties in the County Assemblies
 - e) A chapter for all Majority Whips in the County Assemblies
 - f) A chapter for all Minority Whips in the County Assemblies
 - g) A chapter for all Women Members of County Assemblies
 - h) A chapter for all Youth Members of the County Assemblies
 - i) A chapter for all Members with Disability in County Assemblies
 - j) A chapter for all Clerks of the County Assemblies
 - k) A chapter for Sports and cultural activities which shall coordinate the participation of county assemblies in sports activities

ARTICLE 11: ELECTIONS

- 1) Elections for members of the Governing Council shall be held every Five years, provided that the date for such elections shall be no later than three months from the date of a General Elections in Kenya.
- 2) Elections for officials, members of the Executive Committee shall be held every two and a half (2 ½) years, provided that the elections following the conclusion of a General Election shall be held no later than three months from the date of the General Elections.
- 3) Members of the Governing Council shall be elected by the respective County Assemblies.
- 4) Members of the Executive Committee and Officials of the Forum shall be elected by the Governing Council from amongst itself.
- 5) In conducting the elections under clause (3) above, the Governing Council shall:
 - a) Elect the Chairperson of the Forum from amongst the Speakers;
 - b) Elect the Deputy Chairperson of the Forum from amongst the Speakers of opposite gender from the chair;
 - c) Elect the Secretary General from amongst the Members of County Assemblies who are in the Governing Council.
 - d) Elect the Deputy Secretary General from amongst Members of County Assemblies who are in the Governing Council.
 - e) Elect from each cluster, one Speaker and one Member of County Assembly to the Executive Committee.
- 6) The Chief Executive Officer of the Forum shall preside over elections under this Constitution.

ARTICLE 12: THE SECRETARIAT

- 1) There shall be a secretariat of the Forum which shall be headed by a Chief Executive Officer.
- 2) The Chief Executive Officer of the Forum shall be appointed by the Executive Committee, in a transparent and competitive process and on such terms and conditions of service as may be approved by the Governing Council.
- 3) The Chief Executive Officer shall be:

- a) head of the Secretariat;
 - b) chief accounting officer;
 - c) secretary to the Executive Committee; and
 - d) custodian of all records of the Forum;
- 4) The Secretariat shall comprise of such other professional, technical, administrative and support staff, as may be necessary for the performance of the functions of the Forum.
- 5) The Secretariat shall:
- a) be responsible for day to day technical and administrative activities of the Forum;
 - b) report periodically, through the Chief Executive Officer, to the Executive Committee on the activities undertaken; and
 - c) undertake any other duties that may be assigned to it by the Executive Committee.

ARTICLE 13: FINANCIAL PROVISIONS

- 1) The finances of the Forum shall accrue from the following sources:
 - a) annual mandatory contributions from member County Assemblies, as shall be determined by the Governing Council on the recommendation of the Executive Committee;
 - b) grants, gifts and donations to the Forum;
 - c) charges for activities by the Forum as may be approved by the Governing Council on the recommendation of the Executive Committee; and
 - d) any other source approved by the Governing Council.
- 2) The Financial Year of the Forum shall commence on 1st July and end on 30th June.
- 3) The Secretariat shall maintain proper accounts and books of accounts for the Forum and periodically submit the accounts to treasurer and the Executive Committee.

- 4) The Accounts of the Forum shall be audited every year by a firm of Auditors appointed by the Executive Committee, subject to the approval of the Governing Council and by the Auditor General.
- 5) The Treasurer shall present the annual audited accounts to the membership of the Forum.

ARTICLE 14: AMENDMENTS

- 1) This Constitution may be amended by a resolution of the General Assembly supported by at least two-thirds (2/3) of all County Assemblies at a meeting specially convened for that purpose.
- 2) A member may propose an amendment to this Constitution through written notice accompanied by a comprehensive memorandum to the Chairperson of the Forum.
- 3) Upon receipt of the proposal, the Chairperson shall table it to the Executive Committee for consideration
- 4) The Executive Committee shall submit its recommendation on the proposal to the Governing Council for their consideration.
- 5) Subject to recommendation of the Governing Council, the Secretary General shall circulate the same to all County Assemblies for their comments.
- 6) County Assemblies shall have a period of thirty (30) days within which to submit their comments on the proposal for amendment.
- 7) Upon receipt of comments from the County Assemblies, the Chairperson shall table the proposed amendment and feedback from the County Assemblies before the Executive Committee for consideration.
- 8) The Executive Committee shall submit its recommendation on the proposal to the Governing Council for their consideration.
- 9) The Governing Council shall, based on the recommendation of the Executive Committee, determine whether to submit the proposed amendment for adoption by the General Assembly.

ARTICLE 15: DISSOLUTION

- 1) The Forum shall be dissolved if a resolution to that effect is adopted by the General Assembly.
- 2) A resolution for dissolution of the Forum shall not be considered until a notice to that effect has been given to all the County Assemblies and to the Registrar of Societies and at least three months has elapsed.
- 3) A resolution to dissolve the Forum must be supported by at least three quarters ($\frac{3}{4}$) of all the County Assemblies
- 4) Once a decision is made to dissolve the Forum, The Governing Council shall determine the terms and conditions for disposing the assets and dealing with the liabilities of the Forum.

ARTICLE 16: TRANSITION

- 1) This Constitution shall come into force following its adoption by the General Assembly.
- 2) The Members of the Governing Council in office at the time of adoption of this Constitution shall be deemed to have been elected under this Constitution and continue serving in office for the remainder of their term.
- 3) The officials and members of the Executive Committee in office at the time of the adoption of this Constitution shall continue serving in office for a period not exceeding six months thereafter.
- 4) The first elections under this Constitution shall be held within 6 months following the adoption of this Constitution by the General Assembly, at a time to be decided by the Governing Council. Those elections shall be to choose officials and members of the Executive Committee only

SCHEDULES OF THE CAF CONSTITUTION

SCHEDULE 1: THE COUNTY ASSEMBLIES

- 1) Mombasa County Assembly
- 2) Kwale County Assembly
- 3) Kilifi County Assembly
- 4) Tana River County Assembly
- 5) Lamu County Assembly
- 6) Taita Taveta County Assembly
- 7) Garissa County Assembly
- 8) Wajir County Assembly
- 9) Mandera County Assembly
- 10) Marsabit County Assembly
- 11) Isiolo County Assembly
- 12) Meru County Assembly
- 13) Tharaka-Nithi County Assembly
- 14) Embu County Assembly
- 15) Kitui County Assembly
- 16) Machakos County Assembly
- 17) Makueni County Assembly
- 18) Nyandarua County Assembly
- 19) Nyeri County Assembly
- 20) Kirinyaga County Assembly
- 21) Murang'a County Assembly
- 22) Kiambu County Assembly
- 23) Turkana County Assembly
- 24) West Pokot County Assembly
- 25) Samburu County Assembly
- 26) Trans Nzoia County Assembly
- 27) Uasin Gishu County Assembly
- 28) Elgeyo Marakwet County Assembly
- 29) Nandi County Assembly
- 30) Baringo County Assembly
- 31) Laikipia County Assembly
- 32) Nakuru County Assembly
- 33) Narok County Assembly
- 34) Kajiado County Assembly
- 35) Kericho County Assembly
- 36) Bomet County Assembly
- 37) Kakamega County Assembly
- 38) Vihiga County Assembly
- 39) Bungoma County Assembly
- 40) Busia County Assembly
- 41) Siaya County Assembly
- 42) Kisumu County Assembly
- 43) Homa Bay County Assembly
- 44) Migori County Assembly
- 45) Kisii County Assembly
- 46) Nyamira County Assembly
- 47) Nairobi City County Assembly

SCHEDULE 2: CLUSTERS OF CAF

- 1) Coast Cluster
 - a) Mombasa County Assembly
 - b) Kwale County Assembly
 - c) Kilifi County Assembly
 - d) Tana River County Assembly
 - e) Lamu County Assembly
 - f) TaitaTaveta County Assembly
- 2) North Eastern Cluster
 - a) Garissa County Assembly
 - b) Wajir County Assembly
 - c) Mandera County Assembly
 - d) Nairobi County Assembly
- 3) Eastern Cluster
 - a) Marsabit County Assembly
 - b) Isiolo County Assembly
 - c) Meru County Assembly
 - d) TharakaNithi County Assembly
 - e) Embu County Assembly
 - f) Kitui County Assembly
 - g) Machakos County Assembly
 - h) Makueni County Assembly
- 4) Central Cluster
 - a) Nyandarua County Assembly
 - b) Nyeri County Assembly
 - c) Kirinyaga County Assembly
 - d) Murang'a County Assembly
 - e) Kiambu County Assembly
- 5) North Rift Cluster
 - a) Turkana County Assembly
 - b) West Pokot County Assembly
 - c) Uasin Gishu County Assembly
 - d) Elgeyo Marakwet County Assembly
 - e) Nandi County Assembly
 - f) Baringo County Assembly
- 6) South Rift Cluster
 - a) Samburu County Assembly
 - b) Laikipia County Assembly
 - c) Nakuru County Assembly
 - d) Narok County Assembly
 - e) Kajiado County Assembly
 - f) Bomet County Assembly
 - g) Kericho County Assembly
- 7) Western Cluster
 - a) Trans Nzoia County Assembly
 - b) Kakamega County Assembly
 - c) Vihiga County Assembly
 - d) Bungoma County Assembly
 - e) Busia County Assembly
- 8) Nyanza Cluster
 - a) Siaya County Assembly
 - b) Kisumu County Assembly
 - c) Homa Bay County Assembly
 - d) Migori County Assembly
 - e) Kisii County Assembly
 - f) Nyamira County Assembly