

**THE COUNTY GOVERNMENTS (AMENDMENT)
(NO. 3) BILL, 2016**

A Bill for

AN ACT of Parliament to amend the County Governments Act to provide for additional qualifications of the Chairperson of a County Public Service Board; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the County Governments (Amendment) (No. 3) Act, 2016.

Short title

2. Section 58 of the County Governments Act is amended in subsection (3) by deleting paragraph (c) and substituting therefor the following new paragraph-

Amendment of section 58 of No. 17 of 2012.

(c) in the case of the Chairperson—

- (i) possesses a minimum of a bachelors degree from a university recognised in Kenya;
- (ii) is a human resource management professional of good standing registered under the Human Resource Management Professionals Act; and
- (iii) has a working experience of not less than ten years;

No. 52 of 2012

MEMORANDUM OF OBJECTS AND REASONS**Statement of objects and reasons**

The principal object of this Bill is to amend section 58 of the County Governments Act, No. 17 of 2012, to provide for the appointment of human resource management professionals as chairpersons of the County Public Service Boards.

The purpose of this amendment is to build the capacity of the County Public Service Boards so as to enable them to execute their mandate in a professional manner. This is in view of the fact that there have been serious concerns over service delivery in key human resource functions such as recruitment, selection, performance management, training and development, change management and human resource development by the county governments since their inception in 2013.

The Bill is therefore intended to inject professionalism in the human resource functions of the County Public Service Boards to ensure quality service delivery in the counties.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not limit fundamental rights and freedoms neither does it delegate any legislative power.

Statement on how the Bill concerns county governments

This Bill seeks to amend the County Governments Act, 2012 on matters relating to the qualifications of the chairpersons of the County Public Service Boards. The Bill therefore directly affects the functions and powers of the county governments set out in the Fourth Schedule to the Constitution.

The Bill is therefore one that concerns county governments in terms of Article 110(1)(a) of the Constitution.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 13th October, 2016.

ABDIRAHMAN ALI HASSAN,
Senator.

Section 123 of No. 17 of 2012 which it is proposed to amend—

58. Composition of the County Public Service Board

- (1) The County Public Service Board shall comprise—
 - (a) a chairperson nominated and appointed by the county governor with the approval of the county assembly;
 - (b) not less than three but not more than five other members nominated and appointed by the county governor, with the approval of the county assembly; and
 - (c) a certified public secretary of good professional standing nominated and appointed by the governor, with the approval of the county assembly, who shall be the secretary to the board.
- (2) The appointment of the members of the Board shall be through a competitive process.
- (3) A person shall be qualified to be appointed as a member under subsection (1) if that person—
 - (a) satisfies the provisions of Chapter Six of the Constitution;
 - (b) is not a state or public officer;
 - (c) in the case of chairperson or vice-chairperson, possesses a minimum qualification of a bachelor's degree from a recognised university and working experience of not less than ten years; and
 - (d) in the case of any other members—
 - (i) possesses a minimum of a bachelor's degree from a recognised university and working experience of not less than five years; and
 - (ii) is a professional, demonstrates absence of breach of the relevant professional code of conduct.
- (4) A member of the Board shall—
 - (a) hold office for a non-renewable term of six years; and
 - (b) may serve on a part-time basis.
- (5) The members of the Board may only be removed from office—
 - (a) on grounds set out for the removal of members of a constitutional commission under Article 251(1) of the Constitution; and
 - (b) by a vote of not less than seventy five percent of all the members of the county assembly.

- (6) The board shall elect a vice-chairperson from amongst its members.
- (7) The chairperson and vice-chairperson shall be of opposite gender.