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ELEVENTH PARLIAMENT – FOURTH SESSION – 2016

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

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REPORT ON THE CONSIDERATION OF THE COUNTY ASSEMBLY SERVICES BILL,  
2014 (SENATE BILL NO. 27 OF 2014)

DIRECTORATE OF COMMITTEE SERVICES,  
CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI

AUGUST, 2016

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### ANNEXES

A. Adoption List

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## **CHAIRPERSON'S FOREWORD**

On behalf of the Departmental Committee on Administration and National Security and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honor to present to this House the Report of the Committee on its consideration of the County Assembly Services, 2014 (Senate Bill No. 27 of 2014).

The County Assemblies Service Bill, 2014 (Senate Bill No. 27 of 2014) was passed by the Senate on 5<sup>th</sup> May, 2016 and communicated to the National Assembly for consideration. The Assembly subsequently committed the Bill to the Committee pursuant to the provisions of Standing Order 41; it is on the basis of this that the Committee makes this Report.

The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee and the staff, in the execution of its mandate. Let me take this opportunity to thank all Members for their patience, endurance and dedication to committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

**The Hon. Alois M. Lentoimaga, MP**

**Vice - Chairperson, Departmental Committee on Administration and National Security**



## **EXECUTIVE SUMMARY**

The County Assemblies Service Bill, 2014(Senate Bill No. 27 of 2014) provides for a legal framework for the County Assembly Service Board established under section 12 of the County Governments Act, 2012. The Bill proposes to establish the County Assembly Service. The Bill also seeks to establish the County Assembly Fund to which all monies appropriated for County Assembly will be kept to enhance the independence of the county assembly.

The Committee scrutinized the Bill in its meeting held on Friday 12<sup>th</sup> August, 2016 and concurred with the provisions of the Bill without any amendments.



## **1.0 PREFACE**

The County Assemblies Service Bill, 2014(Senate Bill No. 27 of 2014) was passed by the Senate on 5<sup>th</sup> May, 2016 and communicated to the National Assembly for consideration. The Assembly subsequently committed the Bill to the Committee pursuant to the provisions of Standing Order 41. It is on the basis of this that the Committee makes this Report

### **1.1Mandate of the Committee**

The Departmental Committee on Administration and National Security is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference:-

- (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- (ii) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (iii)to study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (iv)to study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (v) to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister.
- (vi)study and review all legislation referred to it

## 1.2 Committee subjects

The Committee is mandated to consider the following subjects:-

- i. National security
- ii. Police services
- iii. Public Administration
- iv. Public Service
- v. Prisons
- vi. Immigration
- vii. management of natural disasters

## 1.3 Oversight

In executing its mandate, the Committee oversees the following Government Departments and agencies, namely:-

- i. The Presidency
- ii. The State Department of Interior
- iii. The State Department for Coordination of National Government
- iv. The Public Service Commission,
- v. The National Police Service Commission
- vi. The Independent Police Oversight Authority

## 1.4 Committee Members

<b>Chairperson</b>	The Hon. AsmanKamama, MGH, OGW, MP
<b>Vice Chairperson</b>	The Hon. Alois M. Lentoimaga,MP
	The Hon. AbabuNamwamba, EGH, MP
	The Hon. Joseph Lekuton, MP
	The Hon. Alice Wahome, MP
	The Hon. ZakayoK.Cheruiyot, MP
	The Hon. Timothy W. Wetangula, MP
	The Hon. Patrick Ole Ntutu, MP
	The Hon. Ali Isaack Shaaban, MP
	The Hon. Samuel Moroto, MP
	The Hon. (Dr.) Humphrey Njuguna, MP
	The Hon. Francis K. Mwangangi, MP
	The Hon. Rashid J. Bedzimba, MP
	The Hon. David Gikaria, MP
	The Hon. Mohamed Shidiye, MP
	The Hon. Jane Machira, MP
	The Hon. Ibrahim Abdi Saney, MP
	The Hon. Joseph O. Ndiege, MP
	The Hon Charles Nyamai, MP
	The Hon. (Maj. Rtd.) John K. Waluke, MP
	The Hon. WanjikuMuhia, MP
	The Hon (Dr.) MakaliMulu
	The Hon. AkujaProtusEwesit, MP
	The Hon. Joseph M. Kahangara, MP
	The Hon. Fatuma Ibrahim Ali, MP
	The Hon. Grace Kiptui, MP
	The Hon. George Theuri, MP
	The Hon. James Bett, MP
	The Hon. BenardShinali, MP

**1.5 Committee Secretariat**

<b>First Clerk Assistant</b>	Mr. Leonard Machira
<b>Second Clerk Assistant</b>	Ms. Rose Wanjohi
<b>Third Clerk Assistant</b>	Ms. Hellen Lokwang
<b>Legal Counsel II</b>	Ms. Christine Odhiambo
<b>Research &amp; Policy Analyst III</b>	Ms. Fiona Musili
<b>Fiscal Analyst</b>	Mr. Edison Odhiambo



## **2.0 COMMITTEE RECOMMENDATION**

The Committee having considered the County Assembly Services Bill, 2014(Senate Bill No.27 of 2014) concurred with the provisions of the Bill without any amendments:

### **3.0 INTRODUCTION**

The County Assemblies Service Bill, 2014(Senate Bill No. 27 of 2014) provides for a legal framework for the County Assembly Service Board established under section 12 of the County Governments Act, 2012. The Bill proposes to establish the County Assembly Service. The Bill also seeks to establish the County Assembly Fund to which all monies appropriated for county assembly will be kept to enhance the independence of the county assembly.

#### **3.1 Analysis of the Bill**

**Part I** of the Bill provides for the preliminary provisions, including the short title and the interpretation of terms as used in the Bill. It further sets out the object and purpose of the Bill, which is to provide a framework for the establishment and operation of the Service in each county, and to set out further functions and powers of the Board pursuant to section 12(7)(e) of the County Governments Act.

**Part II** of the Bill provides for the establishment of the county assembly service. It establishes the County Assembly Service for each county assembly.

This Part also sets out the County Assembly Service values which are peace, honesty, impartiality, co-operation, public confidence and respect for the county assembly. The Board may prescribe a code of conduct for the Service.

**Part III** of the Bill provides for the County Assembly Service Board. It provides that regard shall be made to the national values and principles of governance and the community and cultural diversity of the county. This Part also sets out the qualifications and procedure of appointment to the Board, as well as the circumstances that may lead to the removal from office. The procedure for the removal of a member of the Board shall be prescribed in the Standing Orders of the county assembly.

The functions and powers of the Board are also set out under this Part. The Board also has power to establish committees and to co-opt members into the committees.

The allowances of the members of the Board shall be as determined by the Salaries and Remuneration Commission.

This Part also sets out the functions of the Secretary of the Board who is the Chief Executive Officer of the Board.

**Part IV** of the Bill provides for the Clerk and other staff of the County Assembly Service. It provides that the Clerk shall be competitively recruited and shall be approved by the county assembly.

This Part also sets out the procedural functions of the Clerk, as well as the suspension and the procedure for the removal of the Clerk.

This Part gives the Board the power to establish such offices in the Service as it may consider necessary. The Board shall also establish a Management Committee and a Staff Advisory Committee. It provides that a staff of the Service shall retire on attaining the age of sixty years, and may resign from the Service at any time.

**Part V** of the Bill provides for the financial provisions, including the financial estimates, accounts and audit and remuneration of staff of the Service.

This Part establishes the County Assembly Fund whose purpose shall be to pay such administrative expenses as may be incurred by the Board under the Bill.

Part VI of the Bill provides for the miscellaneous provisions. It provides that the members of the Board shall take an oath of office before assuming their offices. This Part also gives the Board the power to order attendance of witnesses.

The Bill also sets out to protect the members and staff of the Board from personal liability in respect of all acts done in good faith.

This Part further creates offences under the Bill, which are—

- a) Giving false information
- b) Disclosure of certain information
- c) Improperly influencing Board decisions
- d) Disobedience of orders

The penalty imposed for the commission of the offences is a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding one year, or both fine and imprisonment.

This Part also gives the Board the power to make regulations for the better carrying into effect of the provisions of the Act.



## **4.0 SUBMISSIONS AND EVIDENCE**

### **3.1 Stakeholder Views on the Bill**

In considering the Bill the Standing Committee on Legal and Human Rights of the Senate invited submissions from members of the public through an advert in the Daily Nation newspaper on Friday 14th November 2014. The Committee received oral and written submissions from the Society of Clerks at the Table (SoCATT(K)) on the Bill during a public forum held on 19th November 2014 at the Kenya International Conference Centre, Nairobi.

#### **Submissions from the Society of Clerks at the Table (SoCATT(K))**

The Society made submissions as follows:-

<b>Clause</b>	<b>Subject matter</b>	<b>Proposal</b>	<b>Rationale</b>
<b>21 and 22</b>	Suspension or removal of the Clerk	That the Clauses be deleted and framed as follows- <i>The Clerk may be suspended or removed from office in the same manner and grounds as provided in part VII of the County Government Act , 2012</i>	Align the Bill with the provisions of the County Government Act, 2012 on the removal of the Clerk as a County Public Officer and provide safeguards from blackmail and intimidation.
<b>9(1)</b>	Qualifications and procedure for appointment to the County Assembly Service Board	Add the words “ under section 12(3)(d) after the words , membe of the Board to read, A person shall not be qualified for appointment as a member of the Board under section 12 (3) ( d) unless such a person	

Clause	Subject Matter	Proposal	Rationale
9(1)		Qualifications (a) to (d) should be tied to the qualifications already set out in the County Governments Act.	
10 (1)	Removal from office	The first line of that provision 'Appointed' should be replaced with the phrase, 'A person who is appointed as a....'	Typographical errors, there appears to have been omission of certain words.
10(3)	Removal from office	This process should not be linked to the Standing Orders. The process should be tied to the existing procedure for removal of County Executive Committee Member as set out in S.O. 43 of the County Governments Act.	Some counties might not have included this provision in their standing orders will be forced to amend their standing orders to include such a provision.
12	Powers of the Board as a body corporate	Insert a new paragraph (aa) to read :  (aa) to sue and be sued	The Board should clearly be set out as a body corporate with power to sue and be sued.
16(1)	Functions of the Secretary	Insert a new sub-clause 16(1) to read: 16(1) <i>'the Clerk shall be the Secretary to the Board'</i>	The declaration of an office should precede the allocation of functions.
16(2)		In paragraph (b) insert the words 'and authorized'	The Clerk is both the accounting and authorized



		immediately after the words 'accounting'.	officer of the Board.
19(4)	Procedural functions of the Clerk	In sub-section (4) delete the word 'Deputy Speaker' after the words '...be under the direction of the....'	The office of the Deputy Speaker is not substantively provided for in the Constitution and in the County Governments Act.  Section 12(3) of the County Governments Act is also clear on the Board and the hierarchy as such. The Deputy Speaker is not a member of the Board.
23(3)	Offices in the Service	In clause (3) insert the words 'on the advice of the Clerk' immediately after the expression 'from time to time'.	The Clerk is the administrative head of the County Assembly and thus versed with knowledge of the day to day technical operations of the Assembly.
26 (3)	Disciplinary control of officers	In sub-clause 3 by inserting the words 'and part vii of the County Government Act' immediately after the words 'Article 236'.	This is in order to link the provision with the provisions set out in Part vii of the County Governments Act. Section 76 and 77 clearly set out elaborate procedure in disciplining County Public Officers.
27		The Management Committee should act on the advice of the Clerk with regard to its operations set out in 27(2)	The Clerk is the administrative head of the County Assembly and thus versed with the day to day technical operations of the Assembly.

28	Establishment of the Staff Advisory Committee	The Staff Advisory Committee should compose of Deputy Clerk and the Heads of Department with the Deputy Clerk being the Head.	The membership should comprise of staff and not politicians as such to avoid ambiguity.
29	Retirement and resignation of employees.	This provision should be harmonized with sections 79 and 80 of County Governments Act.	
30(3)	Non-money bill status	In section 30(3)(b), replace the National Assembly with the County Assembly.	
34	Establishment of a County Assembly Fund.	Declare the Clerk as the administrator of the Fund. Outline the purpose of the Fund.	
43		<p>Draft a provision amending section 12(3) of the County Governments Act to:-</p> <p>(i) increase the number of members of the Board to five members (i.e.) two members of public and two MCA's) in Assemblies with less than 60 MCA's and Seven for Assemblies having over 60 MCA's (i.e. three members of public and three MCA's) while observing relative party strength in the Assembly and gender balance.</p>	

		<p>(ii) To promote the Leader of Majority party and Minority Party from the Board in order to make the Board more professional. This two offices only micro manage the Assemblies;</p> <p>(iii) two representing each gender. The Board would then have five members which is preferable especially when it comes to voting.</p> <p>(iv) Include a transition clause in the Bill to ensure there are no retrospective applications and appointments.</p> <p>(v) Include a clause on confidentiality agreement.</p>	
2 <sup>nd</sup> Schedule	Paragraph 8	Delete the word, 'consent' in paragraph 8.	

### Further Submissions from Society of Clerks at the Table

The Society made further submissions as follows:-

Clause	Subject Matter	Proposal	Justification
6	Code of Conduct	Amend the Clause by providing that the Code of Conduct provided under the Public Officer Ethics Act and the Code of Conduct for state officers provided for under section 37 of the Leadership and Integrity Act shall apply to the officers of the Service.	The clause should avoid duplication of provisions already provided for under other existing laws.
8	Qualification for members of the Board	<p>Amend the section 12(3) of the County Government Act by inserting the following provision:-</p> <p>(3) The members of the Board shall consist of (a) the Speaker of the County Assembly who shall be the Chairperson.</p> <p>(b) two members one man and one woman elected by the Assembly from among the members.</p> <p>(c) two residents of the county, one man and one woman, appointed by the County Assembly from among persons who have knowledge and experience in public affairs but are not</p>	The provision will cure the voting problem where currently the four members can have tie. It will also cure the problem of quorum since the current members are too few and promote democratic participation of members of the Assembly and the public in the affairs of the Assembly.

		members of the County Assembly.	
11	Functions of the Board	Amend the Clause 11 by inserting a new sub clause (3) to read as follows:  11(3) The board shall serve on a part time basis.	The workload of the Board does not justify a full time Board.
16	Functions of the Secretary	Amend the Clause 16(2) by deleting the word 'the Chairperson of'.	The Chairperson is part of the Board and the Secretary should report to the Board corporately in line with good corporate governance.
21	Suspension or removal of the Clerk	Amend Clause 21 by inserting the following words after the word 'Clerk'; 'or any other officer of the service'	The disciplinary process for Clerk and other officers should be uniform since all of them are public officers.
22	Procedure for the removal of the Clerk.	Delete Clause 22 of the Bill.	The office of the Clerk of the County Assembly is an office in the county public service pursuant to section 2 of the County Government Act and Article 260 of the Constitution of Kenya, 2010. The Clerk is not a state officer and therefore should not be removed using the process of removing a state officer. The process for discipline of officers provided for under the amended clause 26 of the bill is sufficient. The process of disciplining the officers and the right to appeal to



			the Public Service Commission pursuant to Article 234(2)(i) and (j) has been provided for. It also makes the service to remain and be seen to be a political.
26	Disciplinary control of the Clerk and other officers	Amend Clause 26(2) by deleting the words 'and the regulations made thereunder.' Appearing immediately after the word 'Act'.	The disciplinary procedure for public officers is provided for under the Employment Act and Clause 26 of the Bill.
New sub-clauses (4) to (15)		<p>Insert new sub-clauses under Clause 26 to read as follows:-</p> <p>(4) in exercising its disciplinary powers, the Board shall observe the principles of natural justice.</p> <p>(5) no public officer may be punished in a manner contrary to any provisions of the Constitution or any Act of Parliament.</p> <p>(6) nothing in this section shall limit the powers conferred on any other lawful authority discharging a disciplinary function from retiring an officer from the service on the ground of public interest.</p> <p>(7) in this section, retirement on the ground</p>	<p>Clerk and other officers are public officers pursuant to Article 260 of the Constitution of Kenya, 2010 and therefore the Act requires a process of disciplining the officers. The discipline process should provide for appeal to the Public Service Commission pursuant to Article 234(2)(i) and (j). It also makes the service remains and is seen to be a political.</p>

		<p>of public interest may be imposed instead of any other punishment if the decision maker considers that although the misconduct has been proven-</p> <p>(a) the officer has nevertheless raised a mitigation factor that renders imposition of a punishment too harsh in view of the circumstances of the case; or</p> <p>(b) the length of service benefits accrued and previous good record of the officer justifies the retirement; or</p> <p>(c) imposing a punishment against the officer is likely to adversely affect the reputation of the Board or the Service generally.</p> <p>8. If the criminal proceedings are instituted against a public officer in the Service, disciplinary proceedings against the officer for dismissal or imposition of any other punishment on any grounds involved in the criminal charge shall not be taken until the conclusion of the criminal proceedings and the determination of any appeal therefrom has been made.</p>	
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		<p>9. Nothing in this Act shall be interpreted as prohibiting or restricting the power of the Board or the authorized officer or other lawful authority to interdict or suspend or take any interlocutory decision against the public officer.</p> <p>10. Any person dissatisfied or affected by a decision made by the Board or a person in exercise or purported exercise of disciplinary control against any appeal to the Public Service Commission (in this Part referred to as the 'Commission') against the decision.</p> <p>11. The Commission shall entertain appeals on any decision relating to employment of a person in a county government including a decision in respect of –</p> <p>(a) recruitment, selection, appointment and qualifications attached to any office;</p> <p>(b) remuneration and terms and conditions of service;</p>	
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		<p>(c) disciplinary control;</p> <p>(d) national values and principles of governance, under Article 10, and values and principles of public service under Article 232 of the Constitution</p> <p>(e) retirement and other removal from service;</p> <p>(f) pension benefits, gratuity and any other terminal benefits; or</p> <p>(g) any other decision the Commission considers to fall within its constitutional competence to hear and determine on appeal in that regard.</p> <p>12. An appeal under subsection (1) shall be in writing and made within ninety days after the date of the decision, but the Commission may entertain an appeal later if, in the opinion of the Commission, the circumstances warrant it.</p> <p>13. The Commission shall not entertain an appeal more than once in respect to the same decision.</p> <p>14. Any person dissatisfied</p>	
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		<p>or affected by a decision made by the Commission on appeal in a decision made in a disciplinary case may apply for review and the Commission may admit the application if –</p> <p>(a) the Commission is satisfied that there appear in the application new and material facts which might have affected its earlier decision, and if adequate reasons for the non-disclosure of such facts at an earlier date are given; or</p> <p>(b) there is an error apparent on record of either decision.</p> <p>15. An application for review under subsection 14 shall be in writing and made within the time prescribed by the Commission in regulations governing disciplinary proceedings, but the Commission may entertain an application for review later if, in the opinion of the Commission, the circumstances warrant it.</p>	
27	Establishment of the Management	Amend Clause 27 by deleting ‘the Board shall establish’ and inserting the	



	Committee	words; 'there is established'.	
28	Establishment of Staff Advisory Committee	<p>Amend the side note of Clause 28 to read.</p> <p>'Other functions of the Management Committee'</p> <p>Delete the words 'Board shall establish a Committee to be known as the Staff Advisory Committee which' 'The Management Committee established under section 27(1) shall'.</p>	The provision will reduce duplication, bureaucracy and wastage by making the functions of the proposed staff advisory committee to be the functions of the management committee. It also reduces possible conflict among the two committees.
34	Establishment of County Assembly Fund	We appeal to the Committee to retain this Fund to ensure the autonomy of the Assembly is safeguarded similar to the Parliamentary Service Fund. This will ensure that the Assembly is financially autonomous of the County Executive.	Promotes the autonomy and independence of the legislative arm of the County Government.
47	Amendment to section 13(1) of the County Government Act No. 17 of 2012.	<p>Amend Clause 47 by inserting a new sub-clause</p> <p>(2) Section 13(1) of the County Government Act is amended by deleting the words 'with the approval of the Assembly' appearing immediately the word 'Board'.</p>	The intention of this Clause is to depoliticize the appointment of the Clerk of the County Assembly in line with the practices and procedures of the National Parliament whose appointment is not subjected to the approval of the Senate or the National Assembly. The same should apply at the County Assembly Clerk.

**4.0 COMMITTEE'S CONSIDERATION OF THE COUNTY  
ASSEMBLY SERVICES BILL, (SENATE BILL NO. 27 OF  
2014)**

The Committee deliberated on the Bill as follows:-

Clauses 4 to 48	-	Agreed to
First to third Schedule	-	Agreed to
Clause 2	-	Agreed to
Clause 3	-	Agreed to
Clause 1	-	Agreed to

## **5.0 COMMITTEE RECOMMENDATION**

The Committee having considered the County Assemblies Service Bill, 2014 (Senate Bill No. 27 of 2014) concurred with the provisions of the Bill without any amendments:


Signed.......... Date.....*25<sup>th</sup> August 2016*.....

**Hon. Alois M. Lentoimaga, MP**

**Vice - Chairperson, Departmental Committee on Administration and National Security**

We, Members of the Departmental Committee on Administration and National Security have pursuant to Standing Order 227 (2) adopted this report on the consideration of the County Assembly Services Bill, 2014 and affix our signatures to confirm our approval and confirm its accuracy, validity and authenticity on 12<sup>th</sup> August 2016 as per the attached adoption list.

1. The Hon. Asman Kamama, MGH, OGW, MP – Chairperson 

2. The Hon. Alois M. Lentoimaga, MP- Vice Chairperson 

3. The Hon. Ababu Namwamba, EGH, MP 

4. The Hon. Joseph Lekuton, MP 

5. The Hon. Alice Wahome, MP 

6. The Hon. Zakayo K. Cheruiyot, MP 

7. The Hon. Timothy W. Wetangula, MP 

8. The Hon. Patrick Ole Ntutu, MP 


9. The Hon. Ali Isaack Shaaban, MP 

10. The Hon. Samuel Moroto, MP 

11. The Hon.(Dr.) Humphrey Njuguna, MP 

12. The Hon. Francis K. Mwangangi, MP 

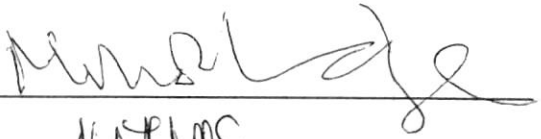
13. The Hon. Rashid J. Bedzimba, MP 

14. The Hon. Ibrahim Abdi Saney, MP 


15. The Hon. David Gikaria, MP 



16. The Hon. Mohamed Shidiye, MP



17. The Hon. Jane Machira, MP



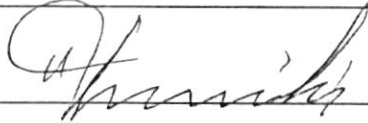
18. The Hon. Charles Nyamai, MP



19. The Hon. Joseph O. Ndiege, MP



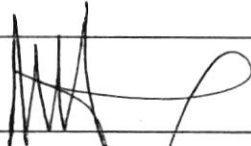
20. The Hon. (Maj. Rtd.) John K. Waluke, MP



21. The Hon. Wanjiku Muhia, MP



22. The Hon. Akuja Protus Ewesit, MP



23. The Hon. Joseph M. Kahangara, MP




24. The Hon. Grace Kiptui, MP



25. The Hon. George Theuri, MP



26. The Hon. James Bett, MP



27. The Hon. Benard Shinali, MP



28. The Hon. Fatuma Ibrahim Ali, MP



29. The Hon. (Dr.) Makali Mulu, MP



**MINUTES OF THE 58TH SITTING OF DEPARTMENTAL COMMITTEE ON  
ADMINISTRATION AND NATIONAL SECURITY ON FRIDAY, 12TH JUNE, 2016 IN  
MASHUA CONFERENCE ROOM, SERENA HOTEL, MOMBASA AT 9.00 AM.**

**PRESENT:**

1. The Hon. Asman Kamama, MP - Chairperson
2. The Hon. Alois Lemtoimaga, MP - Vice Chairperson
3. The Hon. Ababu Namwamba, MP
4. The Hon. Joseph Lekuton, MP
5. The Hon. Mohamed Shidiye, MP
6. The Hon. Joseph Kahangara, MP
7. The Hon. James Bett, MP
8. The Hon. Grace Kiptui, MP
9. The Hon. Benard Shinali, MP
10. The Hon. Dr. Humphrey Njuguna, MP
11. The Hon. Rashid Bedzimba, MP
12. The Hon. Maj. Rtd. John Waluke, MP
13. The Hon. Timothy Wanyonyi, MP
14. The Hon. Jane Machira, MP

**ABSENT WITH APOLOGIES**

1. The Hon. Alice Wahome, MP
2. The Hon. Zakayo Cheruiyot, MP
3. The Hon. Patrick Ole Ntutu, MP
4. The Hon. Shaaban Ali Isaack, MP

5. The Hon. Samuel Moroto, MP
6. The Francis Mwangangi, MP
7. The Hon. Ibrahim Abdi Saney, MP
8. The Hon. Joseph Ndiege, MP
9. The Hon. Protus Ewesit Akuja, MP
10. The Hon. Charles Nyamai, MP
11. The Hon. David Gikaria, MP
12. The Hon. Wanjiku Muhia, MP
13. The Hon. George Theuri, MP
14. The Hon. Fatuma Ibrahim Ali, MP
15. The Hon. Dr. Makali Mulu, MP

**MIN.NO.250/ANS/2016 - PRELIMINARIES**

The Vice Chairperson called the meeting to order at fifteen minutes past nine o'clock. A prayer was said.

**MIN.NO.251/ANS/2016 - CONFIRMATION OF MINUTES**

The item was deferred to the next meeting.

**MIN.NO.252/ANS/2016 - CONSIDERATION OF THE COUNTY ASSEMBLY SERVICE BILL, 2014**

The Committee was briefed on the bill as follows:-

Part I of the bill provides for the preliminary provisions, including the short title and the interpretation of terms as used in the Bill. It further sets out the objective and purpose of the bill, which is to provide a framework for the establishment and operation of the service in each

county, and set out further functions and powers of the Board pursuant to section 12(7)(e) of the County Governments Act.

Part II of the bill provides for the establishment of the County Assembly Service. It establishes the County Assembly Service for each county assembly.

This part also sets out the County Assembly Service values, which are peace, honesty, impartiality, co-operation, public confidence and respect for the County Assembly. The Board may prescribe a code of conduct for the Service.

Part III of the bill provides for the County Assembly Service Board. It provides that regard shall be made to the national values and principles of governance and the community and cultural diversity of the County. This part also sets out the qualifications and procedure of appointment to the Board, as well as the circumstances that may lead to the removal from office. The procedure for the removal of a member of the board shall be prescribed in the Standing Orders of the County Assembly.

The functions and powers of the Board are also set out under this part. The Board also has power to establish committees and to co-opt members into the Committees.

The allowances of the members of the Board shall be determined by the Salaries and Remuneration Commission.

This part also sets out the functions of the Secretary of the Board who is the Chief Executive Officer of the Board.



Part IV of the Bill provides for the Clerk and other staff of the County Assembly Service. It provides that the Clerk shall be competitively recruited and shall be approved by the County Assembly. This part also sets out the procedural functions of the Clerk, as well as the suspension and the procedure for the removal of the Clerk.

This part gives the Board the power to establish such offices in the Service as it may consider necessary. The Board shall also establish a Management Committee and a Staff Advisory Committee. It provides that a staff of the service shall retire on attaining the age of sixty years and may resign from the Service at any time.

Part V of the bill provides for the financial provisions, including the financial estimates, accounts and audit and remuneration of staff of the Service. This part establishes the County Assembly Fund whose purpose shall be to pay such administrative expenses as may be incurred by the Board under the bill.

Part VI of the bill provides for the miscellaneous provisions. It provides that the members of the Board shall take an oath of office before assuming their offices. This part also gives the Board the power to order attendance of witnesses.

The Bill also sets out to protect the members and staff of the Board from personality liability in respect of all acts done in good faith. This part further creates offences under the Bill, which are:-

- (a) Giving false information
- (b) Disclosure of certain information
- (c) Improperly influencing Board decisions

(d) Disobedience of orders.

The penalty imposed for the commission of the offences is a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding one year, or both fine and imprisonment.

This part also gives the Board the power to make regulations for the better carrying into effect of the provisions of the Act.

**Committee Observations**

The Committee observed that the Bill seeks to establish the County Assembly Fund to which all monies appropriated for County Assembly will be kept to enhance the independence of the County Assembly.

**Committee Recommendations**

The Committee having considered the County Assembly Services Bill, concurred with the provisions of the Bill without any amendments.

**MIN.NO.253/ANS/2016 - ADJOURNMENT**

There being no other business, the meeting was adjourned at half past eleven o'clock.

Signed.....

**Vice Chairperson**

Date:.....*18<sup>th</sup> Aug 2016*