

**THE COUNTY GOVERNMENTS (AMENDMENT)
BILL, 2015**

A Bill for

**AN ACT of Parliament to amend the County
Governments Act**

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the County Governments (Amendment) Act, 2015.

Short title.

2. The County Governments Act, in this Act referred to as the “principal Act”, is amended in section 50—

Amendment of
section 50 of No.
17 of 2012.

(a) by deleting sub-section (2) and substituting therefor the following new sub-section—

(2) The sub-county administrator shall—

(a) be competitively appointed by the County Public Service Board after a general election is held for a county government;

(b) have a minimum of a degree from a recognized institution in Kenya; and

(c) have qualifications and knowledge in administration or management.

(b) by inserting the following new sub-section, immediately after sub-section (2)—

(2A) When a general election is held for a county government, the outgoing sub-county administrator shall remain in office until a new sub-county administrator is appointed, after the election.

3. Section 51 of the “principal Act” is amended—

Amendment of
section 51 of 17
of 2012.

(a) by deleting sub-section (2) and substituting therefor the following new sub-section—

(2) The Ward administrator shall—

(a) be competitively appointed by the County Public Service Board after a general election is held for a county government;

(b) have a minimum of a diploma from a recognized institution in Kenya; and

(c) have professional qualifications and technical knowledge in administration.

(b) by inserting the following new sub-section, immediately after sub-section (2)—

(2A) When a general election is held for a county government, the outgoing ward administrator shall remain in office until a new ward administrator is appointed, after the election.

4. Section 52 of the “principal Act” is amended—

Amendment of
section 52 of No.
17 of 2012.

(a) by deleting sub-section (2) and substituting therefor the following new sub-section—

(2) The village administrator shall—

(a) be competitively appointed by the County Public Service Board after a general election is held for a county government;

(b) have a minimum of a secondary school certificate; and

(c) have professional qualifications and technical knowledge in administration.

(b) by inserting the following new sub-section, immediately after sub-section (2)—

(2A) When a general election is held for a county government, the outgoing village administrator shall remain in office until a new village administrator is appointed, after the election.

5. The “principal Act” is amended by inserting the following new section immediately after section 138—

Savings.

139. Any person serving as a sub-county administrator, a ward administrator or a village administrator before the commencement of this Act, shall continue to serve as such until a general election is held for a county government.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the objects and reasons of the Bill

This Bill seeks to amend the County Governments Act No. 17 of 2012.

The main object of this Bill is to amend sections 50, 51 and 52 of the County Governments Act in order to bind the county public service to employ sub-county administrators, ward administrators and village administrators after every general election.

The Bill also seeks to include academic qualification for the offices of sub-county administrator, ward-administrator and village administrator.

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

This Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill concerns county governments in terms of Article 110(a) of the Constitution.

The sub-county administrator, ward administrator and village administrator are responsible for the co-ordination, management and supervision of the general administrative functions in the sub-county, ward and village respectively. These are critical functions in ensuring that the county discharges its functions as provided under paragraph 14 of Part 2 of the Fourth Schedule to the Constitution, which states that the county shall coordinate the participation of communities and locations in governance at the local level.

Statement as to whether the Bill is 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 1st December, 2015.

JOHN LONYANGAPUO,
Senator.

Section 50 of No. 17 of 2012 which it is intended to amend—

50. Office of the sub-county administrator

(1) There shall be established at the level of each sub-county the office of the sub-county administrator.

(2) The sub-county administrator shall have qualifications and knowledge in administration or management and shall be competitively appointed by the County Public Service Board in accordance with the provisions of this Act.

(3) The sub-county administrator shall be responsible for the coordination, management and supervision of the general administrative functions in the sub-county unit, including—

- (a) the development of policies and plans;
- (b) service delivery;
- (c) developmental activities to empower the community;
- (d) the provision and maintenance of infrastructure and facilities of public services;
- (e) the county public service;
- (f) exercise any functions and powers delegated by the County Public Service Board under section 86; and
- (g) facilitation and co-ordination of citizen participation in the development of policies and plans and delivery of services.

(4) In carrying out the functions and obligations in subsection (3), the sub-county administrator shall be responsible to the relevant county chief officer.

Section 51 of No. 17 of 2012 which it is intended to amend—

51. Establishment of the office of Ward administrator

(1) There is established for each Ward in a county the office of the Ward administrator.

(2) The Ward administrator shall have professional qualifications and technical knowledge in administration and shall be competitively appointed by the County Public Service Board in accordance with the provisions of this Act.

(3) The Ward administrator shall coordinate, manage and supervise the general administrative functions in the Ward unit, including—

- (a) the development of policies and plans;

- (b) service delivery;
- (c) developmental activities to empower the community;
- (d) the provision and maintenance of infrastructure and facilities of public services;
- (e) the county public service;
- (f) exercise any functions and powers delegated by the County Public Service Board under section 86; and
- (g) co-ordination and facilitation of citizen participation in the development of policies and plans and delivery of services.

(4) In carrying out the functions and obligations in subsection (3), the Ward administrator shall be responsible to the sub-county administrator.

Section 52 of No. 17 of 2012 which it is intended to amend—

52. Establishment of the office of village administrator

(1) There is established the office of village administrator for each village unit established in a county.

(2) A village administrator shall have professional qualifications and technical knowledge in administration and shall be appointed by the County Public Service Board in accordance with the provisions of this Act.

(3) A village administrator shall coordinate, manage and supervise the general administrative functions in the village including—

- (a) pursuant to paragraph 14 of Part II of the Fourth Schedule to the Constitution—
 - (i) ensuring and coordinating the participation of the village unit in governance; and
 - (ii) assisting the village unit to develop the administrative capacity for effective exercise of the functions and powers and participation in governance at the local level; and
- (b) the exercise of any functions and powers delegated by the County Public Service Board under section 86.

(4) In carrying out the functions and obligations in subsection (3), a village administrator shall be responsible to the relevant Ward administrator.