

SPECIAL ISSUE

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BOMET COUNTY ACTS, 2019

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2019**

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**THE BOMET COUNTY PUBLIC SERVICE BOARD ACT,
2019**

AN ACT of the County Assembly of Bomet to establish Bomet County Public Service Board pursuant to Article 235 of the Constitution and sections 57, 58 and 59 of the County Governments Act to provide for the membership, powers and functions of the Board and for connected purposes

ENACTED by County Assembly of Bomet as follows—

PART I— PRELIMINARY

Short title and commencement

1 This Act may be cited as the Bomet County Public Service Board Act, 2019 and shall come into operation upon publication in the *Kenya Gazette*

Interpretation

2 (1) In this Act, unless the context otherwise requires—
“chairperson” means the chairperson of the Board appointed under section 6—

“board” means Bomet County Public Service Board,

“code of conduct” means any written standard issued by a lawful authority to guide the conduct of any county public officer or category of public officers,

‘conditions of service’ include any criterion or circumstance or factor for a person’s —

- (a) appointment, secondment, deployment, promotion or discipline with respect to a public office,
- (b) retention in employment as a public officer, or
- (c) remunerative, retirement and other benefits,

“county assembly” means Bomet County Assembly established under Article 176 of the Constitution,

“county executive committee” means the Bomet County Executive Committee established in accordance with Article 176 of the Constitution,

“county gazette” means a gazette published by the authority of the Bomet County Government or a supplement of that gazette,

“county public office” means an office in the county public service or an office in a public body but does not include any office specifically exempted by the Constitution from the powers of the county government,

“county public officer” means any person appointed by the Bomet county government and holding or acting in a county public office whether paid, unpaid, or on contractual or permanent terms but does not include a person engaged on a part-time basis in a county public body paid at an hourly or daily rate,

“county public service” means the Bomet County Public Service,

“disciplinary control” means the imposition of any punishment against a public officer on account of misbehavior or breach of a code of conduct,

“executive committee member” means the Bomet county executive committee member responsible for matters related to public service,

“governor” means the Bomet county governor elected in accordance with Article 180 of the Constitution,

“salaries and remuneration commission” means the salaries and Remuneration Commission established under Article 230 (1) of the Constitution, and

“secretary” means the secretary to the Board appointed by the Governor under section 58 (1) (c) of the County Governments Act

PART II—ESTABLISHMENT AND STATUS OF THE BOARD

Establishment of the Board

No 17 of 2012

3 (1) There is established a Board to be known as Bomet County Public Service Board established in accordance with section 57 of the County Governments Act

Members of the Board

4 (1) The County Public Service Board shall comprise —

- (a) a chairperson nominated and appointed by the 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 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 secretary shall be the Chief Executive and Accounting Officer of the Board

Qualifications for Appointment as Chairperson or Member

5 (1) A person shall be qualified for appointment as the Chairperson of the Board if that person has, in addition to the qualifications provided under section 58 (3) of the County Governments Act, knowledge and at least ten years experience in matters relating to administration or management

(2) A person shall be qualified for appointment as a member of the Board if that person has, in addition to the qualifications provided under section 58 (3) of the County Governments Act, knowledge and at least five years' experience in matters relating to any of the following fields —

- (a) law,
- (b) public administration,
- (c) economics,
- (d) management, or
- (e) social sciences, and
- (f) a distinguished career in the respective field

(3) A person shall not be qualified for appointment as the chairperson or a member if that person —

- (a) is a member of Parliament or a County Assembly,
- (b) is a member of the governing body of a political party,
- (c) is an employee of a County Government
- (d) is an undischarged bankrupt, or
- (e) has been removed from office for contravening the provisions of the Constitution or any other law

Procedure for appointment of members of the Board

6 The procedure for appointment of the Chairperson and members of County Public Service Board shall be as set out in the First Schedule

Designation as secretary

7 If the office of the secretary is vacant, or if for any reason the secretary is unable to exercise the functions of his or her office a County public officer, may be appointed in any acting capacity on the recommendation of the Board to act as the secretary and may exercise all the functions, duties and powers of the secretary provided that County public officer shall act for a maximum period of six months

Headquarters

8 The headquarters of the Board shall be at the Bomet County Government headquarters

Guiding principles of the Board

9 In fulfilling its mandate, the Board shall act in accordance with the values and principles set out in the Constitution and the laws of Kenya, and shall observe and respect—

- (a) the diversity of the people of Kenya,
- (b) impartiality, gender equality and gender equity,
- (c) inclusiveness, non- discrimination and protection of the marginalized groups,
- (d) all treaties and conventions ratified in Kenya

Functions of the county public service board

10 (1) The functions of the County Public Service Board, as provided by section 59 of the County Governments Act shall be on behalf of the county government to —

- (a) establish and abolish offices in the county public service,
- (b) appoint persons to hold or act in offices of the county public service including in the Boards of cities and urban areas within the county and to confirm appointments,
- (c) exercise disciplinary control over, and remove persons holding or acting in those offices as provided for under Part VII of the County Governments Act,
- (d) prepare regular reports for submission to the county assembly on the execution of the functions of the board,
- (e) promote in the county public service the values and principles referred to in Articles 10 and 232 of the Constitution of Kenya,
- (f) evaluate and report to the county assembly on the extent to which the values and principles referred to in Articles 10 and 232 are complied with in the county public service,
- (g) facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in the county,
- (h) advise the county government on human resource management and development,

- (i) advise the county government on the implementation and monitoring of the national performance management system in the county,
- (j) make recommendations to the Salaries and Remuneration Commission, on behalf of the county government, on the remuneration, pensions and gratuities for county public service employees

Oath of office

11 The Chairperson, members and the secretary shall each make and subscribe, before a magistrate or commissioner of oath, the oath or affirmation set out in the Second Schedule

Powers of the Chairperson

12 (1) The Chairperson shall, within seven days of the appointment of the members, convene the first meeting of the Board at which the members shall elect the Vice- Chairperson of the Board from amongst the members

- (2) The Chairperson shall —
 - (a) preside over all meetings of the Board,
 - (b) be the spokesperson for the Board, and
 - (c) supervise and direct the work of the Board

Vice- Chairperson to act in absence of Chairperson

13 (1) If the office of Chairperson becomes vacant or if the Chairperson is unable to exercise the powers or perform the functions of his or her office owing to absence, illness or any other cause, the Vice-Chairperson shall exercise or perform those powers or functions

(2) The Chairperson and members of the Board shall serve either on a part-time or a full-time basis

Tenure of office

14 (1) The Chairperson and members of the Board other than the secretary shall be appointed for a non-renewable term of six years

(2) The Governor shall notify every resignation, vacancy or termination of service in the County and Kenya Gazette within seven days

Removal from and vacation of office

15 (1) The Chairperson or member of the Board may be removed from office by a vote of not less than seventy-five per cent of all the members of the county assembly on grounds of—

- (a) serious violation of the constitution or other law, including a contravention of chapter Six
 - (b) gross misconduct, whether in the performance of the member's or office holders functions or otherwise,
 - (c) physical or mental incapacity to perform the functions of office,
 - (d) incompetence, or
 - (e) bankruptcy
- (2) The office of the Chairperson and members of the County Public Service Board shall become vacant if the holder—
- (a) dies,
 - (b) by notice in writing addressed to the Governor resigns from office, or
 - (c) is removed from office under subsection (1)

Filling of vacancy

16 (1) Where a vacancy occurs in the membership of the Board under section 14, the appointment procedure provided under this Act shall apply

(2) A member appointed under subsection (1) to fill a vacancy shall serve for a term of six years but shall not be eligible for reappointment

Committees of the Board

17 (1) The Board may, from time to time establish, committees as may be necessary for the better carrying out of its functions

(2) The Board may –

- (a) co-opt into the membership of a committee established under subsection (1) other persons whose knowledge and skills are necessary for the functioning of the committee, or
- (b) hire such experts or consultants as are necessary for the functioning of the Board

Procedures of the Board

18 (1) The business and affairs of the Board shall be conducted in accordance with the Third Schedule

(2) Except as provided in the Third Schedule, the Board may regulate its own procedure

Terms and conditions of service

19 The salaries, allowances and other terms and conditions of service of the Chairperson and other members of the Board shall be determined by the Salaries and Remuneration Commission

Secretary to be head of secretariat

20 (1) The secretary shall be the chief executive officer of the Board and head of the secretariat and shall be responsible to the Board

(2) The secretary shall hold office for a non-renewable term of seven years

Removal of secretary

21 (1) The secretary may be removed from office by the Governor on the recommendation of the Board, in accordance with the terms and conditions of service for—

- (a) inability to perform the functions of the office of secretary arising out of physical or mental incapacity,
- (b) gross misconduct or misbehavior,
- (c) incompetence or neglect of duty,
- (d) violation of the Constitution, or
- (e) any other ground that would justify removal from office under the terms and conditions of service

(2) Before the Secretary is removed from office under subsection (1), the Secretary shall be given—

- (a) sufficient notice of the allegations made against him or her, and
- (b) an opportunity to present his or her defense against the allegations

Appointment of staff

22 Subject to Part VII of the County Governments Act, the Board may appoint such number of staff as may be necessary for the proper discharge of its functions under this Act, and upon such terms and conditions of service as the Board may determine in consultations with Salaries and Remuneration Commission

The common seal of Board

23 (1) The Common seal of the Board shall be kept in safe custody by the Secretary or as the Board shall direct and shall not be used except on the order of the Board

(2) The common seal of the Board when affixed to a document and duly authenticated shall be judicially and officially noticed and, unless the contrary is proved, any necessary order or authorization of the Board under this section shall be presumed to have been duly given

Protection from personal liability

24 No matter or thing done by a member of the Board or any officer, employee or agent of the Board shall, if the matter or thing is done in good faith while executing the functions, powers or duties of the Board, render the member, officer, employee or agent personally liable for any action, claim or demand whatsoever

General Powers of Board

25 (1) In addition to the powers conferred to it under Part VII of the County Government Act, the Board shall have powers to—

- (a) obtain, by any lawful means, any information it considers relevant, including requisition of reports, records, documents and any information from any person and to compel the production of that information for the proper discharge of its functions,
- (b) interview any person or group of persons,
- (c) take disciplinary action of staff or officers seconded to the County Public Service,
- (d) hold, charge and dispose of movable and immovable property,
- (e) conduct audits of any county public institution to establish the level of compliance with the Constitution with regard to integrating values and principles of Public service and governance,
- (f) require any county public institution to provide any special report on matters relating to the institution's implementation of the values and principles of public service and governance

(2) An officer aggrieved by the decision made by the County Public Services Board has a right to appeal to the Public Services Commission

Powers of a court

26 In the performance of its powers and functions under this Act, the Board shall have the powers of a court to—

- (a) question any person in respect of any subject matter under investigation before the Board, and
- (b) require any person to disclose any information within that person's knowledge relevant to any investigation by the Board

PART III—INVESTIGATIONS AND INQUIRY BY THE BOARD

Powers relating to investigations

27 (1) The Board may, for the purpose of conducting any investigation or inquiry, employ the services of any county public officer or investigation agency of the county or national Government at the expense of the Board

(2) For the purpose of investigating any matter or carrying out any inquiry, a public officer or agency whose services are employed under subsection (1) may, subject to the direction and control of the Board —

- (a) require the discovery and production of any document, and
- (b) requisition any public record or copy thereof from any public officer

(3) The provisions of section 38 shall apply in relation to any statement made by a person before any public officer or agency whose services are employed under subsection (1) as they apply in relation to any statement made by a person in the course of giving evidence before the Board

(4) The public officer or agency whose services are employed under subsection (1) shall investigate any matter and submit a report to the Board in that behalf

(5) The Board shall satisfy itself on the correctness of the facts stated and the conclusion arrived at in the report submitted to it under subsection (4) and for that purpose, the Board may make such inquiry, including the examination of any person or persons who conducted or assisted in the investigation, as it deems fit

Jurisdiction in investigation

28 (1) The Board shall investigate or carry out an inquiry upon any complaint, and may, on its own initiative, investigate or carry out an investigation on any matter relating to the carrying out of the functions or implementation of the values and principles of public service and governance in—

- (a) relation to any person,
- (b) a public office, or
- (c) any other body or agency of the County

(2) The Board shall endeavor, where appropriate, to resolve any matter brought before it by conciliation, mediation or negotiation

Limitation of jurisdiction

29 The Board shall not investigate or inquire into —

- (a) any matter pending before any court or judicial tribunal,
- (b) any criminal offence,
- (c) any matter relating to the relationship between the national government and the county,
- (d) anything in respect of which there is a right of appeal or other legal remedy unless, in the opinion of the Board, it is not reasonable to expect that right of appeal or other legal remedy to be resorted to, or
- (e) any matter for the time being under investigation by any other person or Board established under the Constitution or any other written law

Complaints by persons aggrieved

30 (1) A person aggrieved by any matter relating to the County public service or the functioning of any officer or employee, may make a complaint to the Board in person or on his or her behalf as specified under subsection (2)

(2) A complaint may be made on behalf of an aggrieved person—

- (a) if the aggrieved person is dead or otherwise not able to act for himself or herself, by a member of his or her family or other person suitable to represent the aggrieved person, or
- (b) by a member of the County Assembly with the consent of the aggrieved person or other person who, under paragraph (a), is entitled to make the complaint on behalf of the aggrieved person

Form of complaint

31 (1) A person wishing to lodge any complaint under section 30 may do so orally or in writing addressed to the secretary or such other person as may be duly authorized by the Board for that purpose

(2) Where a complaint under subsection (1) is made orally, the person before whom the complaint is made shall cause the complaint to be recorded electronically or in writing

(3) A complaint under subsection (1) shall be in a form and contain particulars that the Board may prescribe

(4) Upon receipt of a complaint under subsection (1), the Board may—

- (a) call for information or a report regarding the complaint from any responsible person within reasonable time that may be specified by the Board, and
- (b) without prejudice to paragraph (a), initiate inquiry as it considers necessary, having regard to the nature of the complaint
- (5) If the information or report called for under subsection (4) (a) is not received within the time specified by the Board, the Board may proceed to inquire into the complaint without the information or report
- (6) If on receipt of the information or report the Board is satisfied that—
 - (a) no further action is required, or
 - (b) the required action is under the mandate of a national Government or other county organ or body, the Board shall, in writing, inform the complainant accordingly and take no further action

Notice and Discretion not to investigate

32 The Board may decline to investigate or inquire into a complaint if the Board considers that —

- (a) there is, in existence, adequate remedies under any written law or administrative practice, or
- (b) the complaint is trivial, frivolous, vexatious or is not made in good faith

Persons likely to be prejudiced or affected to be heard hearing of investigation

33 (1) Before commencing an investigation or inquiry under this Act, the Board shall give notice of the intended investigation or inquiry to the administrative head of the County organ, public office or organization and the officer or employee to which the investigation or inquiry relates

(2) The hearings of any investigation or inquiry by the Board shall be open to the public

Action after investigation or inquiry

34 (1) Subject to subsection (2), if at any stage of an investigation or inquiry the Board —

- (a) considers it necessary to inquire into the conduct of any person, or

- (b) is of the opinion that the reputation of any person is likely to be prejudiced by the investigation or inquiry, it shall give that person an opportunity to appear before the Board in person or by an advocate to give evidence in his or her own defense

(2) This section shall not apply where the credibility of a witness is being impeached

Personal protection for statements made to the Board

35 No statement made by a person in the course of giving evidence before the Board shall subject that person to any civil or criminal proceedings except for giving false evidence in the statement

Report to complainant or organization

36 The Board may, upon any investigation or inquiry into a complaint under this Act take any of the following steps —

- (a) where the investigation or inquiry into a complaint of discrimination discloses a criminal offence, refer the matter to the Director of Public Prosecutions or any other relevant authority or take any other action that the Board may deem fit against the concerned County organ, person or persons,
- (b) recommend to the complainant a course of judicial or other redress which does not warrant an application under Article 22 of the Constitution,
- (c) recommend to the complainant and to the relevant government agency or other body concerned in the alleged discrimination, other appropriate methods of settling the complaint or to obtain relief, or
- (d) provide a copy of the investigation or inquiry report to all interested parties

PART IV — REPORT AND RECOMMENDATIONS

Report to complainant or organization

37 (1) The Board shall inform the complainant, county agency, county public office and organization to which the investigation relates, on the results of the investigation or inquiry and the full report in writing

(2) The report shall include —

- (a) the findings of the investigation or inquiry ,
- (b) the recommendation of the Board and the reasons for the recommendation, and

(c) any other matter that the Board considers appropriate

(3) The Board may require the county organ, public office or organization that was the subject of the investigation or inquiry to submit a report to the Board within a specified period on the steps, if any, taken to implement the recommendations of the Board

(4) If the recommendations of the Board are not implemented within the specified time, the Board may submit the report to the County Assembly as the Board thinks fit

Board to take appropriate disciplinary action

38 If, after an investigation, the Board is of the opinion that there is evidence that a person, an officer or employee of the county organ, public office or organization to which an investigation was related is guilty of misconduct, the Board shall take the appropriate disciplinary action

PART V—FINANCIAL PROVISIONS

Funds of the Board

39 The funds of the Board shall consist of monies —

- (a) allocated by the County Assembly for the purposes of the Board,
- (b) or assets that may accrue to the Board in the course of the exercise of its powers or in the performance of its functions, and
- (c) from any other source provided, donated or lent to the Board

Financial year

40 The financial year of the Board shall be the period of twelve months beginning on the first day of July and ending on the thirtieth day of June in the following year

Annual estimates

41 (1) Before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Board for that year

(2) The annual estimates shall make provision for all the estimated expenditure of the Board for the financial year concerned and, in particular, shall provide for the —

- (a) payment of the salaries, allowances and other charge in respect of the staff of the Board,
- (b) payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the Board,

- (c) maintenance of the buildings and grounds of the Board,
- (d) funding of training, research and development of activities of the Board,
- (e) creation of funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of records of account of the income, expenditure, assets and liabilities of the Board buildings or installations, equipment, and
- (f) other matters as the Board may think fit

(2) Within a period of three months after the end of each financial year, the Board shall submit to the Auditor-General the accounts of the Board in respect of that year together with a statement of —

- (a) the income and expenditure of the Board during that year, and
- (b) the assets and liabilities of the Board on the last day of that financial year

(3) The annual accounts of the Board shall be prepared, audited and reported upon in accordance with the provisions of Articles 226 and 299 of the Constitution and the Public Audit Act

(4) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate and shall be submitted to the Speaker for tabling in County Assembly

(5) No expenditure shall be incurred by the Board except in accordance with the annual estimates approved under subsection (4)

Accounts and Audit

42 (1) The Board shall cause to be kept all proper books and Accounts

Bank Accounts

43 The Board shall open and maintain such bank accounts as is necessary for the performance of its functions

Management of information

44 (1) The Board and the staff of the Board shall maintain confidence in respect of all matters that come to their knowledge in the exercise of their duties

(2) Subject to the provisions of Article 35 of the Constitution, the Board and the staff of the Board shall not be called to give evidence in respect of any matter that comes to their knowledge in the exercise of their duties

(3) Notwithstanding section(2), the Board may disclose in any report made by the Board under this or any other Act, any matter that, in the opinion of the Board, may be disclosed in order to establish grounds for the Board findings and its recommendations

Offences

45 A person who—

- (a) without justification or lawful excuse, obstructs, hinders or threatens a member or staff of the Board acting under law,
- (b) submits false or misleading information,
- (c) fails to honour summons, or
- (d) misrepresent to or knowingly misleads the Board or a member of staff of the Board acting under law, commits an offence and is liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding two years or to both

Report of the Board to Governor and the County Assembly

46 (1) As soon as practicable after the end of each financial year, the Board shall submit a report to the Governor and the County Assembly which report shall include—

- (a) the financial statements of the Board,
- (b) a description of the activities of the Board during that financial year,
- (c) recommendations on specific actions to be taken in furtherance of the functioning of the Board,
- (d) recommendations on legal and administrative measures to address specific concerns identified by the Board, and
- (e) any other information relating to its functions that the Board considers relevant

(2) The Board shall publish the report in the Gazette

(3) The County Assembly may at any time require the Board to submit a report on a particular issue or matter

PART VI—MISCELLENIOUS, SAVINGS AND TRANSITIONAL PROVISIONS

Regulations

47 The Board shall make regulations for the better carrying into effect of the provisions of this Act and any other legislation

Savings

48 (1) The Board shall be bound in all employment contracts, including contracts of service, if any, subsisting at the commencement of this Act and to which the County government or Local Authority was party

(2) All rights, powers and duties relating the public service, whether arising under any written law or otherwise which immediately before the coming into operation of this Act were vested in Local Authorities or County Government shall be transferred to, vested, imposed on, or be enforceable by or against the Board

(3) All actions, suits or legal proceedings relating the public service, by or against the Local authorities shall be carried out, against the Board and no such suit, action or legal proceedings shall abate or be affected by the coming into operation of this Act

(4) The officers deployed the County and serving on interim terms shall continue with the terms and conditions of service they held before being seconded including remuneration, allowances and pension or other benefits and shall not be altered to the officer's disadvantage, but may be altered to the officer's advantage accordance with section 138 (1) of the County Government Act, 2012

FIRST SCHEDULE

(s 6)

**PROCEDURE FOR APPOINTMENT OF MEMBERS OF THE
BOARD**

1 Whenever there is a vacancy in the Board the Governor shall, within fourteen days of the occurrence of the vacancy, convene a selection panel for the purpose of selecting suitable candidates for appointment as Chairperson or member of the Board

2 The selection panel shall, subject to this section, determine its own procedure

3 The selection panel shall, within seven days of its convening, invite applications from qualified persons and publish the names and qualifications of all applicants in a manner provided for publication in the County and in two daily newspapers of national circulation

4 The selection panel shall within seven days of receipt of applications under paragraph 3 consider the applications, interview and shortlist at least---

(a) three persons qualified for appointment as Chairperson, and

(b) eight persons qualified for appointment as members of the Board, and forward the names of the selected candidates to the Governor for nomination

5 The Governor shall, within seven days of receipt of the names forwarded under paragraph 4, nominate one person for appointment as Chairperson and five persons for appointment as members of the Board, and forward the names of the persons nominated to the County Assembly

6 The County Assembly shall, within twenty-one days of the day it next sits after receipt of the names of the nominees under paragraph 5, consider all the nominations received and may approve or reject any nomination

7 Where the County Assembly approves the nominees, the Speaker shall, forward the names of the approved persons to the Governor for appointment

8 The Governor shall, within seven days of the receipt of the approved nominees from the County Assembly, by notice in the County and Kenya Gazette, appoint the Chairperson and members approved by the County Assembly

9 Where the County Assembly rejects any nomination, the Speaker shall, within three days, communicate the decision of the County Assembly to the Governor to submit fresh nominations

10 Where a nominee is rejected by County Assembly under paragraph 9, the Governor shall, within seven days, submit to the County Assembly a fresh nomination from amongst the persons short listed and forwarded by the selection panel under paragraph 4

11 If the County Assembly rejects all or any subsequent nominee submitted by the Governor for approval under paragraph 1, the provisions of paragraphs 4 and 5 shall apply

12 In short listing, nominating or appointing persons as Chairperson or member of the Board, the selection panel, the County Assembly and the Governor shall—

- (a) ensure that not more than two-thirds of the members are of the same gender,
- (b) observe the principles of regional balance, and
- (c) have due regard to the principle of fair representation for persons with disabilities

13 Despite the foregoing provisions of this section, the Governor may by notice in the County and *Kenya Gazette*, extend the period specified in respect of any matter under this Schedule by a period not exceeding twenty-one days

SECOND SCHEDULE

(s 11)

**OATH / AFFIRMATION OF THE OFFICE OF
CHAIRPERSON / A MEMBER / SECRETARY**

I -----having been appointed
(the Chairperson/member of /secretary to) Bomet County Public Service
Board, do solemnly (swear/declare and affirm) that I will at all times obey,
respect and uphold the Constitution of Kenya and all other laws of the
Republic, that I will faithfully and fully, impartially and to the best of my
ability, discharge the trust and perform the functions and exercise the
powers devolving upon me by virtue of this appointment without fear,
favour, bias, affection, ill-will or prejudice (SO HELP ME GOD)

Sworn / Declared by the said -----

Before me this ----- Day -----
----- of -----

Magistrate/Commissioner of oath

THIRD SCHEDULE

(s 18)

MEETINGS AND PROCEDURE OF THE BOARD

Meetings

1 (1) The Board shall decide when and where it meets and the meetings shall be convened by the chairperson in consultation with the secretary

(2) Unless three quarters of the members otherwise agree, at least seven days' notice in writing of a meeting shall be given to every member

(3) A meeting shall be presided by the Chairperson or in his or her absence, by the Vice Chairperson

(4) The members of the Board shall elect a vice-Chairperson from among themselves —

(a) at the first sitting of the Board, and

(b) whenever it is necessary to fill the vacancy in the office of the Vice-Chairperson

(5) The Chairperson and vice-Chairperson shall not be of the same gender

(6) The Board may invite any person to attend any of its meetings and to participate in its deliberations, but such person shall not have a vote in any decision of the Board

Conflict of interest

2 (1) If any person has a personal or fiduciary interest in any matter before the Board and is present at a meeting of the Board or any committee at which any matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching such matter

(2) A disclosure of interest made under subparagraph (1) shall be recorded in the minutes of the meeting at which it is made

(3) No member or staff of the Board shall transact any business or trade with the Board

Quorum

3 (1) Subject to sub-paragraph (2), the quorum of the meeting shall not be less than half of the appointed members

(2) Where there is a vacancy in the Board, the quorum of the meeting shall not be less than three Board members

Voting

4 A question before the Board shall be decided with a supporting vote of at least two thirds of the members present

Rules of procedure and minutes

5 The Board shall—

- (a) determine rules of procedure for the conduct of its business, and
- (b) keep minutes of its proceedings and decisions