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**KISII COUNTY GAZETTE
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**THE KISII COUNTY RETIREMENT BENEFITS (GOVERNOR,
AND DESIGNATED OFFICERS) BILL, 2016**

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NAIROBI, KENYA

ARRANGEMENT OF CLAUSES

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**THE KISII COUNTY RETIREMENT BENEFITS (GOVERNOR,
AND DESIGNATED OFFICERS) BILL, 2016**

A Bill for

AN ACT of the County Assembly of Kisii to provide for the granting of pension and other retirement benefits to the holders of the office of Governor, Deputy Governor, Speaker of County Assembly, Chairperson of the Public Service Board, Members of the County Assembly ceasing to hold office as such, retired councilors, and for connected purposes.

ENACTED by the County Assembly of Kisii, as follows—

Short title and commencement

1. This Act may be cited as The Kisii County Retirement Benefits (Governor, and Designated Officers) Act, 2016 and shall, subject to section 6, be deemed to have come into operation fourteen (14) days after being assented to.

Interpretation

2. In this Act, unless the context otherwise requires—

“benefits” means pension and other retirement benefits conferred by this Bill;

“eligible child” means any child of a deceased entitled person who—

- (a) is under eighteen years of age; or
- (b) is under twenty-four years of age and is undergoing a course of full time education; or
- (c) was at the time of the death of the deceased wholly or mainly dependent on the deceased and was at that time and has at all times since been either a person falling within paragraphs (a); and
- (b) or is incapable, and likely to remain permanently incapable, by reason of bodily or mental infirmity, of earning his own living, and is not for the time being maintained out of moneys provided by the Government in a hospital or similar institution.

“Chairperson” means a person who holds the office of Chairperson Kisii County Public Service Board in accordance with the Constitution and the County Government Act, 2012;

“Deputy Governor” means a person who holds the office of Deputy Governor of Kisii County Government in accordance with the Constitution and the County Governments Act, 2012;

“Governor” means a person who holds the office of Governor of Kisii County in accordance with the Constitution and the County Governments Act;

“Member of County Assembly” means a person who is elected or nominated as a member of Kisii County Assembly in accordance with the Constitution and the County Government Act, 2012;

“Motor Vehicle” means a motor vehicle maintained and fuelled by the County Government;

“Retired Councilor” means a person who served as a Councilor of the defunct Municipal, Town or County Council within Kisii County;

“retired” means a person who, having held the office of Governor, Deputy Governor, Speaker of the County Assembly, Chairperson County Public Service Board, Members of the County Assembly has ceased to hold office as such in the manner specified in the Constitution;

“Retired person” means a person entitled to benefit as prescribed in section 3 of this Bill;

“Speaker” means a person who holds the office of Speaker Kisii County Assembly in accordance with the Constitution and the County Government Act;

“Spouse” means the wife or husband of a retired Governor, or of a Governor who dies while holding office as such.

Persons entitled to benefits

3. Subject to this Bill, the persons entitled to the benefits conferred by this Bill shall be—

- (a) a retired Governor; or
- (b) a retired Deputy Governor; or
- (c) a retired Speaker; or
- (d) a retired Chairperson; or
- (e) a retired Member of County Assembly; or
- (f) a retired Councilor; or
- (g) a surviving spouse of a Governor, Deputy Governor or Speaker who dies while holding office as such.

Circumstances under which benefits may not be paid

4. (1) Notwithstanding the provisions of section 3, the County Assembly may, on a motion supported by the votes of not less than two-thirds of the members thereof, resolve that persons prescribed to benefit as contemplated in section 3, as the case may be, shall not be entitled to the whole or any part of the benefits conferred by this Act, on the grounds that such a person—

- (a) ceased to hold office on account of having acted in willful violation of the Constitution, or was guilty of gross misconduct; or
- (b) has, since ceasing to hold office—
 - (i) been convicted of an offence and sentenced to imprisonment for a term of three years or more, without the option of a fine; or
 - (ii) held office in, or actively engaged in the activities of any political party contrary to the provisions of section 6(1).

(2) Where the County Assembly passes a resolution under subsection (1), such a person under section 3 shall not be entitled to any benefits under this Bill, or their entitlement to such benefits shall be reduced in accordance with such resolution.

(3) Where a retired person holds any appointive or elective post in or under the County Government to which there is attached a rate of pay, other than a nominal rate, the benefits to which he is entitled shall be reduced by the amount of such pay.

(4) The benefits conferred by sections 6 and 7 on a surviving spouse shall—

- (a) commence on the day after the retired or serving Governor, Deputy Governor or Speaker dies;
- (b) not be payable unless such spouse waives the right to any other annuity or pension to which the spouse is entitled under the provisions of any other Act;
- (c) during any period in which such spouse holds an appointive or elective post in or under the County Government to which there is attached a rate of pay, other than a nominal rate, be reduced by the amount of such pay; and
- (d) Cease on the last day of the month during which such spouse dies or remarries.

Pension and other benefits of retired persons

5. A retired person shall, during his lifetime, be entitled to—

- (a) a lump sum payment on retirement, calculated as a sum equal to one year's salary for each term served in office, or as specified, whichever amount is higher—
 - (i) the Governor USD 100,000;
 - (ii) Deputy Governor and Speaker USD. 80,000;
 - (iii) Member of County Assembly USD. 50,000;
 - (iv) Mayor and Council Chairperson USD 30,000;
 - (v) Deputy Mayor and Council Vice-Chairperson USD 25,000; and
 - (vi) Councilor USD. 20,000.
- (b) a monthly pension equal to eighty per cent of the monthly salary currently paid to such a person while in service, or the last monthly salary paid to a retired Councilor; or as specified, whichever amount is higher—
 - (i) Governor USD 5000;
 - (ii) Deputy Governor and Speaker USD 3000;
 - (iii) Member of County Assembly USD 800 and
 - (iv) Councilor USD.500.

- (c) an entertainment allowance equal to fifteen per cent of the monthly salary currently paid to such a person while in service or the last monthly salary paid in case of retired councilors;
- (d) a housing allowance equal to twenty-three per cent of the monthly salary currently paid to such a person while in service or the last monthly salary paid in case of retired councilors;
- (e) full medical and hospital cover, providing for local and overseas treatment, with a reputable insurance company for the retired Governor, Deputy Governor and Speaker and their spouses and children under the age of twenty one years;
- (f) one new four wheel-drive motor vehicle of the retired Governor's choice, replaceable every four years, having an engine capacity not exceeding four thousand cubic centimeters;
- (g) one new four wheel-drive motor vehicle of the retired Deputy Governor's choice, replaceable every four years, having an engine capacity not exceeding three thousand, four hundred cubic centimeters;
- (h) one new four wheel-drive motor vehicle of the retired Speaker's choice, replaceable every four years, having an engine capacity not exceeding three thousand, four hundred cubic centimeters;
- (i) a fully furnished office, in the case of a retired Governor; and
- (j) a staff comprising of a secretary, driver, personal assistant, bodyguard, cook and gardener in the case of a Governor, and a driver, cook and gardener in the case of a Deputy Governor or Speaker.

Role of a retired person

6. (1) A retired person shall be expected to play a consultative and advisory role to the County Government and the people of Kisii County.

(2) A retired person may be requested by the County Government to perform specific official functions and shall be paid a reasonable allowance in respect of such official functions.

(3) Notwithstanding the provisions of section 1, this section shall come into operation on the date of publication of this Act in the *Gazette*.

Spouse benefits

7. Upon the death of a serving Governor, Deputy Governor and Speaker, or of a retired Governor, Deputy Governor and Speaker, who is in receipt of or who is entitled to a pension under this Bill, his surviving spouse shall be entitled to benefits amounting to fifty per cent of such pension.

Annual audit and accounts

8. The accounts relating to the expenditure incurred under the provisions of this Bill shall be audited and reported upon by the Controller and Auditor-General.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to make provision for benefits which are to be provided to holders of the office of the Governor and Designated offices.

Clause 1 is the short title while clause 2 defines the various terms used in the Bill.

Clause 3 sets out the persons who are entitled to benefits under the Bill if enacted into law, while Clause 4 provides for circumstances in which those benefits may not be paid.

Clauses 5 sets out the specific benefits due to an entitled person once the person retires from office.

Clause 6 sets out the roles to be played by entitled persons, in the affairs of the County, once they cease to hold their respective offices.

Clauses 7 provide for the benefits due to spouses of entitled persons.

Clause 8 provides for audit of accounts rendered if this Bill becomes law.

The enactment of this Bill shall occasion additional expenditure of public funds to be provided for in the annual County estimates.

Statement on how the Bill concerns Kisii County Government

The principal objective of this bill makes provision for benefits, which are to be provided to holders of the office of the Governor and Designated offices.

ALBERT OINO,
Chairperson, Sports, Youth and Social Services.