

MEMORANDUM AND OBJECTS OF REASON

The Principal object of this Bill is to provide for the establishment of Village Units, the effective coordination, management and supervision of the general administrative functions in the Village Units.

PART I of the Bill provides for preliminary provisions.

PART II of the Bill provides for the Delineation of Village Units, Establishment of Village Units, Establishment of the committee on delineation of village units., Functions and proceedings of the Committee. Criteria for determination of village units.

This part also provides for the Delineation report to be laid before the County Assembly, establishment of the Office of Village Administrator, the Qualifications and appointment of Village Administrator, Functions and powers of the Village Administrator, the establishment of the Village Council and Functions of the Village Council among other provisions.

Dated the 24th August, 2018.

ELISHA JACK ORARO,

*Chairperson, Administration of Law, Justice, Constitutional Affairs,
Good Governance and Security.*

SPECIAL ISSUE

Kenya Gazette Supplement No. 9 (Kisumu County Bills No. 6)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KISUMU COUNTY BILLS, 2018

NAIROBI, 24th August, 2018

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**THE KISUMU COUNTY ADMINISTRATION (VILLAGE UNITS)
BILL, 2018**

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- 2— Interpretation
- 3— Objects and purpose

PART II—DELINEATION OF VILLAGE UNITS

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**THE KISUMU COUNTY ADMINISTRATION
(VILLAGE UNITS) BILL, 2018**

A Bill for

AN ACT of the Kisumu County Assembly to provide for the establishment of Village Units, the effective coordination, management and supervision of the general administrative functions in the Village Units and for connected purposes

ENACTED by the County Assembly of Kisumu as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Kisumu County Administration (Village Units) Act, 2018. Short title.

2. In this Act, unless the context otherwise provides— Interpretation.

“County” means the County of Kisumu;

“County Assembly” means the County Assembly of Kisumu;

“County Government” means the County Government of Kisumu;

“Governor” means the Governor of Kisumu County;

“Village Unit” means an area declared as such by a resolution of the County Assembly in accordance with Section 48 of the County Governments Act, 2012.

3. (1) The object and purpose of this Act are to— Object and purpose.

- (a) provide for the establishment of the Village Units in Kisumu County;
- (b) provide for the further decentralization of the functions and provision of services by the Kisumu County Government in accordance with Article 176(2) of the Constitution;
- (c) enable effective participation of the local community in the governance and development of the village units.
- (d) enable effective accountability to the local communities in matters affecting them;

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	1200	Kondele		

(2) In administering this Act, the persons and agencies shall ensure—

- (a) participation of local communities in matters concerning the village units;
- (b) inclusion of minorities resident in the village units;
- (c) inclusion of women in decision making;
- (d) inclusion of persons with disabilities and other marginalized groups;
- (e) access to information relating to the village units.

PART II—DELINEATION OF VILLAGE UNITS

4. (1) There is Established a committee to be known as the Delineation Committee of the Village units.

Establishment of village units.

(2) Village units shall be delineated by a resolution of the County Assembly.

(3) The resolution under sub-section 1 shall be based on a report of the Committee on the Delineation of County Village Units.

(4) The Committee on Delineation of County Village Units shall comprise—

- (a) Speaker of the County Assembly as the chairperson;
- (b) Majority Leader;
- (c) Minority Leader;
- (d) Majority whip, Minority whip, Chairperson Liaison and elected member of the ward under review;
- (e) County Executive Committee member responsible for Physical planning and Surveying;
- (f) County Executive Member responsible for finance;
- (g) County Attorney;

(5) The Clerk of the County Assembly shall be the Secretary of the Committee on Delineation of County Village Units.

5. (1) The Delineation Committee shall review the boundaries every 10 years provided that nothing shall preclude the Council from reviewing the boundary within

Review of Village Unit Boundaries.

10years.

(2) The first Committee under this Act shall commence its work immediately upon coming into effect of this Act.

(3) A Committee on Delineation of County Village Units may review the village units upon occurrence of the following—

- (a) publication of final boundaries delimitation report by the Independent Electoral and Boundaries Commission (IEBC) in accordance with Article 89 of the Constitution;
- (b) review of County Boundaries in accordance with Article 178 of the Constitution.
- (c) publication of the final census report; and
- (d) a resolution by the County Assembly.

6. The Committee on Delineation of County Village Units shall—

- (a) hold consultations with interested persons in the county;
- (b) develop a provisional County Village Units delineation report;
- (c) undertake civic education within all units of the county and receive representations and memoranda from the residents of the county;
- (d) develop a final county village units delineation report;

7. In determining the area of the village units and their names, the Committee on Delineation of County Village Units shall have regard to—

- (a) population size and demographic features;
- (b) geographical features;
- (c) local community interest, traditional classification and historical, economic and cultural ties;
- (d) means of communication;
- (e) boundaries delimitation report published by the

Functions and proceedings of the Committee.

Criteria for determination of village units.

Schedule 1: Kisumu County Village Units (Section 11(6))

CONSTITUENCY	COUNTY ASSEMBLY WARD- CODE	COUNTY ASSEMBLY WARD	VILLAGE CODE	VILLAGE NAME
Kisumu East	1186	Kajulu		
	1187	Kolwa East		
	1188	Manyatta B		
	1189	Nyalenda A		
	1190	Kolwa Central		
Kisumu West	1191	South West Kisumu		
	1192	Central Kisumu		

be responsible for—

- (a) recording all the proceedings of the Village Council, which record shall be signed by the chairperson.
- (b) publishing all communications, notifications and records as may be necessary and such orders, notifications and record shall be signed by the chairperson.
- (c) effecting service of and transmitting any communication from the County Government requiring such service or transmission within the village.

15. (1) The Chairperson of the Village Council shall convene the meetings of the Village Council—

Proceedings of the Village Council.

- (a) whenever need arises, but not less than every two months, and
- (b) when two-thirds of the members in writing request him to do so.

(2) The Chairperson of the Village Council shall preside over all the meetings of the said Council.

(3) Resolutions made in such meetings shall be properly recorded and shall be signed by both the Chairperson and the Secretary.

(4) All proposals and questions shall be decided in these meetings by consensus or, in the alternative, by a simple majority of votes of the members present.

(5) The Village Council shall formulate the rules and procedures to guide the conduct of its meetings and the performance of its functions.

16. The member of the County Executive Committee responsible for Physical planning and Surveying may make regulations for the better carrying out of the purposes and provisions of this Act.

Regulations.

IEBC in accordance with Article 89 of the Constitution;

- (f) county boundaries determined in accordance with the Constitution;
- (g) Any other factor as may be determined by law.

8. (1) Within 60 days upon establishment of the County Village Units, the Committee shall develop and publish its report in the official website of the County Assembly.

Delineation report to be laid before the County Assembly.

(2) Upon the lapse of fourteen days of publication in accordance with sub-section (1), the Speaker shall cause the report of the establishment of County Village Units to be published on the official website of the County Assembly.

(3) The County Assembly shall open the report to public scrutiny for a period of seven days and receive any views communicated to the Clerk of the County Assembly, having notified the public of such opening.

(4) The County Assembly shall consider the report within fourteen days after the seven days provided for in sub-section (3), taking into account any views expressed by the public.

(5) The County Assembly shall approve the report of the Committee on Delineation of County Village Units with such amendments as it deems appropriate.

(6) The report of the Committee shall take effect upon publication in the County Gazette by the Speaker of the County Assembly.

9. There is established the Office of Village Administrator for each village unit.

Office of Village Administrator.

10. (1) A Village Administrator shall be appointed through an open and competitive process by the County Public Service Board and approved by the County Assembly in accordance with the provisions of this Act.

Qualifications and appointment of Village Administrator.

(2) The County Public Service Board may establish and publicise other or specific appointment criteria.

(3) The County Public Service Board shall determine the terms and conditions under which the Village

Administrator holds office.

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

Functions and powers of the Village Administrator.

- (a) ensuring and coordinating the participation of the village unit in governance;
- (b) assisting the village unit to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level; and
- (c) the exercise of any functions and powers delegated by the County Public Service Board.

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

12. (1) There is established, for each village unit, a Village Council consisting of—

Village Council.

- (a) the village administrator who shall be the chairperson of the village council; and
- (b) not less than three and not more than five village elders competitively appointed by the village administrator through public participation with the approval of the County Assembly, taking into account gender balance.

(2) A person shall be eligible for appointment as a Village Council member if the person—

- (a) is a citizen of Kenya;
- (b) has been a resident of or has been the owner of property in the respective village unit for a continuous period of not less than five years prior to the appointment date;
- (c) meets the requirements of Chapter Six of the Constitution; and
- (d) is not disqualified for appointment to office by this Act or any other law.

(3) A Village Council member shall serve for such period and shall be paid such sitting allowance and other

emoluments as shall be determined by the County Assembly.

13. A Village Council shall be responsible for—

Functions of the Village Council.

- (a) ensuring and coordinating the participation of the village unit in governance;
- (b) assisting the village unit to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level;
- (c) monitoring the implementation of policies and projects in the village unit;
- (d) advising the ward administrator and sub-county administrator on matters pertaining to the village unit; and
- (e) without seeking to limit the generality of the preceding paragraphs and subject to the responsibilities and functions of other agencies, coordinating—
 - (i) formulation and implementation of village development programmes;
 - (ii) environmental conservation and development;
 - (iii) community health services;
 - (iv) recruitment of youths in maintenance of roads and public works;
 - (v) assisting various national and county government agencies in carrying out development works or delivering services;
 - (vi) convening regular social audit of development programmes and activities;
 - (vii) keeping a record of national and county government development programmes and activities;
- (f) any other function necessary for the better administration of the village unit as may be assigned by the Governor.

14. The Village Council shall appoint from among members a secretary to the Council by consensus who shall

Village Council to appoint secretary.