

*Approved
12/03/2024*



**THE COUNTY GOVERNMENT OF KISUMU
KISUMU COUNTY ASSEMBLY.
THIRD ASSEMBLY
(3RD SESSION)**

**MOTION ON THE MATTER OF RENEWAL OF CONTRACTS FOR
VILLAGE ADMINISTRATORS**

THAT, AWARE THAT the Committee on the Administration of Law, Justice, Good Governance and Constitutional Affairs is currently seized of the matter of Recruitment of Village Administrators pursuant to the expiry of the contracts of the Village Administrators which had effect for three years beginning in 2020.

NOTING THAT, the Committee has had four (4) meetings on this Subject matter including its special meeting held on Monday 11th March, 2024 at the Chambers where it interrogated the CEC Member for County Administration on this matter.

ACKNOWLEDGING THAT, the Committee has made Resolutions thereof, some resolutions which according to the Committee needs immediate and urgent intervention to avoid a crisis that may arise from failure or delay in initiating such intervention. And that while the Committee has the powers to make resolutions on matters under its deliberation, this Hon. House pursuant to Standing Orders No. 193 (second schedule) merely delegated its investigatory powers to the Committee but reserved for itself the decision-making powers in plenary. Thus the Committee acknowledges that it is not competent to make resolutions estopping and/ or barring executive action as such powers are a preserve for this Hon. House.

FURTHER ACKNOWLEDGING THAT the Standing Orders requires the Chairperson on behalf of the Committee to move a motion on matters requiring Plenary resolution. And that based on the urgency of this subject matter and the import of the Committee Resolution in its special meeting held on 11th March, 2024, this Hon. House is invited to make its resolution and/or objection on the matter for urgent and immediate executive action.

COGNIZANT THAT the contractual terms of the Village Administrators expired in or around November, 2023. And that upon the expiry of the Contracts, the County Public Service Board extended the terms of employment of the Village Administrators for a further three months to allow for recruitment of Village Administrators in accordance with the Law. And that the extension of the contracts for a further three (3) months expired in or about February, 2024 and the CEC Member for County Administration vide a letter dated 4th March, 2024 wrote to the Secretary of the County Public Service Board requesting the Board to extend the contracts of the Village Administrators for a further three (3) months citing fears of a crisis that may be created by the absence of the Village Administrators during the period of recruitment.

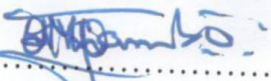
DEEPLY CONCERNED THAT, in despite of the first extension of the contracts, the County Public Service Board and the CEC Member for County Administration have not provided sufficient and competent reasons why the County Public Service Board had failed to recruit within the set timelines. And has instead re-extended the contracts for another three (3) months in utter disregard of the provisions of the law. The requirements of the Employment Act, 2007 (Revised 2022) provides that recruitment upon expiry of a contract must be initiated at least three (3) months before expiry of such contract and not after expiry. And that circumstances that may necessitate extension of contracts are clearly spelt at Law and the same does not depend on the pleasure of the employer.

NOW THEREFORE, in order to fulfill the requirements of the Constitution and relevant laws; I **PRAY THAT THIS ASSEMBLY DO RESOLVE:**

- a) THAT the extension of the Contracts of the Village Administrators be terminated and recruitment of Village Administrators for new terms be completed within 21 days upon adoption of this motion.

b) THAT the County Public Service Board, the County Secretary and the CEC Member for County Administration be investigated and liability be established on the delay and continuous blatant abuse of the provisions of the law.

I wish to call upon Hon. Reuben Rakwach (Vice Chairperson) to second.

Sign.....

The Hon. Moses Ochele, MCA.

(Member for East Kano Wawidhi Ward)

**CHAIRPERSON; COMMITTEE ON THE ADMINISTRATION OF LAW,
JUSTICE, GOOD GOVERNANCE AND CONSTITUTIONAL AFFAIRS**

Date: 12th March, 2024.

KISUMU COUNTY.