

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**TAITA TAVETA COUNTY BILLS, 2022**

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**NAIROBI, 10th March, 2022**

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**THE TAITA TAVETA COUNTY YOUTH WELFARE AND  
EMPOWERMENT BILL, 2022**

**A Bill For**

**AN ACT of the County Assembly of Taita Taveta to Provide for the  
Legal and Institutional Framework to guide the Welfare and  
Empowerment of Youths in Taita Taveta County and for  
connected purposes**

**ENACTED** by the County Assembly of Taita Taveta, as follows—

**PART I—PRELIMINARY**

**Citation**

1. This Act may be cited as the Taita Taveta County Youth Welfare and Empowerment Act, 2022.

**Interpretation**

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

“CEC” refers to the County Executive Committee Members

“Council” refers to the Youth Council established in Part II of this Act.

“County Executive Committee Member” refers to the County Executive Committee Member responsible for matters relating to Youth, Sports, Gender, Art and Social Services as the case may be.

“Empowerment” refers to the realization of sustainable opportunities critical in sustaining livelihoods and eradication of poverty and or unemployment as the case may be.

“Fund” refers to the youth Fund created herein.

“Welfare” refers to the average happiness health and ability of the youth to cater for their economic and social needs.

“Youth” for purposes of this Act refers to individuals between the age of 18 years and 35 Years who have been residents of Taita Taveta County for not less than five (5) years.

**Objects and Purposes**

3. (1) This Act is enacted for the following objects —

(a) to unlock youth potential for sustainable wealth creation and development;

- (b) to enhance the capacity of the youth in the identification, planning and implementation of sustainable socio-economic activities;
  - (c) to promote youth entrepreneurship through empowerment programs such as training and information sharing;
  - (d) to ensure that youth empowerment services are decentralized throughout the County;
  - (e) to enhance collaboration and partnership with the stakeholders for sustainable development;
  - (f) to uplift the standard of living among the youth by ensuring that the youth enjoy equal rights, opportunities and a dignified life.
- (2) The purpose of this Act is to—
- (a) Establish a Council to guide the management and implementation of County Youth welfare and Empowerment initiatives and projects.
  - (b) Provide for the financing of the Council.
  - (c) Prescribe for the linkages between the Council and other stakeholders that ordinarily engage the youth on matters related to the objects of this Act.

### **Guiding Principles**

**4.** (1) The County Executive Committee member and any person administering or applying this Act shall be guided by the principles and values of the Constitution set out herein—

- (a) National values and principles of governance in Articles 10;
- (b) the right of every Kenyan to Economic and Social rights as guaranteed by Article 43 of the Constitution; and
- (c) the values and principles of public service in Article 232

### **Responsibilities of the County Executive Committee Member**

**5.** The County Executive Committee Member shall make concerted effort to equip the youth with necessary knowledge, skills, values and attitudes on socio-economic dynamics of their lives. This includes—

- (a) offering training sessions to the youth on socio-economic empowerment;
- (b) enhancing capacity of the youth to improve their living standards;

- (c) promoting and instilling innovativeness for employment and wealth creation;
- (d) fostering entrepreneurship culture and financial management;
- (e) mobilizing resources and partnering with various stakeholders in order to initiate youth development programs;
- (f) providing civic education on various aspects of social life for the youth.

## **PART II—YOUTH COUNCIL**

### **Establishment of the Youth Council**

6. There is established the Taita Taveta County Youth Council which shall be the entity guiding the management of the welfare and empowerment of the youth in Taita Taveta County.

### **Mandate of the Council**

7. (1) The functions of the Council shall include —
- (a) administration of the Youth Empowerment and Welfare Fund;
  - (b) advise the Executive Committee member on the appropriate guidelines and procedures for implementation of the Act and for better management of the Fund;
  - (c) undertake regular surveys to establish challenges faced by the Youths in Taita Taveta County as relates to their welfare and economic wellbeing;
  - (d) identify key stakeholders in the management of the Youth welfare and empowerment;
  - (e) guide the policy formulation for the management of youth welfare and empowerment;
  - (f) prepare necessary proposals and budgets for the youth welfare and empowerment programs;
  - (g) plan for the execution of the youth specific projects in furtherance of the objects and purposes of this Act; and
  - (h) carry out any other functions as may be assigned by the Executive Committee Member.
- (2) In executing its mandate the Council shall be guided by the values outlines above and shall do so in a sustainable manner

### **Council Membership**

**8.** (1) The Council shall consist of seven (7) members appointed by the Governor, with the approval of the County Assembly as follows—

- (a) chairperson who shall have a minimum academic qualification of a first degree;
- (b) one youth representatives from each Sub-County with a minimum academic qualification of a Diploma in Social Sciences;
- (c) a youth representative of persons living with disabilities;
- (d) County Youth Officer who shall be the Council Secretary.

(2) In nominating the youth representatives, the Governor shall take into consideration—

- (a) gender balance;
- (b) regional balance;
- (c) religious balance.

### **Term of office of the Council**

**9.** The Council members, apart from the Youth Officer, shall hold office for a period of three (3) consecutive years and may be eligible for re-appointment once.

### **Removal from Office**

**10.** (1) A member of the Council may be removed from office for —

- (a) violation of the Constitution or any other Law;
- (b) gross misconduct, whether in performance of the member's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of the office;
- (d) incompetence or neglect of duty.

(2) A member of the Council may resign from office upon submission of a one month written notice to the Governor.

(3) Upon receiving the resignation notice, the Governor shall make such appointment within twenty one days.

### **Council Meetings**

**11.** (1) The Council shall hold a maximum number of 12 meetings within the first year of its establishment and a maximum of 6 for meetings every year.

(2) The quorum for the council meetings shall be five (5) members.

### **Council Priority Sectors**

**12.** In executing its mandate, the council in collaboration with relevant stakeholders shall give priority to the following sectors and opportunities—

- (a) environmental maintenance and restoration;
- (b) reforestation of severely affected public forests with an aim of restoring water catchment points in the County;
- (c) agriculture and Agribusiness, textile and construction including development of mechanisms of ensuring that youths access financing to be key players in the sector at any stage along the value chains;
- (d) coordination of targeted/guided training to ensure that youths take up identified opportunities as captured in several county and National Government plans and projects;
- (e) promotion and facilitation of sporting activities across and beyond the County;
- (f) guidance and Counselling on social issues likely to affect the youth and on financial prudence including basic skills on business development and management;
- (g) coordination and perfection of access to Government contracts to the youths within the provisions of the Public Procurement and Disposal Act, 2015 including the quarterly collection of data on the success or otherwise of this mandate and timely dissemination of the availability of such opportunities;
- (h) coordinate & ensure contractors within the county provide for 30% of the road contract works to be carried out manually for purpose of creating employment;
- (i) guide on policy formulation that deliberately favour minimal works for village feeder roads;
- (j) ensure the youth agenda and programs are duly captured in the County Integrated Development Plan.



**PART III—ESTABLISHMENT AND ADMINISTRATION OF THE  
YOUTH FUND**

**Establishment of the Fund**

**13.** (1) There is hereby established a fund to be known as the Taita Taveta Youth Welfare and Empowerment Fund which shall be managed and administered by the Council.

(2) The Fund shall be appropriated for the purpose of—

- (a) spurring socio-economic development for the Youth
- (b) supporting youth groups and enterprises to develop linkages with larger enterprises, national and international development partners
- (c) supporting entrepreneurship training for micro, small and medium enterprises to groups benefitting from the Fund
- (d) establishment and maintenance of talent development facilities

**Revenue of the Fund**

**14.** (1) The Fund shall draw its revenue from—

- (a) monies allocated and appropriated by the County Assembly, and
- (b) value for gifts and donations made to the fund.
- (c) such other monies as may be payable or vested in the Fund

(2) The Council shall declare to the County Executive Committee Member for Finance and Economic Planning such gifts and donations made to the fund on an annual basis.

*Administration of the Fund*

**Fund Administrator**

**15.** (1) The County Executive Committee Member for Finance shall appoint the fund administrator of the fund from within the department of Finance and Economic Planning who shall then be the ex officio member of the Council.

(2) The Fund Administrator shall be accountable to the Council and the County Executive Committee Member for Finance and Economic Planning.

(3) The Fund administrator and the County Executive Committee Member for Finance and Economic Planning shall both account for the expenditure of the Fund in accordance with the provisions of the law relating to Public Finance management of a County public fund.

**Expenditure on Account of the Fund**

16. (1) The funds finances shall be employed in the management and improvement of the youth welfare with the approval of the Council within the following areas—

- (a) sports and talent nurturing;
- (b) environmental Management and restoration;
- (c) youth groups Empowerment initiatives.

(2) For the avoidance of doubt, the fund shall not be expended in issuing loans or grants under any circumstance.

**Equitable Distribution**

17. In authorizing the expenditure of the funds, the council shall ensure that the initiatives and projects are distributed in an equitable manner across the wards in the County and across both genders based on demonstrated need and initiative/project sustainability.

**Disbursement of the Fund**

18. (1) All monies received by the Fund shall be maintained in a separate bank account in the name of the Fund, administered and disbursed in accordance with the provisions of the Public Finance Management Act.

- (2) The Funds may be disbursed regularly within the financial year—
  - (a) the funds may be issued to youth groups or group representatives who may apply for training that are intended to improve the achievement of the groups goals and objectives;
  - (b) the funds may be used to financially support youth going for training when the total expenses of the course do not exceed the prescribed amount;
  - (c) the funds may be used to purchase equipment geared towards empowerment activities for duly registered youth groups;
  - (d) the administrative cost shall not exceed ten percent of the funds revenue for the year;
  - (e) the training cost shall not exceed 20 percent of the funds revenue for the year.

**PART IV—STAKEHOLDER PARTICIPATION**

**Government Agencies**

19. In undertaking its mandate, the Council shall collaborate with other County and National Government agencies including Other County

departments to ensure that the fund is expended in viable initiatives/projects and for avoidance of duplicity.

#### **Private Sector**

20. The council shall incorporate private sector and youth forums ideas and proposals in the formulation of plans for the execution of Youth welfare and empowerment initiatives.

#### **Youth**

21. (1) The Council shall at all material times involve and incorporate the views from the youth of Taita Taveta County as the main stakeholders in the planning and formulation of policies guiding the implementation of this Act.

(2) The Council shall regularly organize and conduct youth fora at village levels.

### **PART V—FINANCIAL PROVISIONS**

#### **Financial Year**

22. The financial year of the Council shall be the period of twelve months commencing on the 1st of July and ending on the 30th June of the year following.

#### **Book Keeping**

23. The Council shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the Fund.

#### **Accounts**

24. The Council shall, not more than four months or such longer period as per the County Assembly resolution appoint an auditor after the end of each financial year, cause to be prepared and submitted to the Auditor-General—

- (a) a balance sheet showing in detail the assets and liabilities of the Council at the end of the financial year;
- (b) a statement of financial activities, income and expenditure during the financial year; and
- (c) other statements of accounts as may be necessary to fully disclose the undertaking, assets, liabilities and discharge of the functions of the council.

## **PART VI—TRANSITION**

### **Planned Initiatives and Projects**

**25.** (1) The Council once established, shall align its programmes and initiatives with the long term and short term plans already in place and by identifying key priority areas already identified.

(2) The foregoing provisions notwithstanding, Council is not barred from making proposals for amendment of the County Integrated Development Plans for consideration and approval.

### **Regulations**

**26.** The County Executive Committee Member may formulate regulations in respect of items that he may consider to require specific targeted regulatory framework towards achieving the desired youth programme.

**MEMORANDUM OF OBJECTS AND REASONS**

The Youth Welfare and Empowerment Bill, 2021 seeks to create the necessary legal and institutional framework for the management and improvement of the welfare of the youths in Taita Taveta County by creating the Youth Council and a fund to that effect.

The Bill, when assented to law, there will be a fund in place for the purpose of implementing certain initiatives as captured in the County Integrated Development Plan as well as the Annual Development plan by way of identifying key priority areas which need urgent attention.

If enacted into law, the bill will occasion additional expenditure on the County Revenue Funds.

Dated the 9th March, 2022.

**STEPHEN MCHARO**  
*Member of County Assembly.*