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**REPUBLIC OF KENYA**

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**NYAMIRA COUNTY GAZETTE SUPPLIMENT**

**BILLS, 2020**

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# THE NYAMIRA COUNTY (DECENTRALIZED UNITS) ADMINISTRATION BILL, 2020

## A Bill For:-

AN ACT of the County Assembly to provide for the structure of the Nyamira Government decentralized units of administration and the delineation and establishment of the village units to give effect to Part VI of the County Governments Act, 2012 and Paragraph 14 of Part II of the fourth Schedule to the Constitution and for related purposes

ENACTED by the County Assembly of Nyamira as follows:

	<b>PART I - PRELIMINARY</b>
<b>Short title and commencement</b>	1. This Act may be cited as the Nyamira County Government Decentralized Units) Administration Act, 2020 and shall commence on <b>14<sup>th</sup> day after the Publication in the Kenya gazette or County gazette</b>
<b>Application</b>	2. This Act shall apply to Nyamira County as established under the First Schedule and Article 6(1) of the Constitution but not to areas under the Urban Areas and Cities established under the Urban Areas and Cities Act.
<b>Interpretation</b>	3. In this Act unless the context otherwise requires:-  “Administrative Consortium” means a grouping of County Government devolved units administrators for purposes of addressing issues of common interest arising between them;  “Chief” means an administrator of a location serving in the County under the national government structure;  “Constitution” means the Constitution of Kenya, 2010;  “County Commissioner” means a person appointed under the National Government Co-ordination Act to co-ordinate national government affairs in the County;  “County Government Devolved Units Administration” means a system of government, not being of the national government established under this Act;  “Governor” means the governor of Nyamira County;  “Deputy Governor” means the Deputy Governor of Nyamira County;  “Deputy Sub-County Administrator” means a person deputizing the Sub-County Administrator;  “Location” has the same meaning as that provided under the National Government Coordination Act;  “Devolved Unit” means a sub-county, ward, village, <i>Ekenyoro</i> , or other unit of the county government administration;  “ <i>Ekenyoro</i> ” means the first single unit of administration within the ward

created immediately on the commencement of this Act;

“Relevant County Executive Member” means the member of the County Executive in charge of the department responsible for the County government devolved units administration;

“Salaries and Remuneration Commission” means the commission for Salaries and Remuneration provided for under Articles 230 and 248 of the Constitution;

“Sitting” means a meeting of the Village Council of Elders;

“Sub-County Administrator” means a person appointed under this Act to be in charge of the administration of a sub-county;

“sub-location” means a unit of administration within the county existing under the national government structure;

“Village administrator” means a person responsible for the administration of the village (*Ekenyoro*);

“Village Council” means a council of elders established under this Act and the County Governments Act for purposes of administration of a village (*Ekenyoro*);

“Village Elder” has the same meaning assigned to it under section 53 of the County Governments Act;

“*Ebinyoro*” means more than one *Ekenyoro*;

“Ward” is a unit of administration created under this Act having same meaning as that under the County Governments Act;

“Ward Administrator” means a person responsible for the administration of a ward;

“Dispute resolution Panel” means a body established under this Act for the purpose of resolving disputes arising under this Act

“Panel” means a dispute resolution panel established under section 17 of this Act.

“Director” means a director deployed under this Act to coordinate the administration of devolved units.

“Chief Officer” means a chief officer appointed in accordance with section 45 of the County Governments Act;

“Task Force” means a task force appointed for review of devolved unit in accordance with section 17 of this Act;

<p><b>Object and Purpose of the Act</b></p>	<p>4. The object and purpose of the Act is-</p> <ul style="list-style-type: none"> <li>(a) To provide for the administrative structure of the County Government;</li> <li>(b) To provide for the delineation of the administrative units of the County Government;</li> <li>(c) To provide for legal mechanisms for future decentralization of the County Government;</li> <li>(d) To give effect to the provisions of the Constitution and the County Governments Act with regard to devolution;</li> <li>(e) To provide for a legal framework for delivery of service by the County Government;</li> <li>(f) To provide for the appointment of the administrators of devolved units;</li> <li>(g) To provide for citizens petitions against the County Governments administration, dispute resolution and welfare of the County Governments administrators</li> </ul>
	<p><b>PART II – ESTABLISHMENT OF THE DECENTRALIZED UNITS OF ADMINISTRATION AND THE APPOINTMENT OF ADMINISTRATOR</b></p>
<p><b>Establishment of County Administration Decentralized Units</b></p>	<p>(1) There is established a system of administration to be called Nyamira County Decentralized Units.</p> <p>(2) The Decentralized Units Administration shall comprise of –</p> <ul style="list-style-type: none"> <li>(a) The Director;</li> <li>(b) The Sub-County Administrator;</li> <li>(c) The Ward Administrator;</li> <li>(d) The village administrator; (The administrator of <i>Ekenyoro</i>);</li> </ul> <p>(3) All offices of devolved units administration shall be offices in the County Public Service.</p> <p>(4) The Administrators shall be answerable, in the pecking order to the county executive through the relevant county executive member.</p>
<p><b>Appointment of Nyamira County Devolved Units Administrators</b></p>	<p>6. (1) The County Public Service Board shall appoint administrators of the devolved units through a competitive process having regard to the interests of the women, youths, persons living with disabilities and other marginalized groups; Provided that any appointment of a village elder as an administrator of <b>Ekenyoro</b> shall be <b>as per section 53(1) of the County Governments Act.</b></p> <p>(2) The County Public Service Board shall implement measures to ensure that not more than one administrator of a sub-county, ward or village unit is appointed from the same village.</p>

<p><b>Qualifications for appointment as administrator</b></p>	<p>7. A person shall not be appointed as an administrator of a devolved unit unless –</p> <p>(1) In the case of a sub-county or deputy sub-county administrator and ward administrator he or she-</p> <ul style="list-style-type: none"> <li>(a) Is a Kenyan citizen of at least thirty years of age;</li> <li>(b) Has been a resident in the devolved unit for a continuous period of at least three years prior to the date of the appointment;</li> <li>(c) Holds at least a first degree from a recognized university in law, finance, social sciences, planning or related field;</li> <li>(d) Has three years post graduate working experience in the relevant area and</li> <li>(e) Has satisfied the requirements of Chapter Six of the Constitution.</li> </ul> <p>(2) <b>In the case of a village administrator he or she –</b></p> <ul style="list-style-type: none"> <li>(a) Is a Kenyan citizen of at least twenty five years of age;</li> <li>(b) has been a resident in the devolved unit for a continuous period of at least three years prior to the date of the appointment;</li> <li>(c) holds at least a diploma from a recognized Institution in law, finance, social sciences, procurement, planning, community development or related field;</li> <li>(d) has satisfied the requirements of Chapter Six of the Constitution.</li> </ul> <p>(3) In the case of a village elders, he or she-</p> <ul style="list-style-type: none"> <li>(a) is a Kenyan citizen of at least twenty five years of age</li> <li>(b) has been a resident in the devolved unit for a continuous period of at least five years prior to the date of appointment or owns some property within the devolved unit</li> <li>(c) has the ability to, read, write and communicate in both English and Swahili language</li> <li>(d) is generally of good repute and standing the community; and is serving as village elder on a village council in the respective devolved unit</li> <li>(e) has satisfied the requirements of chapter six of the Constitution.</li> </ul> <p>(4) In the case of an administrator of <b>Ekenyoro</b>, he or she-</p> <ul style="list-style-type: none"> <li>(a) is a Kenyan citizen of at least forty years of age;</li> <li>(b) has been resident in the devolved unit for a continuous period of at least five years prior to the date of appointment;</li> <li>(c) owns some property within the devolved unit;</li> <li>(d) has the ability to read, write and communicate in both English and Swahili languages;</li> <li>(e) is generally of good repute and standing in the community; and is serving as a village elder on a village council in the respective devolved unit.</li> </ul>
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<p><b>Remuneration of the Administrators</b></p>	<p>8. (1) The remuneration of the administrator of a devolved unit shall be determined by the County Public Service Board.</p> <p>(2) Despite subsection (1), a person appointed as an administrator of the <i>Ekenyoro</i> shall be entitled to payment of allowances only specified in the First Schedule to this Act as may be amended from time to time by the county executive on the advice of the County Public Service Board with the approval of the County Assembly.</p>
<p><b>Vacation of office</b></p>	<p>9. (1) An Administrator of a devolved unit may vacate office—</p> <ul style="list-style-type: none"> <li>(a) in case of death;</li> <li>(b) by resignation in writing submitted to the immediate senior administrator thirty days prior to the date of resignation;</li> <li>(c) where the administrator is convicted of a criminal offence punishable by a prison term of not less than six months;</li> <li>(d) if the administrator is found to be unfit to hold office after the due process;</li> <li>(e) pursuant to a successful citizen petition: or</li> <li>(f) where, in the case of a village elder, appointed as an administrator of <b>Ekenyoro</b>, he or she misses three consecutive meetings without the prior written permission of the village administrator or for reasonable and acceptable cause.</li> </ul> <p>(2) For the purposes of subsection (1) (b), a resignation letter shall be submitted to the immediate senior administrator in the pecking order with the sub county administrator submitting his or her resignation letter to the Director or in his or her absence, the Chief Officer.</p> <p>(3) Nothing in this section shall be construed to bar any disciplinary action or proceedings being taken against any administrator as may be necessary and appropriate in case of misbehavior or breach of duty.</p> <p>(4) A vacancy arising in the office of the administrator of a devolved unit shall, unless delayed by lawful cause, be filled within sixty days.</p>
<p><b>PART III – FUNCTIONS AND DUTIES OF ADMINISTRATORS</b></p>	
<p><b>Functions of the Administrator</b></p>	<p>10. (1) The Administrator of a devolved unit shall be responsible for, but not limited to the respective functions assigned under the Third Schedule to this Act.</p> <p>(2) Notwithstanding subsection 10, the administrator of a devolved unit may perform any other function or duty assigned by the county executive either <b>directly</b> or through delegation.</p> <p>(3) The county Government shall ensure the administrators of the devolved units are adequately facilitated, financed and equipped to effectively perform the functions and duties assigned by this Act.</p>



<p><b>Duties of the administrator</b></p>	<p>11. The administrator of a devolved unit shall be under duty to –</p> <ul style="list-style-type: none"> <li>(a) address at all times while on duty in a neat attire that is approved by the county executive;</li> <li>(b) establish efficient and reliable citizen and public participation systems and forums in his or her area of jurisdiction</li> <li>(c) implement sound and good communication systems with the residents of his or her area of jurisdiction;</li> <li>(d) portray the good image of his or her office and the county government both in the public and private life;</li> <li>(e) ensure efficient and satisfactory public service delivery in every sphere;</li> <li>(f) set in place adequate machinery for consultation with the residents and the national government organs or other agencies within the devolved unit;</li> <li>(g) keep proper and satisfactory records of all official activities in the devolved unit;</li> <li>(h) submit the requisite reports to the relevant authorities as may be required or directed;</li> <li>(i) have at all times a sound understanding of his or her area of jurisdiction;</li> <li>(j) be ready to account for everything done by his or her office in the performance of these assigned or related functions;</li> <li>(k) to subscribe to the Administration Consortium;</li> <li>(l) to avoid involvement in political activities of any person or political party; and</li> <li>(m) treat with decorum and respect any person entitled to the services of such administrator.</li> </ul>
	<p><b>PART IV – ESTABLISHMENT OF VILLAGE COUNCILS</b></p>
<p><b>Establishment of Village Council</b></p>	<p>12. (1) There shall be established for every devolved unit of village administration a Village Council.</p> <p>(2) The Village Council shall comprise of –</p> <ul style="list-style-type: none"> <li>(a) the village administrator who shall be the chairperson;</li> <li>(b) not less than <b>three</b> elders and not more than five elders appointed in accordance with sections 7 and 8 of this Act; and</li> <li>(c) a secretary appointed by the village administrator from amongst the elders with the approval of the Village Council.</li> </ul> <p>(3) The functions of the Village Council shall be those specified in the Third Schedule to this Act.</p> <p>(4) For Effective performance of the functions assigned under this Act, every elder shall be appointed as an administrator of <i>Enyomba</i> and may be assigned two or more <i>Chinyomba</i> by the village administrator.</p> <p>(5) In the performance of the functions assigned by this Act; the Village Council shall be guided by a programme of activities formulated in accordance with section 13 of this Act.</p>

<p><b>The Programme of activities of the Village Council</b></p>	<p>13. (1) Every Village Council shall, at least seven days prior to the last day of every month, prepare a programme of activities for the month specifying the date, time, venue and activity to be undertaken within the month and display the same –</p> <p>(a) on the notice board maintained at the office of the village administrator for the said purpose;</p> <p>(b) at prominent places in every <i>Ekenyoro</i> identified by the respective administrator.</p> <p>(2) The programme of activities referred to in subsection (1), shall be submitted to the Director and also posted on the County Government website and published in the <b>county gazette</b>.</p> <p>(3) Except in the case of an emergency, no Village Council shall hold an activity other than in accordance with the programme.</p> <p>(4) The Village Council shall hold at least one meeting in a week and not more than <b>four</b> meetings in a month.</p> <p>(5) Every meeting of a Village Council shall be chaired by the village administrator and in his or her absence, an elder elected from amongst the elders present at the meeting.</p> <p>(6) The secretary shall keep written records of all proceedings of the meetings and activities of the Village Council in both soft and hard form.</p> <p>(7) The meetings and activities of the Village Council shall be open to the public unless, except where, owing to the nature of the subject matter and for reasons to be recorded, it becomes necessary to exclude the public.</p> <p>(8) The quorum at every Village Council meeting shall be one half of the total membership.</p> <p>(9) The decision of the Village Council shall be by consensus and a vote becomes necessary by a simple majority.</p>
	<p><b>PART V – DELINEATION AND ESTABLISHMENT OF VILLAGE UNITS</b></p>

<p><b>Delineation and establishment of Village Units</b></p>	<p>14. (1) The county executive shall, subject to subsection (2), and the approval of the County Assembly, delineate and establish village units of administration for the purposes of this Act.</p> <p>(2) A village unit shall be delineated or established except in accordance with the recommendations of the Task Force Committee established in accordance with section 16 of this Act.</p>
<p><b>Boundaries of Devolved Units</b></p>	<p>15. (1) The administrative boundary of every devolved unit shall be defined –</p> <ul style="list-style-type: none"> <li>(a) in the case of a sub-county along the constituency boundary existing in the county on the date of commencement of this Act;</li> <li>(b) in the case of a ward, a long a ward boundary existing in the sub-county on the date of commencement of this Act;</li> <li>(c) in the case of a village, along a sub-location boundary existing in the ward under the national government structure of administration on the first day of January the year 2002;</li> <li>(d) in the case of <i>Enyomba</i>, the boundary of a village existing in the sub-location under the national government structure of administration on the date of commencement of this Act; and</li> <li>(e) in any other case, as may be determined by the Task Force Committee in accordance with this Act.</li> </ul> <p>(2) Despite subsection (10), the sub-counties, wards, villages and <i>Enyomba</i> recognized for the purpose of this act on the date of commencement shall be those specified in the Second Schedule.</p> <p>(3) The boundaries of devolved units shall not be varied to exceed one third of the existing administrative units in the county in a period of ten years.</p> <p>(4) The devolved units created under this Act shall not become effective without the approval of the County Assembly.</p>
<p><b>Establishment of the Task Force</b></p>	<p>16. (1) There shall be established in every eighth year <b>after the enactment of this Bill</b>, the Task Force Committee on Decentralization.</p>
<p><b>Committee on Decentralization</b></p>	<p>(2) The Task Force Committee shall comprise of –</p> <ul style="list-style-type: none"> <li>(a) a chairperson appointed by the Governor who shall be a qualified surveyor of not less than <b>four</b> years working experience;</li> <li>(b) the county physical planner who shall be the secretary;</li> <li>(c) the head of county legal department or his or her designate;</li> <li>(d) at least one person appointed by the relevant county executive member from every sub-county in consultation with the local residents;</li> <li>(e) the chairperson of the Administration Consortium Management Committee; and</li> <li>(f) The county commissioner or his or her designates who shall be an ex-officio.</li> </ul> <p>(3) A person shall not be eligible to be appointed under subsection (2) (d) unless he or she-</p> <ul style="list-style-type: none"> <li>(a) is a Kenyan citizen resident in the respective sub-county for the</li> </ul>

	<p>last five years preceding the appointment;</p> <p>(b) is in good standing with the respective community;</p> <p>(c) holds at least a first degree in finance, social science, engineering or related field; and</p> <p>(d) Has satisfied the requirements of Chapter Six of the Constitution.</p> <p>(4) A member of the Task Force shall, subject to section 17 serve for a period of two years.</p> <p>(5) Despite subsection (4), a member of the Task Force Committee may be removed from office for gross misconduct or violation of the Constitution or <b>any</b> other law or for a lawful cause after the due process.</p> <p>(6) A member of the Task Force Committee shall earn such allowances as may be determined by the County Public Service Board.</p>
<p><b>Functions of the Task Force Committee</b></p>	<p>7. (1) The functions of the Task Force Committee shall be-</p> <p>(a) to make recommendations to the County Executive on all matters of delineation and establishment of devolved units of administration under this Act;</p> <p>(b) to draw the map or maps of the devolved units of administration;</p> <p>(c) to recommend, after consultation with the affected residents, the names of devolved units of administration;</p> <p>(d) to do everything economical and lawful to fulfill the objectives of decentralization of administration.</p> <p>(2) In creating further decentralized units of administration, the Committee shall take into account the population size, geographical features, community of interest, historical, economic and cultural ties and means of communication.</p> <p>(3) In performing its functions under this Act the Task Force Committee shall not be subject to the control of any person or authority but be guided solely by the principle of professionalism, economic and social justice and respect for the people, their leaders and elected representatives.</p> <p>(4) The Task Force Committee shall be provided with adequate financial and human resource by the County Government to enable it deliver on its mandate timely.</p> <p>(5) The Task Force Committee shall be submitted to the Governor not later than twelve months after its appointment and shall not be implemented except upon ratification by the county executive and the approval of the County Assembly and shall not be effective until after publication in the <b>county</b> Gazette.</p> <p>(6) The term of the Task Force Committee shall expire on the last day of the third month after submission of the report to the Governor.</p>
	<p><b>PART VI – ADMINISTRATION CONSORTIUMS</b></p>

<p><b>Establishment of Administration Consortium</b></p>	<p>18. (1) Every administrator of a devolved Unit shall, on the date of the Appointment, become and be registered member of the Administration Consortium.</p> <p>(2) The Administration Consortium shall be a consultative forum bringing together all administrators of devolved units for their welfare.</p> <p>(3) The Administration Consortium shall be non-political and shall not be used to advance trade unionism.</p> <p>(4) Nothing in this section shall bar any administrator from subscribing to any <b>trade</b> union of his or her choice outside the Administration Consortium.</p>
<p><b>The Management Committee of the Administration Consortium</b></p>	<p>19.(1) There shall be a Management Committee of the Administration Consortium comprising of-</p> <ul style="list-style-type: none"> <li>(a) two sub-county administrators;</li> <li>(b) four ward administrators</li> <li>(c) six village administrators; and</li> </ul> <p>(d) six administrators of <i>Enyomba</i> co-opted by the Management Committee three of whom shall be women to represent the Village Councils.</p> <p>(2) Other than the members co-opted under subsection (1)(d), members of the Management Committee shall be elected by the administrators from amongst themselves under the supervision of the county government at every level of the devolved unit.</p> <p>(3) The Administration consortium may, by a resolution at the Annual Conference, enlarge the membership to the Management Committee.</p> <p>(4) The Management Committee shall elect a chairperson and a secretary at its first meeting.</p> <p>(5) The Management Committee shall, in consultation with the relevant county executive member, regulate its affairs and business.</p> <p>(6) The Management Committee shall keep proper and satisfactory records of its operations and shall be facilitated by the County Government.</p> <p>(7) The Chairperson of the Management Committee shall represent the administrators at all functions common to all members of the Administration Consortium.</p>

<p><b>Tenure of Member of the Management Committee</b></p>	<p>20. (1) A member of the Management Committee shall, subject to sub-Section (2) serve for a term of three years and may be eligible for re-election or cooption to one similar term.</p> <p>(2) Despite subsection (1) the Management Committee member may vacate office-</p> <ul style="list-style-type: none"> <li>(a) by death;</li> <li>(b) by resignation in writing submitted to either the chairperson or the secretary thirty days prior to the date of resignation;</li> <li>(c) where he or she ceases to hold the office of the administrator;</li> <li>(d) if he or she fails to attend three consecutive meetings without permission or acceptable cause;</li> <li>(e) pursuant to a successful petition by the administrators who elected him or her;</li> <li>(f) following a vote of no confidence supported by seventy five per cent of members of the Management Committee;</li> </ul> <p>(3) A vacancy arising in the office of the Management Committee shall be filled in accordance with this Act within sixty days.</p>
<p><b>Administration Consortium Annual Conference</b></p>	<p>21. (1) There shall be held every year before the twenty first day of December the Administration Consortium Annual Conference to be attended by all Administrators.</p> <p>(2) The Annual Conference shall be held at a venue and on a date to be determined by the Management Committee in consultation with the Governor and shall be facilitated by the County Government.</p> <p>(3) Where, due to logistical challenges, the organizers of the Annual Conference are unable to secure the attendance of all the co-opted members, the management Committee shall, in consultation with the respective village administrators, organize attendance of the affected members through delegate system.</p> <p>(4) The main agenda at the Annual Conference shall be the sharing by the administrators of their previous experiences, successes and challenges over the year and laying of the systems and mechanisms for common approach to maximum service delivery to the public in future.</p> <p>(5) The Governor shall preside over the Annual Conference and in his or her absence the Deputy Governor or the relevant county executive member.</p> <p>(6) The Annual Conference proceedings shall be properly recorded and shall constitute part of the annual report to be submitted by the Governor to the County Assembly.</p>

	<b>PART VII – COUNTY DIRECTOR OF ADMINISTRATION AND INTER-GOVERNMENTAL RELATIONS</b>
<b>Deployment of the County Director of Administration</b>	<p>22. (1) There shall be deployed at the county headquarters by the Chief Officer in consultation with the relevant county executive member, the Director of Administration.</p> <p>(2) The Director shall hold the same qualifications as the sub-county administrator.</p> <p>(3) The Director shall be responsible for the coordination of administration of devolved units in the county.</p>
<b>The devolved units administrators intergovernmental</b>	<p>23. (1) Every administrator of a devolved unit shall-</p> <ul style="list-style-type: none"> <li>(a) work harmoniously with the national government officials and non-state bodies operating within his or her respective; jurisdiction and non-state relation</li> <li>(b) perform the functions assigned to him or her by this act on the basis of mutual co-operation and consultation with the national government officials and the non-state agencies in the county;</li> <li>(c) at all times, engage citizen and public participation in decision making in matters of public interest;</li> <li>(d) be open and transparent in his or her inter- governmental relationship;</li> <li>(e) Understand adequately the laws and regulations applicable to intergovernmental relations and implement them.</li> </ul>
	<b>PART VIII – COMPLAINTS AND DISPUTES RESOLUTION</b>

<p><b>Making of Complaints</b></p>	<p>24. (1) Every resident of the county has a right to present any complaint against the administrator of a devolved unit.</p> <p>(2) There shall be maintained at the County Government headquarters, a citizen complaint register to receive every complaint against the administrator of a devolved unit or county government devolved units administration.</p> <p>(3) A complaint may be made either verbally or in writing.</p> <p>(4) Where a complaint is made verbally, it shall as soon as practicable, be reduced in writing by the person to whom the complaint is made but not later than six hours from the time of receipt of the complaint. (5) The County Public Service Board shall, employ or deploy an officer at a citizen complaint desk maintained at a conspicuous place of the county headquarters where the register shall be maintained for purposes of receiving and registering complaints.</p> <p>(6) A complaint presented in writing shall be deposited in the Complaints Box stationed next to the complaints desk whose key shall remain in the custody of the <b>designated</b> officer.</p> <p>(7) The Complaint Box shall be opened at the close of every day and the complaints presented therein recorded in the Complaints Register which shall be submitted to the county executive through the county secretary by four o'clock in the afternoon of Thursday of every week.</p> <p>(8) The county executive shall either deal with all complaints received under this section in the manner provided by this Act and communicate the results in writing to those affected not later than seven days.</p>
	<p><b>PART IX – REPORTS AND RECORDS</b></p>
<p>Reports of the Administrators</p>	<p>25. (1) Every administrator shall prepare monthly reports of their activities and submit them in the pecking order to the Director on quarterly basis.</p> <p>(2) The reports submitted under subsection(1) by the ward and sub-county administrator shall include the consolidated reports received for the period from the lower level of administration and submitted not later than the seventh day of the fourth month for the ward administrator and not later than fifteenth day of every fourth month for the sub county administrator.</p> <p>(3) The Director shall, not later than the thirtieth day of the fourth month, submit consolidated report of the reports received from all administrators under this section to the county executive through the chief officer and the relevant county executive member.</p> <p>(4) The relevant county executive member shall prepare a consolidated annual report from the reports received under this section and submit the same to the Governor not later than the twenty fifth day of February of each year.</p>



	<p>(5) The Governor shall submit to the County Assembly the annual report received under this section not later than the thirtieth day of every year.</p>
Records of the Administrators	<p>26. (1) Every administrator shall keep proper and accurate records of all transactions including-</p> <ul style="list-style-type: none"> <li>(a) the financial records where public funds have been received or spent;</li> <li>(b) minutes of all meetings held or presided over by the administrator;</li> <li>(c) records of all activities including visits to any site or inspection of any project;</li> <li>(d) the records of all visitors received on every day; their status and mission;</li> <li>(e) records of any other occurrence which the administrator may consider crucial to record.</li> </ul> <p>(2) The records referred to in subsection (1) shall be documented in writing and may also be in electronic form.</p> <p>(3) The records maintained under this section shall, unless restricted for reasons to be recorded or by operation of any written law be open to the public and shall form part of the periodic and annual reports to be submitted to the Governor, the county executive and the County Assembly in accordance with section 25 of this Act.</p> <p>(4) The County Executive shall give directions in writing on the manner in which the records under section 25 of this Act shall be maintained by administrators.</p> <p>(5) The County Executive shall give directions in writing on the manner the records maintained by administrators under this section for at least six years shall be disposed-off.</p> <p>(6) This section shall not confer any right upon an administrator to maintain official place of work.</p>
	<p><b>PART X – OFFENCES AND PENALTIES</b></p>
Offences and penalties	<p>27.(1) Any person who-</p> <ul style="list-style-type: none"> <li>(a) disobeys a lawful order issued by an administrator in due execution of his or her official duty under this act;</li> <li>(b) uses abusive or derogatory language concerning an administrator or another person while at any meeting, office or place where the administrator is in attendance; <ul style="list-style-type: none"> <li>(a) (c) publishes any false, misleading or alarming information about the office of an administrator of which he cannot prove when called upon;</li> </ul> </li> <li>(c) refuses or disobeys directions given by his or her senior in the line of administration;</li> <li>(d) knowingly misleads or lies to a person placed in authority over him on official matters; or</li> <li>(e) violates any provision of this Act; Commits an offence and is liable on conviction where no other sentence is provided, to a <b>fine</b> not</li> </ul>

	<p>exceeding Kenya shillings two hundred thousand or a term of imprisonment not exceeding twelve months or to both.</p> <p>(2) Any person who violates any provision of this Act for which he or she is convicted shall in addition to the punishment imposed by this section be liable to recovery from him or her of the loss suffered to the extent of the offence.</p>
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	<b>PART XI – GENERAL PROVISIONS</b>
Other duties of the Administrators of devolved units	<p>28.(1) Unless expressly prohibited by this Act, or any other written law, the administrator of a devolved unit shall exercise the authority of coordinating public service for all devolved functions within the administrator’s unit.</p> <p>(2) While exercising the authority conferred by subsection (1), the administrator of a devolved unit may, with the written approval of the Governor, establish devolved unit intergovernmental forum at his or her level similar to the County Intergovernmental forum established for the county under section 54 of the County Governments Act.</p>
Posting and transfer of administrators	<p>29. (1) The Director may, in consultation with the Chief Officer and the relevant county executive member, transfer, post or deploy an administrator to perform the function of his or her office in any devolved unit of the county.</p> <p>(2) No administrator shall serve in the same administrative unit for more than three years.</p> <p>(3) This section shall not apply to the administrator of <i>Ekenyoro</i>.</p>
Protection against personal liability	<p>30. An administrator of or any person discharging any function under this act shall not be personally liable to any criminal or civil proceedings for anything done or omitted to be done if the doing or the omission was in good faith and in due performance of the functions of his or her office under this act or other law.</p>
	<b>PART XII – TRANSITIONAL PROVISION</b>
Exemption from the application of some sections of the Act to the devolved units	<p>31. (1) The devolved units of administration created by this Act on the date of commencement shall not be affected by the provisions of section 17 of this Act.</p> <p>(2) The Task Force Committee on Decentralization to be established under this act shall not make any report on decentralization whose effect will be adverse to the devolved units created by this Act on the date of commencement</p> <p>(3) The first devolved units created by this Act shall be those whose names and description are specified in the Second Schedule to this Act.</p> <p>(4) The boundaries of a devolved unit whose name is specified in the Second Schedule which was decentralized before the commencement of this Act shall be the boundaries existing prior to the decentralization.</p> <p>(5) If, prior to the commencement of this Act, an administrator had been appointed to a named devolved unit which on commencement of this Act has either ceased to exist in its original name or is decentralized into two or more devolved units, the administrator so earlier appointed shall be deemed to be the administrator for both the renamed or resulting devolved units until the appointments for the new units are regularized.</p>

Decision previously made on matters concerning devolved functions	32. Any decision made or action taken concerning any of the function devolved by the Constitution prior to the commencement of this Act shall be deemed to be the Regulations decision or action of the devolved unit of administration under this Act.
	<b>PART XIII - REGULATIONS</b>
	33. The relevant county executive member may, in consultation with the Management Committee, make regulations for the better carrying into effect the provisions of this Act.
<b>SCHEDULES</b>	
<b>First Schedule</b>	The scale of allowances payable to administrator of <i>Ekenyoro</i>
<b>Second Schedule</b>	Village Units
<b>Third Schedule</b>	The functions of the sub-county, Ward, Village Administrators and the Village Council

## **MEMORANDUM OF OBJECTS AND REASONS**

The principle object of the Bill is to create further decentralization of the functions and provision of services by the Nyamira County Government in accordance with Article 176(2) of the Constitution.

In furtherance of the principal objective, the Bill establishes Village Units in Nyamira County so as to ensure that all residents of Nyamira County take part in governance matters as well as ensure that the residents are involved in deliberation of issues respecting projects and other development agendas to be undertaken in the County.

The bill also establishes clear channels through which the residents of Nyamira County will be in a position to take part in governance matters thus enhancing empowerment of the residents.

The Bill will occasion expenditure of public fund through the administration of all the village units established. The estimate of the funds to be expenditure has not been established.

The Bill does not limit any fundamental rights and freedoms.

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

**Honorable Fred Omayio**

**Chairperson Public Service Committee, (PSM)**

**County Assembly of Nyamira**

**FIRST SCHEDULE (Section 8(2))**

**SCALES OF ALLOWANCES FOR ADMINISTRATORS OF ENYOMBA**

1. Administrator of *Enyomba* (Village Council Elder)
  - Allowance per sitting      Kshs.500.00
  
2. Secretary of the Village Council
  - Allowance per sitting      Kshs.1000.00

## SECOND SCHEDULE: VILLAGE UNITS (Sections 15(2), 31(3))

SUB-COUNTY	WARD	NO.	VILLAGE UNITS	
KITUTU MASABA	<b>RIGOMA</b>	1.	East Kitutu	
		2.	Nyankoba	
		3.	West Kitutu	
		4.	Township	
		5.	Embaro	
		6.	Nyanchonori	
		7.	Miriri	
	<b>GACHUBA</b>	8.	Rigena	
		9.	Bonyunyu	
		10.	Geteni	
		11.	Omogocho	
	<b>KEMERA</b>	12.	Kemera	
		13.	Kiangoso	
		14.	Moitunya	
		15.	Nyangena	
		16.	Sirate	
	<b>MAGOMBO</b>	17.	Gekano	
		18.	Nyaguku	
		19.	Sengera	
	<b>MANGA</b>	20.	Nyaisa	
		21.	Tombe	
		22.	Central	
		23.	Riamoni	
	<b>GESIMA</b>	24.	Gesima	
		25.	Mochenwa	
		26.	Nyamakoroto	
		27.	Esani	
		28.	Nyabiosi/Enchoro	
		29.	Bomabacho	
	<b>NYAMAIYA</b>	30.	Bomanyanya	
		31.	Bokiambori	
		32.	Bonyaiguba	
		33.	Miruka	
		34.	mwongoris	
	WEST MUGIRANGO	<b>BOGICHORA</b>	35.	Ibucho
			36.	Bundo
			37.	Timi
			38.	Nyameru
			39.	Charachani
		<b>BOSAMARO</b>	40.	Ikobe
			41.	Bigege
			42.	Kegogi
			43.	Kianungu
			44.	Enchoro

<b>SUBCOUNTY</b>	<b>WARD</b>	<b>NO.</b>	<b>VILLAGE UNITS</b>	
<b>NORTH MUGIRANGO</b>	<b>BONYAMATUTA</b>	45.	Nyabisimba	
		46.	Kebirigo	
		47.	Siamani	
		48.	Nyakeore	
	<b>TOWNSHIP</b>	49.	Township	
		50.	Gesore	
		51.	Nyairicha	
		52.	Iteresi	
	<b>ITIBO</b>	53.	Bonyakoni	
		54.	Boisanga	
		55.	Bokurati	
	<b>BOMWAGAMO</b>	56.	Mageri	
		57.	Nyagwekoa	
		58.	Nyambiri	
		59.	Gekonge	
	<b>BOKEIRA</b>	60.	Egentoto	
		61.	Nyakenimo	
		62.	Matongo	
		63.	Magwagwa	
		<b>MAGWAGWA</b>	64.	Bonyengwe 1
			65.	Bonyengwe 2
			66.	Bombere
		<b>EKERENYO</b>	67.	Ikonge
			68.	Nyairang'a
			69.	Sengera
			70.	Obwari
			71.	Kerumbe/Nyankono
	<b>MEKENENE</b>	72.	Mekenene/mwongori	
73.		Mogusii/Nyagacho		
74.		Kipkebe/Kitaru		
75.		Amatierio		
<b>KIABONYORU</b>	76.	Bonyarorande		
	77.	Bogesumi		
	78.	Mokomoni		
<b>BORABU</b>	<b>NYANSIONGO</b>	79.	Nyaramba	
		80.	Eturungi	
		81.	Matutu	
	<b>ESISE</b>	82.	Menyenya	
		83.	Nyasiongo/Gesima	
		84.	Kekinga	
		85.	Ensakia	
		86.	Mecheo	
		87.	Ekerubo	
		88.	Manga-Raitigo	



**THIRD SCHEDULE**  
**FUNCTIONS OF THE SUB-COUNTY, WARD, VILLAGE ADMINISTRATORS, EKENYORO ADMINISTRATORS**  
**AND THE VILLAGE COUNCILS**

PART I	PART II	PART III	PART IV	PART V
SUB-COUNTY ADMINISTRATOR	WARD ADMINISTRATOR	VILLAGE ADMINISTRATOR	VILLAGE COUNCIL	EKENYORO ADMINISTRATOR
<p>1. Coordination, management and supervision of the general administrative functions in the sub-county including-</p> <p>(a) the development of policies and plans;</p> <p>(b) service delivery</p> <p>(c) developmental activities to empower the community</p> <p>(d) the provision and maintenance of infrastructure and facilities of the public services;</p> <p>(e) the county public service;</p> <p>(f) exercise any functions and powers delegated by the County Public Service Board;</p> <p>(g) facilitation and coordination of citizen participation in the development of policies and plans and delivery of services.</p> <p>2. Resolution of non criminal disputes in accordance with traditional disputes resolution mechanisms</p>	<p>1. Co-ordinate, manage and supervise the general Administrative functions in the ward including-</p> <p>(a) the development of policies and plans;</p> <p>(b) service delivery;</p> <p>(c) developmental activities to empower the community</p> <p>(d) the provision and maintenance of infrastructure and facilities of the public services;</p> <p>(e) the county public service;</p> <p>(f) exercise any functions and powers delegated by the County Public Service Board;</p> <p>(g) facilitation and coordination of citizen participation in the development of policies and plans and delivery of services.</p> <p>2. Resolution of non-</p>	<p>1. Co-ordinate, manage and supervise the general administrative functions in the village including-</p> <p>(a) ensuring and coordinating the participation of the village unit in governance;</p> <p>(b) assisting the village unit to develop the administrative capacity for the effect exercise of the functions and powers and participation in governance at the local level;</p> <p>(c) the exercise of any functions and powers delegated by the County Public Service Board;</p> <p>(d) chairing of the Village Council;</p> <p>(e) appointment with the approval of the County Assembly of village elders;</p>	<p>1. ensuring and Coordinating the Participation of the village unit in governance;</p> <p>2. 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;</p> <p>3. monitoring the implementation of policies at the village unit;</p> <p>4. advising the Ward</p>	<p>1. shall be in charge of the administration of <i>Ekenyoro</i> on behalf of the village council;</p> <p>2. shall implement the functions of the village;</p> <p>3. perform any other Function assigned by the village administrator</p>

3. Perform any other function assigned by the Chief Officer; the Deputy Sub-County Administrator shall be the principal assistant to the sub-county administrator and shall act in the office in case of the absence of the sub-county administrator.

judicial and non-criminal disputes in accordance with traditional disputes resolution mechanisms

3. Perform any other function assigned to him or her by the sub-county administrator or deputy sub-county administrator.

- (f) establishment of the Village Council;
- (g) supervision of village elders.

2. Resolution of non-judicial and non-criminal disputes in accordance with the traditional disputes resolution systems.

3. Perform any other function assigned by the ward administrator

Administrator and the sub-county administrator on matters pertaining to the village;  
5. performing any other function necessary for the better administration of the village unit

