

THE TAITA TAVETA COUNTY GOVERNMENT  
HIS EXCELLENCY THE GOVERNOR  
GRANTON GRAHAM SAMBOJA

I assent

30<sup>th</sup> / 11 / 2020

Date

  
Governor

An Act of the County Assembly of Taita Taveta to provide for the establishment of the Taita Taveta County Assembly Ward Offices, the procedure for the management thereof, recruitment of ward office employees and for other connected purposes.

I certify that this printed impression is a true copy of the Bill passed by the County  
Assembly on the.....<sup>4<sup>TH</sup></sup>..... (Date).....<sup>NOVEMBER</sup>..... (Month), 2020



.....  
**Clerk of the County Assembly**

Presented for assent in accordance with the provision of the Constitution of Kenya and  
County Governments Act on the .....<sup>4<sup>TH</sup></sup>.....  
(Date).....<sup>NOVEMBER, 2020</sup>..... at <sup>THE COUNTY ASSEMBLY</sup>.....the  
<sup>WEDNESDAY</sup>..... hour of.....<sup>1533 HRS</sup>.....



.....  
**County Assembly Speaker**

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**THE TAITA TAVETA COUNTY ASSEMBLY WARD OFFICES  
BILL, 2020**

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# THE TAITA TAVETA COUNTY ASSEMBLY WARD OFFICES BILL, 2020

## A Bill for

**AN ACT of the Taita Taveta County Assembly to provide for the establishment of the Taita Taveta County Assembly Ward Offices, the procedure for the management thereof, recruitment of ward office employees and for other connected purposes**

ENACTED by the Taita Taveta County Assembly as follows—

### PART 1—PRELIMINARY

Short title and  
Commencement

1. This Act may be cited as the Taita Taveta County Assembly Ward Offices Bill, 2020 and shall come into operation on such date as shall be published in the Kenya Gazette.

Interpretation

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

“Assembly” means the County Assembly of Taita Taveta;

“Authority to incur expenditure” means a delegated responsibility by the Clerk to the Ward Office Manager to enable the manager authorize expenditure;

“Bank account” means an account opened at a commercial bank for the purpose of running a ward office;

“Basic Supplies” includes furniture, computer, printer and stationery

“Board” means the Taita Taveta County Assembly Service Board established under section 12 of the County Governments Act, 2012;

“Chief Officer” means a public officer appointed by the Governor pursuant to section 45 of the County Governments Act, 2012

“Clerk” means the Clerk of the County Assembly appointed under section 13 of the County Governments Act, 2012;

“Direct financial interest” means a case where a member is part of or co-owner of a building where the ward office is located;

“Landlord” for purposes of this Act includes landlady;

“Member” means Member of the County Assembly;

“Speaker” means the Speaker of the County Assembly elected pursuant to Article 178 of the Constitution of Kenya;

“Staff” means an employee or employees of a Member working for the member in the ward office;

“Ward” means one of the wards into which the Taita Taveta County is divided under section 26 of the County Governments Act, 2012 or a single member ward established under Article 89 of the Constitution of Kenya, 2010;

“Ward office” means an office set up by a Member within the ward he/she represents in accordance with this Act;

“Ward Office Manager” means a staff employed by a Member to perform duties specified under section 28 of this Act; and

“Ward Office Support Staff” means a staff employed by a Member to support the Manager in performing ward office duties;

Objects of the Act

3. The main objects and purposes of this Act is to—

- (a) Establish offices for Members of the county assembly at the ward they represent to enhance the representation function;
- (b) Provide mechanisms for coordination and dissemination of assembly business at the ward level; and
- (c) Provide framework for employment of staff for propagation of assembly business and provision of assistance to the Member at the ward level.

**PART II - ACQUISITION OF OFFICE BY  
LEASING OR CONSTRUCTION**

Leasing of an office

4. (1) Upon publication in the gazette as a Member of the County Assembly after a general election, the Clerk shall initiate the process of availing a ward office for the Member.
- (2) The County Assembly may subject to budget allocations allowing, construct an office at a central location in each ward to serve as a ward office.
- (3) Where the county assembly does not have enough funds to construct a ward office, the Board may upon identification of a suitable premises by a Member, lease suitable premises to serve as a ward office in each ward.
- (4) For purposes of facilitating the opening of an office for the Member, the Clerk through liaising with the relevant departments shall—
  - a) Inspect and verify that an office identified by a member is fit for human habitation and meets basic public health standards and requirements;
  - b) Confirm that the office building is structurally sound; and
  - c) Assess the value of the office through a qualified government property valuer to confirm the market renting price for such an office.

Preparation of  
lease agreement

5. (1) A Ward office manager shall, subject to the fulfillment of the provisions of section 4, forward a copy of the lease agreement signed by the landlord together with the relevant letters from the County Department of Works, Housing and Health to the Clerk for custody.
- (2) The clerk shall as an agent of the Board, sign the lease agreement on behalf of the Board witnessed by the Ward office manager and shall therefore be responsible for the accuracy of all the information contained in the lease agreement.

- Restrictions on where to rent an office
6. (1) In situations where the county assembly acquires a ward office by way of lease, the following will not be permitted—
- a) Renting of office space in a building owned by a Member;
  - b) Renting office in a building where the Member has direct financial interest; and
  - c) Renting office space at the Member's home.
- Signage on ward office
7. (1) The Clerk shall ensure that each ward office has a signage imprinted on it at a conspicuous place and which is visible from a distance of at least 50 metres.
- (2) The signage shall indicate the name of the ward, followed by the name of the Member and preceded by the title "Honourable".
- Maximum rent for the office
8. (1) A Member shall be entitled to one ward office but may with authority of the Board depending on the size of the Ward rent upto a maximum of two Ward offices with the minimum rented office space for a ward office of reasonable space.
- (2) The Board shall determine periodically, and in any case at intervals of not less than four years, the maximum rent payable per month for each ward office, based on the Salaries and Remuneration Commission recommendations as issued from time to time.
- (3) The Board shall pay the Ward office rent through the Ward office account managed by the Ward office manager.
- Security of office
9. The Ward Office Manager shall ensure that there is sufficient security for the ward office premises and in liaison with the Member shall therefore ensure that at least one guard is employed for that purpose.
- Complaints on misuse of ward office
10. (1) Any complaint regarding the misuse of ward office shall be reported to the Member in writing and the general public may also direct such complaints in writing to the Clerk.
- (2) Upon receipt of any complaint pursuant to subsection (1), the Member shall investigate the complaints and take action as it



deems appropriate.

Construction of office

**11.** (1) In the event of construction of a ward office, the Board shall ensure that –

- a) The office is built on public land; and
- b) The process of procurement of goods and services for the construction of the office is in line with Government procurement procedures and financial regulations.

Relocation of ward office

**12.** (1) Where a ward office has been acquired by way of leasehold, the Member may not relocate from the office to another without giving notice to the Board.

(2) The Member shall also satisfy the Board that the new premises he is relocating to meets the minimum conditions specified in section 4(4).

### **PART III – FINANCIAL PROVISIONS**

Procurement procedures

**13.** The Board shall avail to the ward office basic supplies to enable it function effectively.

Sources of finances

**14.** At the commencement of every financial year, the Ward Office Manager shall be issued with an Authority to incur Expenditure by the Clerk for the approved budget in respect of that ward for that financial year and an initial amount shall be credited to the account of the ward account opened as specified in section 16.

Accounting for ward expenditure

**15.** (1) The Ward Office Manager shall ensure that the money available to the office pursuant to section 14 is spent prudently and in conformity with existing Government financial regulations to facilitate quick, efficient and effective delivery of services.

(2) No reimbursement pursuant to subsection (1) above shall be effected before the Ward Office Manager properly accounts for the expenditure incurred on the disbursed funds.

Bank account

16. (1) An account approved by the Board shall be opened for every ward with a bank of choice at the nearest location from the ward office.
- (2) The Board shall cause to be deposited in the account on regular intervals amounts for payment of salaries and wages as determined by the Board and for the other operational expenses of the ward.
- (3) The Ward Office Manager and two other staff as the Member may appoint shall be signatories to the Bank account.
- (4) The Member shall be required to endorse all documents before any transaction on the account is done, particularly withdrawals.

Bank statements  
and Financial  
records

17. Copies of bank statements and any other financial records from every ward office shall be availed to the Clerk before the seventh day after the end of every quarter.

#### **PART IV –STAFFING OF WARD OFFICES**

Ward office staff

18. A Member shall nominate a Ward Office Manager and a number of other staff as the member shall require subject to the maximum number recommended by the Board and the ceiling of staff salaries approved by the Board and budgeted for.

Recruitment of staff

19. (1) A Member shall initiate recruitment of all the ward office staff and determine their terms of employment and salary scales, though the salary scales will be aligned to that recommended by the Board.
- (2) The staff recruited pursuant to this section shall be public officers and shall not hold any post in a political party.
- (3) Notwithstanding the provisions of subsection (1), the staff recruited shall not be paid house allowance, overtime allowance or any honorarium but shall be entitled to service gratuity at the end of their contract period, provided that Service gratuity shall only be payable to a staff who has served for a minimum period of one year.

Terms of service

- 20.** (1) The terms of service for ward office staff shall be as prescribed by the Ward Office Staff Management Policy.
- (2) Each staff shall sign a contract in three counterparts with the Member retaining one, the staff the other and the last one being submitted to the Clerk.
- (3) Each staff shall be entitled to twenty one working days as annual leave but shall not be entitled to a leave allowance.
- (4) The official working days and hours for the ward staff shall conform to those of officers working in the public service in the local jurisdiction.

Vacation of office

- 21.** The office of staff of ward office shall fall vacant —
- (a) When the officer dies;
- (b) When the officer resigns by giving notice of not less than 30 days to the Member;
- (c) Upon expiry of his contract or vacation of office by the Member; and
- (d) Upon termination of service in accordance with employment statutes or his/her contract.

Qualifications of staff

- 22.** The Ward Office staff shall possess the following as minimum qualifications: —
- i. Have basic education; and
- ii. Be fluent in English and Kiswahili and the local vernacular language as appropriate.

Duties and responsibilities of ward staff

- 23.** It shall be the responsibility of the Ward Office Manager to-
- a) Provide administrative and institutional support to a Member
- b) Keep the Member well informed about the transactions of the ward bank account established under section 16;
- c) Conduct official correspondence;
- d) Prioritize incoming mail and enquiries;
- e) Undertake general office management; and
- f) Maintain a Member's diary at the ward office by recording all major ward events that require the Member's attention.

(2) The Ward Office Staff shall perform such duties as shall be assigned to them by the Ward Office Manager from time to time.

#### **PART V- HANDING OVER OFFICES**

Transition between sitting Members

**24.** When the office of a Member falls vacant, the Ward Office Manager shall be responsible for running the ward office until a new Member is elected and assumes office.

(2) Any outgoing Member shall vacate the ward office within seven working days after the gazettelement of the new Member.

(3) The cost for transporting personal papers and effects of a Member who has ceased to be the representative of a particular ward shall be the responsibility of the outgoing Member.

(4) If a Member resigns, all payments to the ward office shall cease with effect from the date the Speaker receives the letter of resignation from the Member

Accounting for Property of the Board

**25. (1)** It shall be the responsibility of the Ward Office Manager and his or her Ward staff to fully account for Board property in the ward office, including the bank account transactions within 30 days of the gazettelement of a new Member.

(2) The returns specified in sub-section (1) shall be signed by the ward office manager and handed over to the Clerk or his appointed representative within 30 days after gazettelement of new Members of the County Assembly.

(3) The Clerk shall satisfy himself that all the handing over procedures have been fully complied with before making last payments of salaries and allowances, if any, to the out-going Ward Office Manager and other staff.

#### **PART VI— MISCELLANEOUS PROVISIONS**

Regulations

**26. (1)** The County Assembly Service Board may make regulations, not inconsistent with this Act respecting any matter that is necessary or convenient to be prescribed under this Act or for the

carrying out or giving effect to this Act.

- (2) Regulations under subsection (1) shall not take effect unless approved by a resolution passed by the Assembly
- (3) Regulations approved under subsection (2) shall take effect on the day after the date the Assembly has approved them or if a later date is specified in the regulations, on that date.
- (4) If the Assembly does not make a resolution either approving or rejecting any Regulations within twenty one sitting days after submission to it for approval, the Assembly shall be deemed to have approved those regulations on that 21<sup>st</sup> sitting day.

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## MEMORANDUM OF OBJECTS AND REASONS

To allow for effective discharge of duties by ward members, they require adequate office space and assisting staff. This bill seeks to provide mechanisms of contracting space, construction, financial provision and management of ward office staff.

**Part I** of the Bill provides for citing, interpretation and general provisions

**Part II** provides for office rental or construction of ward offices and lays down guidelines and conditions on how property can be leased or constructed , from who it can be leased and outlines the custodian of lease agreements.

**Part III** provides for financial procedures in the ward offices. It sets guidelines of how expenditure is managed i.e. who the signatories of accounts are and who approves expenditure. It also provides for an elaborate system for reporting and accountability

**Part IV** provides for staffing of ward offices. This Part sets out guidelines on how recruitment is done, who determines remuneration of ward office staff, qualifications of such staff, their entitlement and procedure to be followed when staff term comes to an end

**Part V** provides for handing over of the offices. This part gives guidelines on what takes place during the transition period when a Member vacates office and before another Member takes over and who takes care of transition expenses and for what duration

**Part VI** provides for the miscellaneous provisions and more particularly the powers of the County Assembly Service Board with respect to making regulations.

Dated the ..... of ..... 2020

HON. NEWTON KIFUSO  
*Chairperson Committee on Implementation*