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**THE BUNGOMA COUNTY (DECENTRALIZED UNITS)
ADMINISTRATION ACT**

No. 6 of 2015

Date of Assent: 1st July, 2015

Date of Commencement: By Notice

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THE BUNGOMA COUNTY (DECENTRALIZED UNITS) ADMINISTRATION ACT, 2015

AN ACT of the County Assembly of Bungoma to provide for the structure of the Bungoma County 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 of Kenya, 2010 and for connected purposes

ENACTED by the County Assembly of Bungoma, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Bungoma County (Decentralized Units) Administration Act, 2015 and shall commence on such date as the Governor may appoint by notice in the Kenya *gazette* or County *gazette*.

Short title and commencement.

2. This Act shall apply to Bungoma 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.

Application.

3. In this Act unless the context otherwise requires—

Interpretation.

“Administrative Consortium” means a grouping of county government devolved units administrators for purposes of addressing issues of common interest arising between them;

“Assistant Chief” means the administrator of a sub-location serving in the county under the national government structure;

“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;

"Deputy Governor" means the deputy governor of Bungoma County;

"Deputy Sub-County Administrator" means a person deputizing the Sub-County Administrator;

"Devolved Unit" means a sub-county, ward, village, Mlango, or other unit of the county government administration;

"Governor" means the governor of Bungoma County;

"Mlango" means the first single unit of administration within the village created immediately on the commencement of this Act;

"Location" has the same meaning as that provided under the National Government Co-ordination 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 a village;

"Village Council" means a council of elders established under this Act and the County Governments Act for purposes of administration of a village;

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

“Milango” means more than one Mlango;

“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;

“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 units in accordance with section 17 of this Act;

4. The object and purpose of the Act is-

- (a) to provide for the administrative structure of the County Government;
- (b) to provide for the delineation of the administrative units of the County Government;
- (c) to provide for legal mechanisms for future decentralization of the County Government;
- (d) to give effect to the provisions of the Constitution and the County Governments Act with regard to devolution;
- (e) to provide for a legal framework for delivery of service by the County Government;
- (f) to provide for the appointment of the administrators of devolved units.

Object and Purpose of the Act.

PART II—ESTABLISHMENT OF THE DECENTRALIZED UNITS OF ADMINISTRATION AND THE APPOINTMENT OF ADMINISTRATORS

5. (1) There is established a system of administration to be called Bungoma County Decentralized Units Administration.

(2) The Decentralized Units Administration shall comprise of—

Establishment of County Government Decentralized Units.

No. 6

- (a) the Director;
- (b) the Sub-County Administrator;
- (c) the Ward Administrator;
- (d) the village administrator;
- (e) the administrator of Mlango.

(3) All offices of devolved units administration shall be offices in the County Public Service.

(4) The Administrators shall be answerable, in the pecking order to the county executive through the relevant county executive member.

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;

Appointment of
Bungoma County
Devolved Units
Administrators.

Provided that any appointment of a village elder as an administrator of Mlango shall be as per section 53 (1) of the County Governments Act.

(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.

7. A person shall not be appointed as an administrator of a devolved unit unless—

Qualifications for
appointment as
Administrator.

(1) In the case of a sub-county or deputy sub-county administrator he or she—

- (a) is a Kenyan citizen of at least thirty years of age;
- (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;
- (c) holds at least a first degree from a recognized university in law, finance, social sciences, planning or related field;
- (d) has three years post graduate working experience in the relevant area and
- (e) has satisfied the requirements of Chapter Six of the Constitution.

(2) In the case of a ward administrator he or she —

- (a) is a Kenyan citizen of at least twenty five years of age;
 - (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;
 - (c) holds at least a diploma from a recognized institution in law, finance, social sciences, procurement, planning, community development or related field;
 - (d) has three years post graduate working experience in the relevant area; and
 - (e) has satisfied the requirements of Chapter Six of the Constitution.
- (3) In the case of a village administrator, he or she—
- (a) is a Kenyan citizen of at least twenty five years of age;
 - (b) has been a resident in the devolved unit for a continuous period of at least five years prior to the date of appointment
 - (c) holds at least a post-secondary certificate
 - (d) has satisfied the requirements of Chapter Six of the Constitution.
- (4) In the case of an administrator of Mlango, he or she—
- (a) is a Kenyan citizen of at least forty years of age;
 - (b) has been resident in the devolved unit for a continuous period of at least five years prior to the date of appointment;
 - (c) owns some property within the devolved unit;
 - (d) has the ability to read, write and communicate in both English and Swahili languages;
 - (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.

8. (1) The remuneration of the administrator of a devolved unit shall be determined by the County Public Service Board.

Remuneration of
the
Administrators.

(2) Despite subsection (1), a person appointed as an administrator of the Mlango 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.

9. (1) An Administrator of a devolved unit may vacate office –

Vacation of office of administrator.

- (a) in case of death;
- (b) by resignation in writing submitted to the immediate senior administrator thirty days prior to the date of resignation;
- (c) where the administrator is convicted of a criminal offence punishable by a prison term of not less than six months;
- (d) if the administrator is found to be unfit to hold office after the due process;
- (e) where, in the case of a village elder, appointed as an administrator of Mlango, he or she misses three consecutive meetings without the prior written permission of the village administrator or for reasonable and acceptable cause.

(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.

(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.

(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.

PART III—FUNCTIONS AND DUTIES OF ADMINISTRATORS

10. (1) The Administrator of a devolved unit shall be responsible for, but not limited to the respective functions assigned under the Second Schedule to this Act.

Functions of the Administrator.

(2) Notwithstanding subsection 10, the administrator of a devolved unit may perform any other function or duty assigned by the county executive either directly or through delegation.

(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.

11. The administrator of a devolved unit shall be under duty to—

Duties of the administrator.

- (a) dress at all times while on duty in a neat attire that is approved by the county executive;
- (b) establish efficient and reliable citizen and public participation systems and forums in his or her area of jurisdiction;
- (c) implement sound and good communication systems with the residents of his or her area of jurisdiction;
- (d) portray the good image of his or her office and the county government both in the public and private life;
- (e) ensure efficient and satisfactory public service delivery in every sphere;
- (f) set in place adequate machinery for consultation with the residents and the national government organs or other agencies within the devolved unit;
- (g) keep proper and satisfactory records of all official activities in the devolved unit;
- (h) submit the requisite reports to the relevant authorities as may be required or directed;
- (i) have at all times a sound understanding of his or her area of jurisdiction;
- (j) be ready to account for everything done by his or her office in the performance of these assigned or related functions;
- (k) to subscribe to the Administration Consortium;
- (l) to avoid involvement in political activities of any person or political party; and

- (m) to treat with decorum and respect any person entitled to the services of such administrator.

PART IV—ESTABLISHMENT OF VILLAGE COUNCILS

12. (1) There shall be established for every devolved unit of village administration a Village Council.

Establishment of Village Council.

- (2) The Village Council shall comprise of—

- (a) the village administrator who shall be the chairperson;
- (b) not less than three elders and not more than five elders appointed in accordance with sections 7 and 8 of this Act; and
- (c) a secretary appointed by the village administrator from amongst the elders with the approval of the Village Council.

- (3) The functions of the Village Council shall be those specified in the Second Schedule to this Act.

- (4) For Effective performance of the functions assigned under this Act, every elder shall be appointed as an administrator of Mlango and may be assigned two or more Milango by the village administrator.

- (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.

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—

The Programme of activities of the Village Council.

- (a) on the notice board maintained at the office of the village administrator for the said purpose;
- (b) at prominent places in every Mlango identified by the respective administrator.

- (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 county gazette.

relevant county executive member, the Director of Administration.

(2) The Director shall hold the same qualifications as the sub-county administrator.

(3) The Director shall be responsible for the coordination of administration of devolved units in the county.

23. (1) Every administrator of a devolved unit shall—

- (a) work harmoniously with the national government officials and non-state bodies operating within his or her respective jurisdiction;
- (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;
- (c) at all times, engage citizen and public participation in decision making in matters of public interest;
- (d) be open and transparent in his or her inter-governmental relationship;
- (e) understand adequately the laws and regulations applicable to intergovernmental relations and implement them.

The devolved units administrators intergovernmental and non-state relation.

PART VIII—COMPLAINTS AND DISPUTES RESOLUTION

24. (1) Every resident of the county has a right to present any complaint against the administrator of a devolved unit.

Making of Complaints.

(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.

(3) A complaint may be made either verbally or in writing.

(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.

(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 designated officer.

(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.

(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.

PART IX—REPORTS AND RECORDS

25. (1) Every administrator shall prepare monthly reports of their activities and submit them in the pecking order to the Director on quarterly basis.

Reports of the
Administrators.

(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.

(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.

(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.

THE THIRD SCHEDULE

No	Name of Sub-County	Name of Ward	Approx Pop of Ward	No. of Villages	Village Units
1	MT. ELGON	Cheptais	33373	6	Kipsis Ngachi Chebwek Kimaswa/ Kisongo Walanga Chepkube
		Chesikaki	27894	5	Chemondi Chesikaki Sasur Toroso Kimabole
		Chepyuk	29494	6	Chepyuk Kaimugul Kong'otuny Kubura Chepkurkur Emia
		Kapkateny	33234	5	Kamneru Masaek Chelebei Sinoko Sacho
		Kaptama	42,563	6	Kaboywo Kaptama Chepkitale Kongit Chemoge kaborom
		Elgon	36,937	6	Namorio/Kipyeto Kapsokwony Elgon Chemwesus Sambocho/Koshok Kipchiria/Masindet
2.	SIRISIA	Namwela	31,941	5	Kikai/Central Namwela Kolani Mutonyi Menu Toloso
		Malakisi/south kulisiru	40,652	6	Ndakaru Bukokholo/Butonge Sirisia Township Welekha Chebukutumi Chongoi
		Lwandanyi	46,141	6	Machakha Mayekwe Chepkuyi

No	Name of Sub-County	Name of Ward	Approx Pop of Ward	No. of Villages	Village Units
					Wamono Sitabicha/Mwalie /Tamulega Kapkara
3.	KABUCHAI	Kabuchai/chwele	41,566	6	Nairumbi Sikusi Namilama Busakala Wabukhonyi Mukhweya
		West nalondo	38,407	5	Kisiwa Sirare/Nalondo Nangwe Lucho Kasosi
		Bwake/luuya	39,578	6	Nangili Nasaka Mabanga Khalitaba Luanda Mabwi
		Mukuyuni	44,039	6	Kuywa Sikulu Kibichori Sichei Milembe Lukhome
4.	BUMULA	South Bukusu	26,820	4	Muanda Lumboka Mateka Kimatuni
		Bumula	37,008	5	Lunao Bumula Kimatuni Mabusi Syekumulo
		Khasoko	16,270	4	Namatotoa Namusasi Mungore Khasoko
		Kabula	24,062	4	Mukhuma Syoya Malinda Wamunyiri
		Kimacti	42,359	6	Tulukui/Siyombe Nakhwana Khasolo Bitobo Kimacti Kamurumba

No	Name of Sub-County	Name of Ward	Approx Pop of Ward	No. of Villages	Village Units
					Nameme Kamasielo Sikhendu
		Kamukuywa	43,923	6	Mbongi Makhonge Mapera Kimakwa Musembe Nabikoto
9.	TONGARE N	Mbakalo	37,362	6	Makutano/Nzoia Musembe Makunga Mbakalo Karima Kibisi
		Naitiri/kabuyefwe	44,079	6	Makhanga Naitiri Sango Siumbwa Pwani Lungai
		Milima	38,664	4	Mukuyuni Nabing'eng'e Milima Maliki
		Ndal	24,516	4	Muliro Tabani Ndalu Mulembe
		Tongaren	39,308	5	Binyenya Kakamwe Mabusi Tongaren Lukhuna
		Soysambu	33,409	5	Mitua Soysambu Narati Misanga Nalondo