

THE MARSABIT COUNTY VILLAGE UNITS BILL, 2018

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3— Object and purpose of the Act

PART II — ESTABLISHMENT AND ADMINISTRATION OF VILLAGE UNITS

- 4 — Establishment of Village Units
- 5 — Village administrator
- 6 — Qualification for appointment of Village administrator
- 7 —Functions of the Village administrator
- 8 — Village elder
- 9 —Qualification for appointment of village elder
- 10 — Functions of the village elder
- 11 — Establishment of the Village Councils
- 12 — Composition of the Village councils
- 13—Sittings of the village councils
- 14—Remuneration of village administrators
- 15—Tenure of office of village elder

PART III — MISCELLANEOUS

- 16—Complimentarity
- 17— Regulations

SCHEDULES

FIRST SCHEDULE -THE MARSABIT COUNTY WARD UNITS

SECOND SCHEDULE- PROCEDURE FOR ESTABLISHMENT OF VILLAGE UNITS IN MARSABIT COUNTY

THIRD SCHEDULE- THE MARSABIT COUNTY VILLAGE UNITS

THE MARSABIT COUNTY VILLAGES BILL, 2018

A Bill for,

AN ACT of the Marsabit County Assembly to provide for the establishment and delineation of the village units within the county for effective administration and further decentralization of functions and provision of services and resources in accordance with Article 176 of the Constitution as well as the realization of the objectives of devolution and for connected purposes

ENACTED by the County Assembly of Marsabit, as follows—

PART I— PRELIMINARY

Short title. **1.** This Act may be cited as the Marsabit County Village Units Bill, 2018.

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

“County” means the Marsabit County ;

“County Assembly” means the County Assembly of Marsabit;

“ward” means an electoral area within a county delimited in accordance with Article 89 of the Constitution of Kenya, 2010 and section 26 of the County Governments Act, 2012;

“Village unit” means the decentralized unit of the county delimited in accordance with section 48 of the County governments Act, 2012;

“County Executive Committee Member” means County Executive Committee member for the time being responsible for public administration.

Object and **3.** The object of this Act is to provide for the

purpose of the Act. delineation and establishment of the village units within Marsabit county so as to provide for further decentralization of the functions and provision of services and resources in accordance with Article 176 of the Constitution of Kenya, 2010 as well as the realization of the objectives of devolution.

PART II — ESTABLISHMENT AND ADMINISTRATION OF THE VILLAGE UNITS

Establishment of the village unit. **4.** The Village units of the description specified in the third schedule which comprise the ward specified in the first Schedule shall comprise the village units of the Marsabit County Government. For purpose of this act the Village units of Marsabit County will be not less than 50 units and not more than 60 village units. The village units will be established as per Second Schedule of this act.

Village administrator **5.** Each of the village units referred to under section 4 of this Act shall be administered by a village administrator in accordance with section 52 of the County Governments Act, 2012.

Qualifications for appointment of village administrator **6.(1)** A village administrator shall have professional qualifications and technical knowledge in administration and shall be appointed by the County Public Service Board in accordance with the provisions of this Act.

(2) No person shall be appointed a village administrator unless such a person—

- (a) is a citizen of Kenya
- (b) is a resident of the county
- (c) meets the requirements of Chapter

six of the Constitution; and

(d) Has attained a minimum of diploma level academic education with proof of certification.

(e) Has at least three years of distinguished work experience.

Functions of
the village
administrator

7. (1) A village administrator shall coordinate, manage and supervise the general administrative functions in the village including —

(a) pursuant to paragraph 14 of Part II of the Fourth Schedule to the Constitution—

(i) ensuring and coordinating the participation of the village unit in governance; and

(ii) 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;

(b) exercise of any functions and powers delegated by County Executive Committee; and

(c) the exercise of any functions and powers delegated by and the county public service Board under section 86 of the County Governments Act, 2012.

(2) In carrying out the functions and obligations in subsection (1), a village administrator shall be responsible to the relevant ward administrator.

Village elder **8.** There shall be a village elder or such a number of village elders depending on the number of the village units determined by the county assembly and competitively appointed by the village administrator with concurrence of the members of the community residing in the village unit.

Qualification for appointment of village elder. **9.** A person shall be eligible for appointment as a village elder if the person—

- (a) is a citizen of Kenya;
- (b) has been a resident of or has been the owner of property in the respective village unit for a continuous period of not less than five years prior to the appointment date;
- (c) meets the requirements of Chapter six of the Constitution; and
- (d) is not disqualified for appointment to office by this Act or any other law.

Remuneration of village elders **10.** A village elder shall be paid such allowance as shall be determined by the Marsabit County Public Service Board.

Tenure of office of village elder. **11.** (1) Village elders shall hold office for a period of time as shall be determined by the County Executive Committee Member for the time being responsible for public administration.

(2) Despite section 11 (1) of this Act, a village elder shall vacate office on the following grounds—

(a) inefficiency or is in breach of the terms of his appointment; or

- (b) resigns from office in writing to the village administrator; or
- (c) death; or
- (d) is unable to discharge his or her duties due to physical or mental impairment.

(3) A vacancy arising in the office of the village elder shall be filled with a period of 60 days.

Establishment of the Village Council.

12. There is established, for each village unit, a village council comprising—

- (a) the village administrator who shall be the chairperson of the village council; and
- (b) not less than three and not more than five village elders competitively appointed by the village administrator with the approval of the residents of the village unit, taking into account gender balance.

Functions of the village council.

13. A village council shall be responsible for—

- (a) ensuring and coordinating the participation of the village unit in governance;
- (b) 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;
- (c) monitoring the implementation of policies and development programmes at the village unit;
- (d) advising the ward administrator and sub-county administrator on matters

pertaining to the village; and
(e) Any other function necessary for the better administration of the village unit.

Regulations. **14.** The County Executive Committee Member may make regulations for the better carrying out of the provisions of this Act.

Sittings of the village council. **15.** (1) A village council shall hold their sittings at such places within the village as shall be determined by the village administrator.

(2) the sittings of the village council shall be open and easily accessible to the public unless owing to the nature of the matter and for reasons to be recorded, it has become necessary to exclude the public.

(3) the meetings of a village council shall be chaired by the village administrator and in his or her absence, a member of the council present at the meeting.

(4) the quorum at the sitting of the village council shall be two third of the members.

(5) village council shall, at the beginning of every month, prepare schedules of their sittings specifying the time and the venues and publicize the same through the Notices, posters and any other media that shall be accessible to the public at least three days prior to the first sitting of each month.

(6) A village council shall, at its first sitting elect one of their number to serve as Secretary for purposes of keeping records of the business of the

village council.

(7) A village council shall hold at least one sitting in every month but, unless for special reasons, not more than five sittings in a month.

(8) the decisions of a village council shall be by consensus and where a vote becomes necessary, by a simple majority.

(9) the proceedings of the village council shall be recorded in writing and may be electronically recorded as well.

PART III — MISCELLANEOUS

Complimentarity. **16.** The provisions of this Act shall be complimentary to the provisions of the County Governments Act, 2012 in relation to the establishment and administration of the village units within the county.

Regulations. **17.** (1) The county executive member responsible for public administration shall make regulations for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations shall provide for the boundaries of the village units in line with the requirements of the Constitution, County Governments Act and this Act.

**FIRST SCHEDULE
THE MARSABIT COUNTY WARD UNITS**

S No.	WARD
1	GOLBO
2	KORR/NGURUNIT
3	HEILU-MANYATTA
4	MARSABIT CENTRAL
5	MAIKONA
6	DUKANA
7	BUTIYE
8	NORTH HERR
9	SAGANTE-JALDESA
10	LOIYANGALANI
11	LAIAMIS
12	MOYALE TOWNSHIP
13	TURBI
14	ILLERET
15	URAN
16	KARGI/SOUTH-HERR
17	KARARE
18	SOLOLO
19	OBBU
20	LOGLOGO

SECOND SCHEDULE
PROCEDURE FOR ESTABLISHMENT OF VILLAGE UNITS IN
MARSABIT COUNTY

An appropriate system and criteria require that internationally accepted standards and procedures be used in determining administrative units. The accepted standards have to take into consideration political, economic, social and other factors within a given unit of administration. Notwithstanding this, there is need for openness, accuracy and objectivity in determining units.

In Kenya, The Independent Electoral and Boundaries Commission in 2012 delimitation of Boundaries of Constituencies and Wards utilized critical factor of population density in determining units to be established. This is viewed as skewed in the case of Marsabit County as geographical distance is very critical in delivery of service to the people. In the proposed delimitation of the Marsabit County Village units critical consideration was placed on population sizes of the current electoral wards and the land size of the ward. These two critical factors are weighted in the ratio of 80% for population and 20% for land size (Sq. Km). The outcome of this critical balance between equitable delivery of service relative to population in an electoral ward and the effort to reverse the trends of marginalization for the sparsely populated units that occupy the remotest periphery of Marsabit county is as in third schedule of this act. The baseline population data utilized in the determination of the proposed village units is the Kenya Population Census, 2009 figures.

THIRD SCHEDULE
The Marsabit County Village Units

Constituency Name	County Assembly Ward Name	Ward Population	Ward Area in sq. km	Number of Village Units	Village Units Names
North-Horr	Maikona	19225	9864	5	1. Maikona 2. El-Gade 3. Kalacha 4. Forolle 5. Hurri-Hills
	North Horr	17217	7,722.90	4	1. North-Horr 2. Galas 3. Malabot 4. Chari-Gollo/Darade
	Dukana	18628	6798	4	1. Dukana 2. Balesa 3. El-Hadi 4. Saru/Buluk
	Illeret	9,790	4,041.50	2	1. Illeret 2. Telesgaye
	Turbi	10,336	10,820.80	4	1. Turbi 2. Shurr 3. Tigo/Demo 4. Bubisa
Moyale	Moyale Township	12,695	3.7	2	1. Township 2. Gurumesa
	Butiye	17,542	342	3	1. Butiye 2. Bori 3. Goromuda
	GOLBO	29,161	2,374.00	5	1. Odda 2. Dabel 3. Funan-Nyata 4. Godoma 5. Nana/Yabalo

The Marsabit County Village Units Bill, 2018

	HELLU/MANYAT TA	21,152	51	4	1. Hellu 2. Manyatta 3. Lami 4. Kinisa
	URAN	9,754	3,226.90	2	1. Walda 2. Uran
	OBBU	5,195	3,247.00	1	1. Obbu
	SOLOLO	8,300	127	1	1. Sololo
LAISAMIS	LOIYANGALANI	16,358	4,203.00	4	1. Loiyangalani 2. Elmolo/Moite 3. Gatab 4. Arapal/Oltorot
	KARGI/SOUTH- HORR	9,753	7,528.00	3	1. Kargi 2. South-Horr 3. Kurkum
	KORR/NGURNIT	21,305	2,781.00	4	1. Korr 2. Ngurnit 3. Lonyoripachau 4. Ilaut/Farakoren
	LAISAMIS	13,109	3,885.00	3	1. Laisamis 2. Merille 3. Lontolio
	LOGLOGO	5,144	1,893.90	1	1. Loglogo
SAKU	MARSABIT CENTRAL	20,658	436	3	1. Mountain 2. Dakabaricha 3. Jirime
	KARARE	9,324	912.9	2	1. Songa 2. Karare
	SAGANTE/JALDE SA	16,394	589.00	3	1. Qilta 2. Dirib-Gombo/ Badassa 3. Sagante

MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to provide for the establishment and demarcation of the village units within the county for effective administration and further decentralization of functions and provision of services and resources in accordance with Article 176 of the Constitution.

Part I of the Bill contains preliminary provisions, including the title reference of the proposed Act and guidance on construction of various terms, as used therein as well as the object and purpose of the intended law.

Part II lays down the institutional framework for implementing the intended Act. The part provides for, *inter alia* establishment and administration of village units, qualification for appointment of village administrator, qualification for appointment of village elder, functions of the village administrator, functions of the village elder, establishment of the village councils, composition of the village councils, sittings of the village councils, remuneration of village administrators and tenure of office of village elder.

Part III contains miscellaneous provisions, where complementarity of the proposed law in relation to the County Governments Act, 2012 is expressly provided for. This part further authorises the county executive member responsible for public administration to make regulations for the better carrying out of the provisions of the intended Act.

The **First Schedule** provides for the establishment of County Ward Units.

The **Second Schedule** provides for the Procedure for Establishment of Village Units in the County.

The **Third Schedule** Provides for the County Village Units.

Dated.....2018

Hon. Halkano Konso
Leader of Majority, The County Assembly of Marsabit.