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**MAKUENI COUNTY GAZETTE
SUPPLEMENT**

ACTS, 2014

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THE MAKUENI COUNTY ADMINISTRATION ACT, 2014**No. 2 of 2014***Date of Assent: 22nd July, 2014**Date of Commencement: 7th August, 2014***ARRANGEMENT OF CLAUSES***Clause***PART I—PRELIMINARY**

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**THE MAKUENI COUNTY COUNTY AND
ADMINISTRATION ACT, 2014**

**AN ACT of the County Assembly of Makueni to
give effect to Part VI of the County
Governments Act, 2012; to give effect to the
decentralization of functions and provisions of
services in Makueni county, and for connected
purposes**

ENACTED by the County Assembly of Makueni,
as follows—

PART 1—PRELIMINARY

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|---|--------------------------------------|
| <p>1. This Act may be cited as the Makueni County Administration Act, 2014.</p> | <p>Short Title and Commencement.</p> |
| <p>2. In this Act, unless the context otherwise requires—
“county” means the county of Makueni;
“county assembly” means the county assembly of Makueni;
“county government” means the county government of Makueni county; and
“Governor” means the Governor of the Makueni county.</p> | <p>Interpretation.</p> |
| <p>3. The object and purpose of this Act is to—</p> <ul style="list-style-type: none"> (a) provide for the decentralization of functions and provision of services of the county government; (b) provide for units of decentralization of the county government; (c) provide for the establishment of county co-ordination offices; (d) provide for the appointment and removal from office of the sub-county administrator, ward administrator, village administrator and equivalent officers in the county; (e) provide for and facilitate public participation in governance and legislative and other business of the county assembly as required under Article 196 of the Constitution. | <p>Object and purposes of Act.</p> |

**PART II—DECENTRALIZATION AND
ADMINISTRATION**

4. (1) The functions and provision of services of Makueni county government shall be decentralized to— Units of decentralization.

(a) the urban areas and cities within the county established in accordance with the Urban Areas and Cities Act, 2011;

(b) the sub-counties, with each of the constituencies in the county forming a sub-county;

(c) the wards within the county as demarcated by the Independent Electoral and Boundaries Commission pursuant to Article 89 (3) of the Constitution; No. 13 of 2011

(d) village units, with each ward being divided into two village units; and

(2) If a constituency or part of a constituency falls within an area classified as an urban area or city under the Urban Areas and Cities Act, 2011, that constituency or part of the constituency, as the case may be, shall be deemed to be an urban area or city for purposes of subsection (1) (a).

5. (1) The sub-county administrator established under section 50 of the County Governments Act, 2012 shall be the head of the sub-county, and shall be appointed by the Board through an open and competitive process. Sub-county administrators.
No. 17 of 2012

(2) A person shall not be appointed as a sub-county administrator unless such person—

(a) holds a degree from a recognized institution of higher learning;

(b) has five years experience in the relevant field; and

(c) is knowledgeable in administration or management.

(3) A sub-county administrator shall serve for such period and on such terms and conditions as the Board may prescribe.

6. (1) The sub-county administrator shall—

(a) co-ordinate, manage and supervise the general administrative functions in the sub-county, as provided in section 50(3) of the County Governments Act, 2012; and

Functions of the
sub-county
administrator.

(b) perform such other functions as may be assigned by the Governor.

No. 17 of 2012.

(c) The County Public Service Board shall give quarterly reports to the County Assembly on the activities of the sub-county administrators.

(2) In carrying out his or her functions, a sub-county administrator shall be responsible to the county chief officer.

7. The ward administrator established under section 51 of the County Governments Act, 2012 shall be the head of the ward, and shall be appointed by the Board through an open and competitive process.

Ward administrators.

No. 17 of 2012

(2) A person shall not be appointed as a ward administrator unless such person—

(a) holds a degree from a recognized institution of higher learning;

(b) has three years experience in the relevant field; and

(c) is knowledgeable in administration or management.

(3) A ward administrator shall serve for such period and on such terms and conditions as the Board may prescribe.

8. (1) The ward administrator shall—

Functions of the ward administrator.

(a) co-ordinate, manage and supervise the general administrative functions in the ward as provided in section 51 (3) of the County Governments Act, 2012; and

(b) perform such other functions as may be assigned by the Governor.

(c) The County Public Service Board shall give quarterly reports to the County Assembly on the activities of the Ward administrators.

(2) In carrying out his or her functions, the ward administrator shall be responsible to the sub-county administrator of the sub-county within which the ward is located.

9. (1) The village administrator established under section 52 of the County Governments Act, 2012 shall be the head of the village unit, and shall be appointed by the Board through an open and competitive process.

Village administrators.

No. 17 of 2012

(2) A person shall not be appointed as a village administrator unless such person—

- (a) holds a diploma from a recognized institution;
- (b) has three years experience in the relevant field; and
- (c) is knowledgeable in administration or management.

(3) A village administrator shall serve for such period and on such terms and conditions as the Board may prescribe.

10. (1) The village administrator shall—

- (a) co-ordinate, manage and supervise the general administrative functions in the village unit as provided in section 52 (3) of the County Governments Act, 2012; and
- (b) perform such other functions as may be assigned by the Governor.
- (c) The County Public Service Board shall give quarterly reports to the County Assembly on the activities of the village administrators.

(2) In carrying out the functions and obligations in subsection (5), the village administrator shall be responsible to the ward administrator of the ward within which the village unit is located.

11. (1) There is established, for each village unit, a village council consisting of—

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

(2) 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;

Functions of the village administrator.

No. 17 of 2012

Village councils.

- (c) monitoring the implementation of policies and projects in the village unit;
- (d) advising the ward administrator and sub-county administrator on matters pertaining to the village unit; and
- (e) any other function necessary for the better administration of the village unit.
- (3) 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 relevant village 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.
- (4) A village elder shall serve for such period and shall be paid such sitting allowance and other emoluments as shall be determined by the county assembly.
- 12.** (1) There is established, for each ward, a ward development council consisting of—
- (a) a chairperson, who shall be appointed from among the members of the council under paragraph (c);
- (b) the ward administrator, who shall be the secretary;
- (c) such number of members equal to the number of sub-villages within the ward, with each sub-village represented by one person each who shall be competitively appointed by the respective village administrators with the approval of the county assembly, taking into account gender balance, and the representation of the youth and persons with disability; and
- (d) the member of county assembly of the ward, who shall be an ex-officio member.
- (2) A ward development council shall be responsible for—

Ward
development
councils.

- (a) ensuring and coordinating the participation of a sub-village in governance;
- (b) assisting the sub-village 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 projects in the sub-village;
- (d) advising the ward and sub-county administrators on matters pertaining to the sub-village; and
- (e) any other function necessary for the better administration of the village unit.

(3) A person shall be eligible for appointment as a member of the ward development council under subsection (1) (c) if the person—

- (a) is a citizen of Kenya;
- (b) has been a resident of or has been the owner of property in the relevant sub-village 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.

(4) The ward development council shall facilitate identification and prioritization of public projects to be implemented by any level of government in the ward.

(5) Members of the ward development council shall serve for such period and shall be paid such sitting allowance and other emoluments as shall be determined by the county assembly.

(6) The ward development council shall hold a minimum of two and a maximum of four sittings in every year.

13. The member of the county executive committee for the time being responsible for administration may make regulations for the better carrying into effect the provisions of this Act.

Regulations.

