

SPECIAL ISSUE

Kakamega County Gazette Supplement No. 13 Acts No 5



REPUBLIC OF KENYA

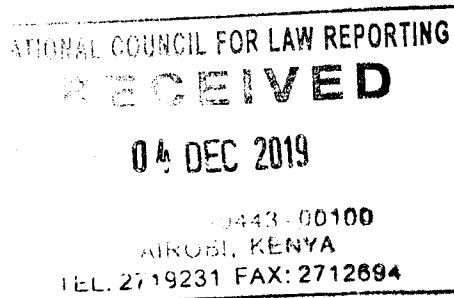
KAKAMEGA COUNTY GAZETTE SUPPLEMENT

ACTS, 2015

NAIROBI, 10th September, 2015

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**THE KAKAMEGA COUNTY DECENTRALISED UNITS
ACT, 2015**

No. 5 of 2015

Date of assent: 10th August, 2015

Date of commencement: See Section One

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**THE KAKAMEGA COUNTY DECENTRALISED UNITS
ACT, 2015**

AN ACT of the Assembly of Kakamega to give effect to Article 176 (2) of the Constitution, Sections 48 and 54 (1) of the County Governments Act; and for connected purposes

ENACTED by the County Assembly of Kakamega as follows—

PART I—PRELIMINARY

Short title and commencement

1. This Act may be cited as the Kakamega County Government Decentralised Units Act, 2015 and shall come into force on a date as duly gazetted by the Executive Committee Member.

Interpretation

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

“County Government” means the County Government of Kakamega;

“Executive Committee Member” unless otherwise specified hereinafter means the Executive Committee Member in the County Government for the time being responsible for Public Service and Administration;

“Village” means the designated Administrative Unit.

Objects and purpose of the Act

3. the object and purpose of this Act is—

- (a) to provide for matters necessary or convenient to give effect to Article 176 (2) of the Constitution of Kenya, 2010;
- (b) to provide for matters necessary or convenient to give effect to Section 54 (1) of the County Governments Act, 2012;
- (c) provide the procedure for establishing village units;
- (d) provide for functions of Village Administrators and Village Councils; and
- (e) to provide for appointment, removal and remuneration of village elders.

Establishment of decentralised units

4. There are established the decentralised units to be known as Villages.

Number of decentralised units

5. There shall be a minimum of one hundred and eighty (180) and a maximum of two hundred and forty (240) village units.

Funding of the decentralised units

6. (1) The decentralised units shall be funded by the County Government from funds appropriated by the County Assembly and the funds shall be managed in a manner and accordance with all laws, regulations and or rules for the time being in place to govern public funds.

PART II—OFFICE OF THE VILLAGE ADMINISTRATOR**Establishment of the office of the Village Administrator**

7. There is established the office of the Village Administrator for each Village Unit as provided for under Section 52 of the County Governments Act, No. 17 of 2012.

Functions of the Village Administrator

8. The functions of the Village Administrator shall include the following:

(1) Co-ordinate, manage and supervise the general administrative functions in the village including—

- (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) be a symbol of the village unity;
- (d) report on public utility neglect, wastage, repair, loss, misuse, abuse and or pollution;
- (e) map out public utility supply and use;
- (f) be custodian of all village data and statistical information including but not limited to population, general demographics, social amenities and facilities, state of roads, agriculture and livestock production, culture and heritage,

- (g) supervise installation, repair, improvement, maintenance and service of all public village utilities including but not limited to roads, feeder roads, bridges, drains, ditches, culverts, streams and water courses and rivers;
- (h) render returns and advise or make proposals on public utilities, facilities or infrastructure to be developed or improved in the village;
- (i) develop and submit to the relevant authority the village budget and returns for any monies expended;
- (j) co-ordinate the management of the community centres;
- (k) communicate and disseminate all County information and County Government Policy to village residents;
- (l) verify building plan approvals in the village;
- (m) chair and co-ordinate community policing initiatives;
- (n) co-ordinate inter-village governance, response and the representation of Sub-County or County Government at the village level;
- (o) the exercise of any functions and powers delegated by the County Public Service Board under section 86 of the County Governments Act; and
- (p) in carrying out the functions and obligations above, a Village Administrator shall be responsible to the relevant Ward Administrator.

Remuneration of the Village Administrator

9. The Village Administrator shall be paid such remuneration as is for the time being determined by the County Public Service Board as established under the County Governments Act, No. 17 of 2012.

Removal from office of the Village Administrator

10. The Village Administrator shall be removed from office for the following reasons—

- (a) failure to effectively discharge the designated functions of the office; or
- (b) is guilty of gross misconduct: or

- (c) is an adjudged bankrupt by a court of law; or
- (d) has breached Chapter six of the Constitution of Kenya; or
- (e) has rendered a resignation in writing to the Chief Officer Ministry of Public Service and Administration, Office of the Governor.
- (f) is rendered of unsound mind or suffers from an illness resulting in inability to discharge the functions in section (8) above.

**PART III—ESTABLISHMENT, COMPOSITION,
QUALIFICATIONS, FUNCTIONS AND ADMINISTRATION OF
VILLAGE COUNCIL**

Establishment

11. (1) 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 approval of the County Assembly taking into account affirmative action.

Eligibility

12. (1) A village council shall be responsible for—

- (a) ensuring and co-ordinating 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 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.

Functions

13. (1) The Village Elders shall be paid such allowances as shall for the time being determined and gazetted by the County Executive Committee Member and approved by the County Assembly.

PART IV—MISCELLANEOUS PROVISIONS**Remuneration**

14. The County Assembly shall enact a legislation to provide for establishment of the Village Administrative Units, boundaries and names.