SPECIAL ISSUE

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REPUBLIC OF KENYA

SAMBURU COUNTY GAZETTE SUPPLEMENT

BILLS, 2014

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SAMBURU COUNTY CO-ORDINATION AND
ADMINISTRATION OF COUNTY GOVERNMENT
FUNCTIONS (AMENDMENT) BILL, 2014

A Bill for

AN ACT of the County Assembly of Samburu for
establishment of a County administration and
co-ordination of County government functions
including County Public Service; to give effect to
Articles 176 (2), 179 (1), (2) & (4), 183 (1) (c) of
the Constitution; Sections 48 (1) (d), (e), (3) &
(4), 52, 53, 54 and 62(2) of the County
Governments Act; and for connected purposes

ENACTED by the County Assembly of Samburu as
follows—

PART I—PRELIMINARY

1. This Act may be cited as the Samburu County
Administration and Co-ordination of County government
Functions Act, 2014 and shall come into force upon the
assent by the Governor.

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

“Appointed person” means appointed officer by
county public service board or a county officer employed
by county government.

“County executive committee” means a county
executive committee established in accordance with Article
176 of the Constitution;

“county executive committee member” means a
county executive committee member assigned to matters
connected to County Administration and co-ordination of
County government functions including County Public
Service as provided by 62 (2) of the County Governments
Act;

“County government function” means a function
assigned by the Constitution, this Act or any other law to
the county government;

“Government” means the county government of
Samburu;

3. The government shall ensure reasonable access to its
services in all parts of the county, so far as it is appropriate
to do so having regard to the nature of the service pursuant to Article 6 (3) of the Constitution.

4. Nothing in this Act shall be construed to—
(a) limit the powers of the governor as provided under the Constitution or any other written law;
(b) affect the co-ordination of county government functions as provided for under the Constitution or any other written law.

PART II—COUNTY GOVERNMENT CO-ORDINATION AND ADMINISTRATION FRAMEWORK

5. (1) Pursuant to Articles 179 (1), (2) (a) and (4) of the Constitution and section 62 (2) of the County Governments Act, the responsible County Executive Committee Member may, for purposes of directing and coordinating the functions of the county government departments—
(a) assign responsibility of discharging any function of the county co-ordination and administration to an appointed public officer in accordance with the Constitution, this Act or any other written law; and
(b) require a public officer, to whom responsibility is assigned under paragraph (a) to prepare and submit a report on any matter.

(2) Without prejudice to subsection (1), the county executive committee member shall use the following framework for the co-ordination and administration of the assigned functions—
(a) the office of the executive committee member;
(b) a committee of chief officers;
(c) the office of the chief officer administration;
(d) the office of sub-county administrator;
(e) office of the ward administrator;
(f) office of the village administrator;
(g) the village council;
(h) any other office that executes the co-ordination and administration of county government.
6. (1) Pursuant to Article 179 (1), (2) & (4) and 183 (1) (c) of the Constitution, the Governor and Deputy Governor shall be responsible for the co-ordination of functions of county government departments.

(2) For purposes of co-ordination of county government functions under the Constitution, this Act or any other written law, the office of the county executive committee member shall have such number of county government officers as shall be necessary for the effective and efficient co-ordination and administration of county government functions.

7. (1) Pursuant to Articles 183 (1) (c) of the Constitution, the responsible county executive committee member shall manage and coordinate the functions of the county administration and departments.

(2) Each county executive member shall be responsible for the functions assigned to him or her by the governor, the Constitution, this Act, or any other written law.

(3) A county executive member shall be responsible for policy formulation guidance and where required, implementation of the policy in respect of the departments or agencies under him or her.

(4) An executive member shall be the link between the county government department and the governor or county assembly as the case may be.

(5) For co-ordination of county inter-governmental relations, policies, bills, legal publications, county gazette and other legislative writings the county public service board shall establish an office under the county administration department to co-ordinate and execute these functions.

8. (1) the executive committee shall be accountable individually and collectively, to the governor and deputy governor for the exercise of their powers and the performance of their functions in accordance with Article 179 (1) of the Constitution.

(2) Collective responsibility of the county executive members referred to in Subsection (1) means that all decisions of the executive are binding on all executive members.
9. (1) The function of county administration and county public service as provided by section 62 (2) of the county government Act shall be assigned to the office of the Deputy Governor as county executive committee member for county administration and county public service.

(2) The county executive committee member shall co-ordinate and administrate the county using the framework of co-ordination and administration provided under the constitution, this Act or any other written law.

(3) The County Public Service Board shall recruit and appoint such number of public officers as the county executive member may require for the effective and efficient county co-ordination and administration function.

(4) The county executive committee member shall perform such other functions as may be assigned to it by the Governor and or Deputy Governor.

10. (1) The responsible county executive committee member shall establish such committees of chief officers as may be necessary for the effective management and co-ordination of the government functions under the Constitution, this Act or any other written law.

(2) The county executive committee member may establish such other committees or put in place such mechanisms as may be necessary in addition to the committees established under subsection (1).

(3) The responsible county executive committee member may decentralize, to the extent necessary the committees or mechanisms referred to under subsection (2).

(4) The responsible county executive committee member may assign such functions to the committees established under this section as deemed necessary.

(5) The committees established under this section shall have all the necessary powers for the proper performance of their functions under this Act or any other written law.

(6) The responsible executive member shall gazette regulations to give effect to this section.

PART III—DECENTRALIZED UNITS OF GOVERNANCE

11. (1) The county government service delivery co-ordination units shall be—
(a) the sub-county established under the County Governments Act and headed by a Sub-County Administrator;

(b) the Ward established under the County Governments Act headed by a Ward Administrator;

(c) the Village under this Act and as established under Section 48 (1) (d) of the County Governments Act shall be proposed by the county executive and established, determined, approved by county assembly and gazetted by responsible county executive committee member as unit of county administration at the commencement of this Act and shall be headed by a Village Administrator;

(d) county Assembly shall provide for the delineation and establishment of the units of the county as required by Section 48 (4) of the County Governments Act and cause the same to be gazetted by the County Executive member.

12. (1) There is established villages to be unit of devolution and service delivery of the county government.

(2) The village shall be determined in accordance to Section 48 (1) (d), (3), (4) and (5) of the County Governments Act and gazetted subject to section 11(1) (d) of this Act.

(3) In determining the villages, the county assembly shall consider —

(a) population size;

(b) geographical features;

(c) community of interest, historical, economic and cultural ties; and

(d) means of communication.

PART IV — APPOINTMENT OF GOVERNMENT ADMINISTRATIVE OFFICERS

13. (1) In accordance with the county government functions under the Constitution, this Act or any other written law, the Public Service Board shall, appoint after competitive recruitment government administrative officers to co-ordinate government functions and to perform such
other functions as may be assigned to them under this Act or any other law.

(2) Pursuant to subsection (1), the Public Service Board shall appoint—

(a) a chief officer administration;
(b) sub-county administrator in respect of every sub-county;
(c) ward administrator in respect of every Ward;
(d) Village Administrator in respect of every village as established under this Act.
(e) such other person in accordance to section 62 (2) of the county governments Act.

(3) The responsible county executive committee member may, from time to time, deploy the administrators from the field to the departments or to the field from the departments as the case may be.

14. (1) There is established the office of Chief Officer Administration.

(2) The Chief Officer Administration shall have other public officers with qualifications and knowledge in administration or management who shall be competitively appointed by the County Public Service Board for purposes of co-ordination of government functions.

(3) The Chief Officer Administration shall be responsible for the co-ordination, management and supervision of the general administrative functions from the headquarters.

(4) In carrying out the functions and obligations in subsection (3), the Chief Officer administration shall be accounting and authorized officer for the office of the Governor and Deputy Governor.

15. (1) There is established at each sub-county the office of the sub-county administrator.

(2) The sub-county administrator shall have qualifications and knowledge in administration or management and shall be competitively appointed by the County Public Service Board in accordance with the provisions of the County Governments Act and this Act.
(3) The sub-county administrator shall be responsible for the co-ordination, management and supervision of the general administrative functions in the sub-county unit, including—

(a) the development of policies and plans;
(b) ensuring service delivery;
(c) developmental activities to empower the community;
(d) the provision and maintenance of infrastructure and facilities of public services;
(e) the county public service;
(f) exercise any functions and powers delegated by the Governor; and
(g) facilitation and coordination of citizen participation in the development of policies and plans and delivery of services; and
(h) facilitation and coordination of other departments

(4) In carrying out the functions and obligations in subsection (3), the sub-county administrator shall be responsible to chief officer, administration.

16. (1) There is established for each Ward the office of the Ward administrator.

(2) The Ward administrator shall have professional qualifications and technical knowledge in administration and shall be competitively appointed by the County Public Service Board in accordance with the provisions of this Act.

(3) The Ward administrator shall coordinate, manage and supervise the general administrative functions in the Ward unit, including—

(a) the development of policies and plans;
(b) service delivery;
(c) developmental activities to empower the community;
(d) the provision and maintenance of infrastructure and facilities of public services;
(e) the county public service;
(f) exercise any functions and powers delegated by the Governor; and

(g) co-ordination and facilitation of citizen participation in the development of policies, plans and delivery of services.

(4) In carrying out the functions and obligations in subsection (3), the Ward administrator shall be responsible to the sub-county administrator.

17. (1) (a) There is established office of the village administrator for each village.

(b) The village shall be constituted and will be determined in accordance existing sub-locations unit of national administration at the commencement of this Act.

(2) The Village Administrator shall have such qualifications and technical knowledge in administration as shall be determined by the County Public Service Board and shall be competitively recruited in accordance with the provisions of this Act and the County Governments Act.

(3) The Village Administrator shall co-ordinate, manage and supervise the general administrative functions in the village unit, including—

(a) the development of policies and plans;

(b) service delivery;

(c) developmental activities to empower the community;

(d) the provision and maintenance of infrastructure and facilities of public services;

(e) the county public service;

(f) exercise any functions and powers delegated by the Governor; and

(g) co-ordination and facilitation of citizen participation in the development of policies, plans and delivery of services.

(4) In carrying out the functions and obligations in subsection (3), the Village administrator shall be responsible to the Ward administrator.
18. (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 recruited and appointed by the Governor taking into account gender, youth, religious representation and disability.

(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;

(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.

(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 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.

(4) The sub-county administrator shall form a panel of persons from amongst respected members of the community to vet the nominees to the village council.

(5) In appointing the panel, the sub-county administrator shall consider gender, youth, religious organizations and persons with disability.
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(6) The County Public Service Board shall provide guidelines for the formation of the panel.

19. Subject to the Constitution, this Act or any other written law, a county government administrative officer appointed under this Act shall have all the powers necessary for the proper performance of the functions under this Act or any other applicable written law.

20. Subject to the Constitution, this Act or any other written law, a county government administrative officer appointed under this Act shall be responsible for the co-ordination of county government functions as set out in the Constitution, this Act and any other written law at the relevant decentralized unit as far as may be necessary.

PART V—COLLABORATION AND DISPUTE RESOLUTION BETWEEN THE NATIONAL AND OR COUNTY GOVERNMENTS ON ISSUES OF APPARENT CONCURRENT MANDATE

21. (1) Where a dispute arises as to the mandate or powers of any of the officers, or roles of respective officers of the county government and those of the national Government, a mediation team shall be constituted to deal with the dispute.

(2) The mediation team constituted under subsection (1) shall consist of two eminent persons appointed by the Governor and two eminent persons appointed by the Cabinet Secretary for the time being responsible for national government co-ordination.

(3) The mediation team shall be guided by the constitutional principles and the respective constitutional mandates of each respective government.

(4) The mediation team shall undertake and finalize its task within a period of fourteen days.

(5) Should the mediation team fail to resolve the dispute within the stipulated time, the matter may be referred to the Summit for resolution in accordance with the Inter-Governmental Relations Act.

PART VI—MISCELLANEOUS PROVISIONS

22. The provisions of Chapter Six of the Constitution shall apply with respect to the recruitment of the administrators under this Act.
23. The County Public Service Board shall recommend to the County assembly for approval a scheme of service for the County government administrative officers.

24. Nothing done by a public officer appointed under this Act shall, if done in good faith of execution a legislated mandate, for the purpose of executing the functions of the office, render such officer personally liable for any action, claim or demand.

25. The executive member responsible for county co-ordination and administration may, in consultation with the county executive committee shall make and gazette regulations for the better carrying into effect of the purposes of this Act.
FIRST SCHEDULE: PROPOSED VILLAGES

1. Subject to Section 11(1) (c) of this Act and Section 48(1) (d) and (4) of the County Government Act the county executive committee proposes to the County Assembly for establishment of the following villages;

SAMBURU NORTH SUB-COUNTY
NYIRO WARD

1. Lkayo.
2. Parkati.
3. Tuum.
4. Ejuk.
5. South-horr.
7. Loonjorin.
8. Losurkoi.
10. Waso Rongai.
11. Lkotikal.

NDOTO WARD

1. Arsim.
2. Nguronit.
3. Ilaut.
4. Seren.
5. Lesirikan.
7. Latakweny.
8. Loikumukum.

EL-BARTA WARD

1. Baragoi.
2. Bendera.
3. Naling’ang’or.
5. Masikita.
7. Marti/Sulubei.

**NACHOLA WARD**

1. Terter.
2. Kalele.
3. Lokorkor.
5. Nakupurat.
7. Lonyangaten.
8. Nakwei.

**ANGATA NANYOKIE WARD**

1. Nkirenyi(Angata Nanyokie).
2. Nkorika (Loibashi).
4. Lulu.
5. Soit Naibor.

**BAAWA WARD**

1. Mabati.
2. Opiroi.
3. Lorok Lolmongo.
4. Lbukoi.
5. Moru.
7. Nonkeek.
SAMBURU WEST SUB-COUNTY
MARALAL WARD
1. Lpartuk.
2. Lkuroto.
3. Ledero.
4. Ngari.
5. Shabaa.
7. Milimani.
8. Sagumai.
9. Lgos.
10. Lekamoru.
11. Tamiyoi.
12. Morijoi.
14. Loikas.
15. Lporos.
16. Lmataro.
17. Longuruman.

LOOSUK WARD
1. Loosuk.
2. Tinga.
4. Pura.
5. Lolkunono.
6. Maendeleo PM.

LODOKEJEK WARD
1. Kirimon.
3. Garma.
4. Locho.
5. Lodokejek.
7. Langaitolia.
8. Mbaringon.
9. Lmisigiyoi.
10. Lkiloriti.

SUGUTA MARMAR WARD
1. Amaiya.
2. Nasur.
3. Longewan.
4. Logorate.
5. Lolmolok.
7. Lchoro Lerarai.
8. Louwa Nyekie.
10. Angata Lerai.

PORO WARD
1. Nauneri.
2. Nkeju-eminu.
4. Lmisigiyoyo.
5. Seketet.
7. Lporokuai.
8. Mugur.
10. Lapanari.

**SAMBURU EAST SUB-COUNTY**

**WAMBA NORTH WARD**
1. Lorok Enyokie.
2. Raraiti.
5. Lturoto.
8. Ngilai.

**WAMBA WEST WARD**
1. Ltirimin.
2. Lengei.
3. Lpus.
4. Sessia.
5. Nkaroni.
6. Resim.
7. Silango Nanyokie.
8. Lopesuwo.
9. Lengarde.

**WASO WARD**
1. Lpus leluai.
2. Nkutuk o ngiron.
3. Naisunyei.
4. Remot.
5. Kiltamany.
6. Archer’s Town.
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7. Lderekesi.
8. Lorubae.
9. Lare soro.
10. Lerata Junction.
11. Losesia.
12. Ndonyo wasin.
13. Sere olipi.

WAMBA EAST

1. Koiting.
2. Lpashie.
3. Wamba.
5. Lerata.
7. Lkisin.
MEMORANDUM OF OBJECTS AND REASONS

The principle object of this Bill is to provide for coordination and administration of County government functions at all levels of devolution. It is to facilitate the exercise of the Executive Authority pursuant to Article 179(a) and 174 (c), (d) and (e) of the Constitution; provide for the effective coordination and administration of the county government functions prescribed in the Constitution under schedule Four therein, this Act or any other written law; provide for the establishment of an administrative and institutional framework at the county and decentralized units to ensure access to government services by every Kenyan as guaranteed by the Constitution.

Part I deals with preliminary matters including the interpretation of terms used in the Bill, accessibility of County Government services and the powers of the Governor remaining unaffected.

Part II provides for coordination and administration framework.

Part III deals with appointment of county government administrative officers and the decentralized service units. It also determines what a sub-village and village administrative structure are and how it is determined. This part also provides for establishment of a sub county and ward levels of devolved governance. Provides for the appointment, roles and responsibilities of County government administrative officers. This part also provides for the appointment of a village administrator.

Part IV deals with the collaboration and dispute resolution between the national and county governments on issues of apparent concurrent mandate. It provides that a mediation team will be appointed to resolve the dispute and where the mediation team is unable to resolve the dispute, the same shall be referred to the Summit for resolution in accordance with Intergovernmental Relations Act.

Part VI deals with miscellaneous matters. It provides for scheme of service for the officers and protection from personal liability for actions done in good faith. It also confers powers on the executive member responsible for administration to make regulations.

F. LOLOSOLI,
Leader of Majority, Samburu County Assembly.